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**The Legal Dish**

News from inside the courtroom

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## Landmark ruling cites FSU study

by [Suevon Lee](#)

Monday's landmark U.S. Supreme Court ruling striking down life sentences without parole for juveniles who commit crimes other than homicide was remarkable on various fronts, legal analysts conclude.

Writes Lyle Denniston at [SCOTUSblog](#), "In declaring that the Eighth Amendment's ban on cruel and unusual punishment is violated by a life-without-parole sentence for a juvenile whose crime did not involve murder, the Court did make a new constitutional declaration."

It was the first time, [writes](#) The New York Times' Adam Liptak, that "the court excluded an entire class of offenders from a given form of punishment outside the context of the death penalty."

Writing for the majority, Justice Anthony M. Kennedy referenced a study pointing out how few juveniles offenders nationwide are actually sentenced to life in prison without parole for non-homicide crimes: 129 in the entire nation, with 77 in Florida alone. Those figures illustrate the infrequency of such sentences and indicate "a national consensus has developed against it," the justice wrote.

These figures were obtained not only from the court's own research but a study conducted by Florida State University and the school's Public Interest Law Center, which found that 109 teenage offenders nationally received LWOP and 77 were located in Florida as of September 2009. (Presumably, the court located another 20 offenders since the FSU study was released, explaining the 129 figure.)

In a press release issued Monday following the release of the court's opinion, FSU's College of Law Dean applauded the work of Professor Paolo Annino, whose study was instrumental in providing illuminating data before the justices heard oral arguments for *Graham v. Florida* in November.

"Thanks to The Florida Bar Foundation, Professor Annino has made our students an important part of this historic work," Law Dean Don Weidner said.

Annino conducted the study in July 2009, with the help of David W. Ramussen, dean of FSU's College of Social Sciences and Public Policy, and two research assistants with ties to the law school, according to the release.

Other groups issued their own statements Monday in support of the court's decision, ushered in with a 6-3 vote. Although Chief Justice John Roberts agreed that life without parole was not appropriate in the case of Terrance Graham, the Jacksonville resident who received a life without parole sentence at age 17 and whose appeal reached the Supreme Court, the justice does not support a "blanket prohibition for all juveniles," according to [this Palm Beach Post article](#) which offers some more background on Florida-specific cases.

The National Association of Criminal Defense Lawyers (NACDL) lauded the Court's decision, asserting that life without parole for juveniles is "just as inappropriate as the death penalty."

"Psychologists and neuropsychiatrists agree that children and teenagers are impulsive by nature," NACDL President Cynthia Hujar Orr said in a statement. "Their brains are not yet fully developed and they make mistakes, sometimes terrible ones. The Court recognizes that the same impulsiveness and rebelliousness that often get them into trouble and cause them to fail to appreciate the consequences of their conduct also make it more difficult for them to appreciate the consequences of being tried as adults and assisting in their own defense."

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