



News Release

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NACDL NewsRelease

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FOR IMMEDIATE RELEASE

Defense Bar Lauds Supreme Court for Abolishing 'Life Without Parole' for Children and Teens

Washington, DC (May 17, 2010) – The Constitution prohibits imposition of a sentence of life without parole on a juvenile offender who did not commit a homicide, the U.S. Supreme Court decided today. The National Association of Criminal Defense Lawyers (NACDL) joined with the NAACP Legal Defense and Education Fund, Inc., and the Charles Hamilton Houston Institute for Race & Justice as *amici curiae* urging the Court to overturn the sentences of Florida inmates Terrance Jamar Graham and Joe Harris Sullivan, both of whom committed their crimes before their 18th birthdays. The Eighth Amendment prohibits cruel and unusual punishments such as sentences that are grossly disproportionate to the defendant's crime, or imposition of the death penalty on juveniles and mentally retarded defendants.

The Court noted the special difficulties juveniles and their counsel face in court when children are tried as adults. "The features that distinguish juveniles from adults also put them at a significant disadvantage in criminal proceedings," Justice Anthony Kennedy wrote for the majority, citing the associations' brief. "Juveniles mistrust adults and have limited understandings of the criminal justice system. . . . They are less likely than adults to work effectively with their lawyers to aid in their defense."

"Psychologists and neuropsychiatrists agree that children and teenagers are impulsive by nature," NACDL President Cynthia Hujar Orr said today. "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. Life without parole for juveniles is just as inappropriate as the death penalty is."

The Court sent Mr. Graham's case back to the Florida courts for further proceedings. Mr. Sullivan's case was dismissed without explanation.

The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar

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association founded in 1958, NACDL's 11,000-plus direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling more than 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

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