



Graham v. Florida, 130 S. Ct. 2011 (2010)

Topics Covered: Criminal Law, Minors' Rights

Outcome: Favorable

Issue

The issue in this case was whether a sentence of life imprisonment without possibility of parole, when imposed on a person who committed a series of non-homicidal crimes while still a minor, violated the Eighth Amendment prohibition against cruel and unusual punishments.

AMA Interest

The AMA supports the United Nations Convention on the Rights of the Child. Article 37 of this convention, in turn, opposes the imposition of sentences of life imprisonment without possibility of release for offenses committed by persons below 18 years of age.

Case Summary

Mr. Graham committed a series of non-homicidal crimes, the last of which he had committed while approximately one month short of his eighteenth birthday. A Florida court sentenced Graham to life imprisonment without parole, and the case was appealed to the United States Supreme Court. The question addressed was whether his sentence was valid under the Eighth Amendment prohibition against "cruel and unusual punishments."

The Supreme Court ruled, in a split decision, that such sentences are unconstitutional, regardless of other circumstances. Both the majority opinion and the dissent of Justice Thomas referred to the AMA *amicus* brief.

AMA Involvement

The AMA and the American Academy of Child and Adolescent Psychiatry submitted an *amicus* brief to the Supreme Court. Although the brief did not explicitly support either party and did not urge the Court to rule one way or the other on the ultimate constitutional question, it did point out how children's brains differ physiologically from adult brains and how such differences are likely to affect children's personalities and ability to make considered judgments.

United States Supreme Court brief