

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/05/17/supreme-court-limits-juvenile-life-without-parole-but-the-limits-have-their-limits/>

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by [Jean Casella and James Ridgeway](#) | May 17, 2010

CHILDREN IN LOCKDOWN

The U.S. Supreme Court today barred a practice that is already considered unconscionable in the rest of the world. In a 6-3 decision, the Court ruled that sentencing juveniles to life without the possibility of parole for any crime short of murder violates the Constitution's 8th Amendment ban on cruel and unusual punishment.

In *Graham v. Florida*, the Supreme Court ordered a parole hearing for Terence Graham, who was sentenced to LWOP for crimes committed when he was 17. Graham was convicted of taking part in an armed robbery and home invasion in which no one was killed. The Court also struck down laws in 37 states that allow sentences of LWOP terms for non-homicides by juveniles. Currently, 129 inmates nationwide are serving such terms; 77 of them are in Florida.

According to the [Los Angeles Times](#), Justice Anthony M. Kennedy, speaking for the court, said a life prison term with no chance for parole is too extreme for a juvenile criminal whose offenses involve robbery or assault. He also noted that prior to today, The United States is the only nation that imposes life without parole sentences on juvenile non-homicide offenders. Kennedy said these young criminals are not entitled to a guarantee of eventual release, but they do deserve some realistic opportunity to obtain release if they can show they are no longer a danger to the community.

The issue of juvenile LWOP is closely tied to solitary confinement, since [as we have written before](#), a large number of young offenders end up in long-term isolation in adult prisons, either because they are considered disciplinary problems, because they feel compelled to join prison gangs, or because they have to be isolated from adult offenders for their own protection.

The ruling will help a small group of prisoners, including Ian Manuel, who was given LWOP for a botched robbery attempt in Tampa, in which a woman suffered a non-fatal gunshot wound. According to one of several pieces on his case by Meg Laughlin in the [St. Petersburg Times](#), when Ian Manuel arrived at the prison processing center in Central Florida [in 1991], he was so small no one could find a prison uniform to fit him. Someone cut 6 inches off the boy's pant legs so he would have something to wear. An assistant warden told Laughlin that Manuel was scared of everything and acting like a tough guy as a defense mechanism. He didn't stand a chance in an adult prison. Within months, Manuel was placed in solitary, where he has remained ever since.

Laughlin wrote a [new piece about Manuel last week](#), as he awaited the Supreme Court decision that would determine how he spends the rest of his life.

Manuel, now 33, has spent nearly all of his time in prison in solitary confinement, caught in an endless cycle of misbehavior and punishment. As Florida's longest-serving inmate in solitary, he has no work skills, no formal education and so much psychological damage that he once set himself on fire.

People always assumed whether he killed himself or died of old age that Ian Manuel's death would happen behind bars. Not anymore. He may walk out of prison in the next year.

Confronted with the possibility of his release, prison officials, who had kept Manuel as far away from civilization as they could, are scrambling to prepare him for life outside. And his attorneys are laying out a plan that will attempt to protect Manuel from a world he fears will present him with more choices than he can handle. The uncertainty out there makes me nervous, he says, but I'm determined to succeed.

When he began his sentence in a tough adult prison at age 14, he was small and defensive. Afraid to appear vulnerable, he got into trouble immediately. He'd veer into the grass instead of walking on the path in the prison yard. When guards yelled at him, he'd yell back. When they came at him, he'd make obscene gestures. In less than a year, he was in solitary.

From there, the disciplinary infractions multiplied for storing aspirin, for sticking his hand through the food flap, for standing at his cell door, for masturbating and for cursing. He would go six months at a time lying on his bed in what he called a state of hibernation to stay

out of trouble. But it didn't matter. Each infraction added months and after a while the hole was so deep he couldn't get out.

Recently, he received a visit from someone not on his legal team. It was his first in 15 years. Leaning forward toward the glass separating him from his visitor, he tried to explain what kept him there: I'd tell myself to keep quiet and behave. But I was so desperate I couldn't control my impulses.

The result has been a life stripped of life. No programs or education. No visitors, phone calls or human touch. No books, magazines, TV or radio. No talking. No standing at the cell door and looking out. Three 10-minute showers a week. Meals pushed through a flap in the door. Enforced idleness in a concrete box, year after year.

According to corrections reports, Manuel became a cutter at 17 slicing his arms with tiny fragments of glass and metal and watching the blood flow. It gave me relief from the intolerable numbness, he said.

At different times over the years he went on a hunger strike, overdosed on pills and even set himself on fire with a smuggled match and newspaper he tied to his legs with strips of bedsheet. The result wasn't therapy, it was harsher solitary: No clothes, no mattress, no sheet. A bare cell with 24-hour lights, 60-degree temperatures and no view out. It's a miracle I haven't totally lost my mind, he said.

In 2007, he testified by video from solitary confinement at a hearing before Jacksonville federal judge Henry Adams. Manuel described a life of complete hopelessness. When he finished talking about trying to kill himself to end the pain, Adams called a recess because Manuel's circumstances so upset him he had to leave the courtroom.

University of California psychologist Craig Haney evaluated solitary confinement at three prisons where Manuel has been held, as part of a case filed by a group of inmates. Glaringly inhumane, wrote Haney in his report, citing harsh treatment, deprived conditions and excessive punitiveness.

Ian learned to live under extraordinary control and deprivation, Haney said recently. He can't undo the effects of almost 20 years on his own. He's facing enormous psychological challenges if he's released.

Keep in mind, however, that the Supreme Court's decision affects only a fraction of the inmates serving life without parole for crime committed as juveniles. These number more than 2,500 in all, victims of an explosion in adult sentencing of children in the final decades of the 20th century. The Heritage Foundation marked the Supreme Court's decision today in a blog post titled [Court Upholds Life Without Parole for Juvenile Killers](#). Any child convicted of a homicide can still be sentenced to die in prison. This includes the estimated 26 percent serving LWOP for felony or accomplice murder, in which the juvenile was not the person who killed the victim, according to a [report by Amnesty International and Human Rights Watch](#).

Research by the Equal Justice Initiative, which issued the 2007 report [Cruel and Unusual: Sentencing 13- and 14-Year-Old Children to Die in Prison](#), found 73 cases where children 13 and 14 years of age have been condemned to death in prison, nearly two-thirds of them children of color. In most of the cases, the propriety and constitutionality of their extreme sentences have never been reviewed because the children don't have lawyers to mount such challenges. Most of the sentences were mandatory, and the court could not give any consideration to the child's age or life history. Even among homicides, many were offenses where older teenagers or adults were involved and primarily responsible.

Finally, as Sara Mayeux points out on her [Prison Law Blog](#), being eligible for parole by no means guarantees that these inmates will ever actually see the light of day: [I]nsofar as juveniles have now won a right to a parole hearing, Mayeux writes, we might question how meaningful of a right that really is (notwithstanding the some meaningful opportunity language [in Kennedy's opinion]) given that in many states, parole hearings have become a sort of charade in which the prisoner can never actually win release, because the parole board routinely denies parole eligibility based solely upon the facts of the underlying crime, which is the one thing that the prisoner, of course, can never change.

In other words, for thousands of child offenders, the Supreme Court's decision today offers no hope.



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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So now this leaves us with the question of, what about juveniles who commit murder? Should they be allowed life sentences without parole? Interesting article below looks at this issue with respect to deterrence, retribution, rehabilitation, and menace to society factors:

<http://lawblog.legalmatch.com/2010/11/25/should-we-allow-life-sentences-without-parole-for-juveniles-who-commit-murder/>

Why did your state doc forget this on their DAM SITE your better at keeping a to your rules then your inmates wow how many of you should they throw in the hole lol grate news for your inmates if this oath is under law they can make you become one of them but you got nothing to worry about if your doc is the best in the world right LOL

Vision Statement:

To utilize effective and innovative correctional strategies that make Florida's Department of Corrections the best in the world.

Code of Conduct:

- I. I will never forget that I am a public official sworn to uphold the Constitutions of the United States and the State of Florida.
- II. I am a professional committed to the public safety, the support and protection of my fellow officers, and co-workers, and the supervision and care of those in my charge. I am prepared to go in harms way in fulfillment of these missions.
- III. As a professional, I am skilled in the performance of my duties and governed by a code of ethics that demands integrity in word and deed, fidelity to the lawful orders of those appointed over me, and, above all, allegiance to my oath of office and the laws that govern our nation.
- IV. I will seek neither personal favor nor advantage in the performance of my duties. I will treat all with whom I come in contact with civility and respect. I will lead by example and conduct myself in a disciplined manner at all times.
- V. I am proud to selflessly serve my fellow citizens as a member of the Florida Department of Corrections.

Oath of Allegiance:

I do solemnly swear or affirm that I will uphold the Constitutions of the United States and the State of Florida, that I will obey the lawful orders of those appointed over me, and that I will perform my duties faithfully and in accordance with my mission to ensure the public safety, the support and protection of my co-workers, and the care and supervision of those in my charge, so help me God.

About time they said no to this it is bad enough to do to grown ups but kids it is even worse you know what if this is how Florida treats it kids let alone anyone then no wonder it called Florida that's how slow they are dreams come true there that's a lie cos they not stopped solitary yet that's my dream they deserves the storms they get for every storm is the tears of every inmate they have made suffer like this come back with the focus of pain to share with them and as far as I feel if I was in their state storms would be the least of their worries who ever lets this go on should just go die off I glad one judge cared that the bitum cared all I can say is I like to walk all over you Florida I like to wipe the state with your governments ass let them rot in the hell they throw their kids in to and come back and tell us then what they feel solitary does not belong in prisons or schools at least a tarest kills you sooner or later the us no we keep you alive to torcher you for ever there is no greater hell crime or pain then that of solitary I know this well no wonder the us is so insane we raise are kids like this may there be light in the darkness of justice for the young ones of justice

We all have read about the cruel and backward practices of groups like the Taliban but the more I read about our justice system I wonder if we should be so smug. The man in this article entered prison as a teenager and has spent most of his time since then in solitary. Here is an excerpt from a joint statement of experts on this practice. We violate all of the points listed.

The Istanbul Statement on the Use and Effects of Solitary Confinement

To address the increasing use of solitary confinement and its harmful effects, a working group of 24 international experts adopted on December 9th 2007 the Istanbul Expert Statement on the Use and Effects of Solitary Confinement, calling on States to limit the use of solitary confinement to very exceptional cases, for as short a time as possible, and only as a last resort.

Human rights and solitary confinement

The use of torture, cruel, inhuman or degrading treatment or punishment is absolutely prohibited under international law.

Policy implications

Solitary confinement harms prisoners who are not previously mentally ill and tends to worsen the mental health of those who are. The use of solitary confinement in prisons should therefore be kept to a minimum.

The use of solitary confinement should be absolutely prohibited in the following circumstances:

For death row and life-sentenced prisoners by virtue of their sentence.

For the mentally ill prisoners.

For children under the age of 18.

Furthermore, when isolation regimes are intentionally used to apply psychological pressure on prisoners, such practices become coercive and should be absolutely prohibited.

<http://solitaryconfinement.org/istanbul>

Shocking, Shameful, Inhuman, Dishonorable, Unnatural, but above disgracing the USA, and a system that makes this possible, and that allows this!

Even more worse is the fact that there are so-called people, human beings, fellow human beings, who feel it being possible, right, correct and or OK that a young man of 14 is kept in solitary confinement without ANY education, human interaction, and then is supposed to return into society as if nothing happened!

It is utterly shocking, to say the least, words fail here totally, to realize that people who are SUPPOSED to take good care of those who the society pukes out for some reason, are able to do the same, and treat these HUMAN BEINGS (from crying out loud) as animals, lesser than animals

I am shocked, terrified when realizing that perhaps still hundreds unknown are kept this way, kept away from knowledge, from interventions, kept as animals, and who are abused, mentally and physically!

This is TORTURE!

That this can happen in a society that claims to be civilized!

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