

**QUESTION 14 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V OR
IN SOFTEST ANSWER SCREEN 14**

Sixteen-year-old Jimmy Giles was convicted by a jury of first-degree felony murder, committed when he was 16. At sentencing, the state court judge imposed, over objection, a sentence of death by lethal injection. Jimmy appeals his sentence on constitutional grounds.

Seventeen-year-old Betty Brown was convicted in a bench trial of armed robbery and assault with intent to murder, committed when she was 16. At sentencing, the state court judge imposed the maximum sentence of life imprisonment without parole, over objection. Betty appeals her sentence on constitutional grounds.

Eighteen-year--old Harvey Henson was convicted of first-degree murder, committed when he was 16. His state's sentencing scheme mandates a sentence of life in prison without parole and makes no distinction between adults and juveniles convicted of first-degree murder. The state's parole statute buttresses the sentencing statute by precluding any possibility of parole. While sympathetic to defense counsel's notation that Harvey was "just a kid," the state court judge responds, "my hands are tied by the Legislature." Harvey is sentenced to life in prison without parole. Harvey, as well, appeals his sentence on constitutional grounds.

Identify fully the U.S. constitutional provisions common to the scenarios described above and articulate whether, when viewed in the light of the constitutional provision(s), the sentences imposed would be upheld. Fully explain your conclusions.