

A defendant, a 14-year-old male, was tried as an adult for an armed robbery and was convicted. No one had been physically harmed during the robbery. In light of the defendant's lengthy juvenile criminal history, which included violent offenses, and the fact that armed robbery is a crime of violence, he was sentenced to life in prison without the possibility of parole.

Did the life-without-parole sentence violate the Eighth Amendment ban on cruel and unusual punishment?

- A. No, because a juvenile may be sentenced to life without parole if release would pose a danger to the community.
- B. No, because the Eighth Amendment does not apply outside the context of capital punishment.
- C. Yes, because a life-without-parole sentence is not permissible for a juvenile defendant convicted of a nonhomicide offense.
- D. Yes, because a life-without-parole sentence is not permissible for an adult or juvenile defendant convicted of a nonviolent offense.

**Explanation:**

**Eighth Amendment cruel & unusual punishment**

No death penalty for:

juveniles

intellectually deficient persons

adults convicted of nonhomicide offenses

No life-without-parole for juveniles convicted of nonhomicide offenses

No mandatory life-without-parole for juveniles convicted of homicide

The Eighth Amendment prohibits **cruel and unusual punishments**—punishments that are inherently barbaric (eg, torture) and those that are disproportionate to the crime. A **punishment is disproportionate** if:

the sentence imposed **grossly exceeds** the nature of the crime (eg, defendant sentenced to life in prison for shoplifting) *or*

the punishment violates a categorical rule based on the **defendant's characteristics** (eg, a juvenile) and/or the **nature of the crime** (eg, a nonhomicide offense).

Therefore, if the defendant was a **juvenile** (under the age of 18) when the crime was committed, the Eighth Amendment prohibits the imposition of: (1) the death penalty, (2) mandatory life without parole for any offense, *and* (3) **life without parole for nonhomicide offenses**.

Here, the 14-year-old defendant (juvenile) was convicted of armed robbery (nonhomicide offense) and sentenced to life in prison without the possibility of parole. Therefore, this sentence violated the Eighth Amendment's ban on cruel and unusual punishment.

**(Choice A)** Due to their age, juveniles convicted of nonhomicide offenses cannot be sentenced to life without parole for any reason. Therefore, the defendant's sentence violated the Eighth Amendment even if his release from prison would pose a danger to the community.

**(Choice B)** The Eighth Amendment applies to *capital* punishment (death penalty)—eg, juveniles cannot be sentenced to death. However, it also applies to *noncapital* punishment (non-death penalty)—eg, juveniles cannot be sentenced to life without parole for nonhomicide offenses.

**(Choice D)** Although a juvenile cannot be sentenced to life without parole for a nonviolent offense, an adult *can* (though most courts would likely consider it excessive).

**Educational objective:**

The Eighth Amendment's prohibition against cruel and unusual punishment forbids imposing a sentence of life in prison without the possibility of parole on a juvenile defendant convicted of a nonhomicide offense.

### **References**

U.S. Const. amend. VIII (prohibition against cruel and unusual punishment).

Graham v. Florida, 560 U.S. 48, 74 (2010) (recognizing that juveniles cannot be sentenced to life without parole for nonhomicide offenses).

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