

Court Affirms Virginia Court's Application Of Juvenile Punishment Standards

22 Jun 2017

In *Graham v. Florida*, 560 U.S. 48 (2010), the Court held that juvenile defendants convicted of nonhomicide offenses could not be sentenced to life without parole. Virginia had already abolished parole and instead replaced it with a "geriatric release" program which allowed older inmates to receive conditional release. In *Virginia v. LeBlanc*, LeBlanc was sentenced to life in prison for raping a 62 year-old woman when he was 16 years of age. LeBlanc argued that his sentence violated *Graham*. The Virginia Supreme Court had held in *Angel v. Commonwealth*, 281 Va. 248 (2011) that the geriatric release program complied with the holding in *Graham*. LeBlanc sought relief in the federal courts under the Antiterrorism and Effective Death Penalty Act of 1996, and the district court and Fourth Circuit held that the Virginia Supreme Court's holding in *Angel* was "contrary to, or involved an unreasonable application of," the *Graham* holding, and thus was "objectively unreasonable, not merely wrong," and thus void in effect. The Court, in a *per curiam* opinion, reversed, holding that because there were "reasonable arguments on both sides" as to whether the geriatric release program complied with *Graham*, the Virginia Supreme Court's holding was entitled to deference under the Act. Justice Ginsburg filed a concurrence noting her understanding that the geriatric release program provided a meaningful opportunity for release as required under *Graham*, and could not deny release for any reason whatsoever as the Fourth Circuit believed. [A link to the opinion is here.](#)

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COURT AFFIRMS VIRGINIA COURT S APPLICATION OF JUVENILE PUNISHMENT STANDARDS

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