

# Juvenile Life without Parole for Non-Homicide Offenses: *Florida Compared to Nation*

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## Preface: Data Update

On July 14, 2009, researchers published a preliminary report of the same title. At the time of publication of the preliminary report, researchers had information regarding 43 states. The preliminary report lacked data on seven states. Since July 14, 2009, researchers received data from four of the seven states. This updated report is based on data from 47 states.<sup>1</sup>

## Introduction

This is the first nationwide, empirical study focused exclusively on juvenile offenders who received life without parole sentences (JLWOP) for non-homicides.<sup>2</sup> The 2009 update of “The Rest of Their Lives: Life Without Parole for Child Offenders in the United States,” a Human Rights Watch/ Amnesty International Report, found that there are 2,574 inmates in the United States, who at the time of their criminal offense were juveniles and who received a sentence of life without the possibility of parole.<sup>3</sup> These teenagers will spend their natural life in prison and will only be “released” at time of death.<sup>4</sup> In contrast to the 2,574 JLWOP inmates in the U.S., no other country in the world, in practice, imprisons juvenile offenders to life without parole sentences.<sup>5</sup>

This study’s exclusive focus is on a subgroup of this JLWOP population: those who have committed non-homicide offenses. This study sheds light on the often hidden population of youths who are sentenced to life without parole for non-homicides. See Appendix I for a profile of one of these youths. The objective of this study is to provide the judiciary, policy makers, and the public the latest data on juvenile life without parole sentences for non-homicides.

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- 1 This update also corrects a few points: (1) the number of juvenile offenders serving life without parole sentences in Mississippi is two not five, (2) Kentucky does not permit life without parole sentences for any juvenile offenders under the age of 18, (3) Montana does not permit life without parole sentences for any juvenile offenders under the age of 18, (4) Texas does not permit life without parole sentences for juvenile offenders under the age of 17 (rather than under 18) (beginning September 1, 2009).
  - 2 Hereinafter in this report, “juvenile offender” means an individual who committed his or her offense before the age of 18, even if at the time of sentencing the juvenile offender was over age 18.
  - 3 HUMAN RIGHTS WATCH, STATE DISTRIBUTION OF ESTIMATED 2,574 JUVENILE OFFENDERS SERVING JUVENILE LIFE WITHOUT PAROLE (Rest of Their Lives 2009 Update) (2009), [http://www.hrw.org/sites/default/files/related\\_material/JLWOP\\_Table\\_May\\_7\\_2009.pdf](http://www.hrw.org/sites/default/files/related_material/JLWOP_Table_May_7_2009.pdf). See also, HUMAN RIGHTS WATCH AND AMNESTY INTERNATIONAL, THE REST OF THEIR LIVES: LIFE WITHOUT PAROLE FOR CHILD OFFENDERS IN THE UNITED STATES (Rest of Their Lives 2005) (2005), <http://www.hrw.org/sites/default/files/reports/TheRestofTheirLives.pdf> and HUMAN RIGHTS WATCH, THE REST OF THEIR LIVES: LIFE WITHOUT PAROLE FOR YOUTH OFFENDERS IN THE UNITED STATES IN 2008 (Rest of Their Lives 2008 Update) (2008), <http://www.hrw.org/sites/default/files/reports/us1005execsum.pdf>.
  - 4 See, Nebraska Department of Correctional Services’ Inmate Locator at <http://dcs-inmatesearch.ne.gov/Corrections/InmateDisplayServlet?DcsId=42980>, which shows the “release” of Terrance Johnson, an inmate who was serving a life without parole sentence for a crime committed as a juvenile, on the day of his death.
  - 5 Rest of Their Lives 2008 Update at 1, 8. See also, Connie de la Vega and Michelle Leighton, *Sentencing Our Children to Die in Prison: Global Law and Practice*, 42 U.S.F.L.REV. 983 (Spring 2008).

The U.S. Supreme Court has accepted certiorari in two cases - *Terrance Graham v. State of Florida*<sup>6</sup> and *Joe Sullivan v. State of Florida*.<sup>7</sup> In the Graham case, the juvenile life without parole offense was armed burglary, and in the Sullivan case, the juvenile life without parole offense was sexual battery. Graham was 16 at time of offense and Sullivan was 13. Both cases are non-homicides (no murder was involved) and both Graham and Sullivan were convicted and sentenced to life without parole sentences based on Florida criminal law.

These two cases raise the identical legal issue: whether a juvenile life without parole sentence for a non-homicide offense violates the Eighth Amendment prohibition of cruel and unusual punishment. The question before the Court addresses the non-homicide subgroup, which is the subject matter of this study.

## I. Summary of Juvenile Life without Parole Non-Homicide Facts

- **109** is the estimated total number of juveniles who received life without parole for non-homicides in the 50 states.<sup>8</sup> See Table A.
- **77** is the total number of juveniles with life without parole sentences for non-homicides in Florida. See Table A.
- **39** states have zero juveniles serving life without parole sentences for non-homicides. See Table A.
- **Only 8** of the states with confirmed data have any juvenile offenders sentenced to life without parole for non-homicide offenses. See Table A.
- **Florida** sentences juvenile offenders to life without parole for non-homicide offenses at **19 times** the rate expected based on analysis of other comparable states.
- **Florida** is the only state, with confirmed data, in the nation that has sentenced juveniles to life without parole for burglary, battery, or carjacking. See Chart C.
- **84%** of the total non-homicide juvenile life without parole population in Florida is Black. See Chart D.
- **13** years old is the earliest age at offense for youths who have received life without parole sentences in Florida. See Chart E.

6 *Terrance Graham v. State of Florida*, 129 S.Ct. 2157 (2009) (Opinion granting certiorari). See also, Petition for Writ of Certiorari, *Terrance Graham v. State of Florida*, 2008 WL 6031405 (Nov. 20, 2008) (No. 08-7412).

7 *Joe Sullivan v. State of Florida*, 129 S.Ct. 2157 (2009) (Opinion granting certiorari). See also, Petition for Writ of Certiorari, *Joe Sullivan v. State of Florida*, 2008 WL 6031406 (Dec. 4, 2008) (No. 08-7621).

8 The total number has changed from the preliminary report due to new information from Mississippi that 3 of the previously reported individuals are in fact eligible for parole and new data received from Delaware that there is 1 individual serving a JLWOP sentence in Delaware for a non-homicide offense.

- There are **3** states for which the researchers have no reliable data on juvenile offenders sentenced to life without parole for non-homicides: Nevada, Utah, and Virginia.<sup>9</sup>

## II. Summary of Conclusion

Florida's practice of sentencing juvenile offenders to life without parole for non-homicide cases is unique among American states. The data presented here provide overwhelming evidence that Florida is out of step with the nation: it stands alone in its willingness to condemn young people for non-homicide offenses to life in prison without a chance of a reassessment of their lives at some future time.

## III. Questions

This study asks the following questions:

- 1) How many non-homicide juvenile life without parole inmates are there presently in the 50 states?
- 2) What is the distribution nationally of non-homicide juvenile life without parole inmates?
- 3) What is the distribution nationally of types of non-homicide offenses for which juveniles are sentenced to life without parole?
- 4) What is the age and race profile of Florida inmates with JLWOP sentences for non-homicides?
- 5) How does Florida compare with all states and with just other JLWOP states on number and type of juvenile life without parole sentences for non-homicides?
- 6) Is Florida's practice of sentencing juveniles to life without parole sentences unusual in the context of all states and in the context of JLWOP states?

## IV. Definitions

What is a "juvenile life without parole sentence for non-homicide?" This study defines the key terms of this question as follows. "Juvenile" means any person under the age of 18 at the time of the criminal offense. Second, "life" means the natural life span of the individual. Third, "without parole" means the juvenile is not eligible for release by a state parole board. Fourth, "non-homicide" is any criminal conviction where the juvenile

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<sup>9</sup> The researchers have reliable data on all other states or have determined that no JLWOP sentences are permitted in the state.

is not convicted of any type or degree of homicide. “Non-homicide” does not include any convictions for attempted homicides or any convictions for felony murder, where the juvenile did not kill anyone but was convicted as an accomplice to a murder.<sup>10</sup> Individuals convicted of attempted homicide or felony murder are defined as homicide offenders.

## V. Methodology

The study’s primary source of data is individual state government departments of corrections.<sup>11</sup> In 2009, the researchers of this study sent public record requests to 46 states.<sup>12</sup> See Appendix II for discussion of individual state data collection.

## VI. Discussion

Florida’s practice of sentencing juvenile offenders to life without parole for non-homicide offenses is unusual in this country. This conclusion is based on data regarding 47 states. Three states- Nevada, Utah, and Virginia- did not provide researchers any data.

Seven states do not legally permit sentencing juvenile offenders to life without parole for any offense: homicide or non-homicide. Those are Alaska, Colorado (2005 and after), Kansas,<sup>13</sup> Kentucky,<sup>14</sup> Montana<sup>15</sup>, New Mexico, and Oregon. Texas does not permit sentencing juveniles under the age of 17 to life without parole sentences (September 1, 2009 and after).<sup>16</sup>

## Table A

The total estimate of JLWOP sentences for non-homicides in the U.S. is 109. Table A shows the distribution of the estimated 109 juvenile offenders serving life without parole in the 47 states for which there is confirmed data. See Appendix II for data sources.<sup>17</sup> Only 8 states of the 47 with confirmed data have juvenile offenders sentenced to life without parole for non-homicide crimes. Among the states shown in Table A, Florida accounts for 77 (70.6

10 In this study all individuals with one or more JLWOP sentences for homicide crimes were excluded from consideration as non-homicide offenders, even if they had additional JLWOP sentences for non-homicide crimes.

11 Data regarding 11 states were obtained through secondary sources. See Appendix II.

12 The four states that were not contacted are Alaska, Kansas, New Mexico, and Oregon. These states do not legally permit the sentence of JLWOP.

13 Rest of Their Lives 2009 Update (for Alaska, Colorado, Kansas, New Mexico, and Oregon).

14 *Shepherd v. Commonwealth of Kentucky*, 251 S.W. 3d 309 (KY 2008). KY. REV. STAT. §640.040 (effective date July 1, 1987).

15 MONT. CODE ANN. § 46-18-222(1) (2007)

16 S.B. 839, 81st Leg., Reg. Sess. (Tex. 2009) (signed by Governor June 19, 2009).

17 Appendix II also discusses the states for which the researchers have no data and the reasons for this.

percent) of the national total of JLWOP for non-homicide, followed by, Louisiana 17 (15.6 percent), Iowa 6 (5.5 percent), California 4 (3.7 percent), and Mississippi 2 (1.8 percent). Three states (Delaware, Nebraska, and South Carolina) have only one juvenile serving life without parole for a non-homicide offense; the remaining 39 states in Table A have zero juveniles serving life without parole sentences for non-homicides. As shown in Table A, Florida is unique among these jurisdictions: no other state comes close to its practice of sentencing juveniles to life without parole for non-homicide offenses.

## Table B

As Table B shows, 10 states account for 1,966 (76.4 percent) of the total national JLWOP population of 2,574 (homicides and non-homicides).<sup>18</sup>

Three of those ten large JLWOP states, California, Florida, and Louisiana, account for 89.9 percent of the national total (109) of juveniles sentenced to JLWOP for non-homicides.

While these ten states with large a number of JLWOPs (over 50) have rendered a total of 1,966 JLWOP sentences, only 98 juveniles (5 percent of the total of the 10 states) received this sentence for a non-homicide offense. 78 percent of those 98 juveniles sentenced to life without parole for non-homicides were sentenced in Florida.

The Percentage Column on Table B shows the portion of JLWOP sentences in each state that were given for non-homicides. By this measure, Florida once again is clearly unique among these states. The proportion of all juvenile life without parole sentences that were for non-homicides in Florida is 25.5 percent, *five times* higher than second place Louisiana. Put another way, suppose Florida's penchant for incarcerating juvenile non-homicide offenders to life without parole was limited to the average (5 percent) of the states shown in Table B. Under this scenario Florida would have sentenced only 15 juveniles to life without parole for non-homicide offenders. The actual figure of 77 is five times higher.

It is clear that Florida's high rate of JLWOP incarcerations for non-homicides distorts the "average" use of JLWOP sentencing shown in Table B. Subtracting Florida from the calculations in Table B, the remaining states account for 21 JLWOP sentences for non-homicide offenses – 1.3 percent of all JLWOP sentences in these 9 states.<sup>19</sup>

If Florida limited its sentencing of non-homicide juvenile offenders to life without parole to the average percent of the nine other states with a large number of JLWOPs (over 50), i.e., 1.3 percent, only four juveniles would have received such a sentence in Florida.

<sup>18</sup> The total figure of 2,574 juvenile offenders serving life without parole sentences comes from the Rest of Their Lives 2009 Update, *supra* n. 2.

<sup>19</sup> Subtracting Florida's 302 total JLWOPs from the total JLWOP column and 77 non-homicide JLWOPs from the non-homicide JLWOP column leaves a total of 1664 and only 21 for non-homicide offenses (21 is 1.3 percent of 1664).

Thus, if we use as a benchmark these other states which account for a large portion of all JLWOP sentences in the U.S., we see that *Florida's tendency to incarcerate non-homicide juvenile offenders to life sentences without parole is over 19 times the number that we would expect when Florida's own sentencing practices are eliminated from the data.*

## Table C

Across the nation, juvenile offenders have been sentenced to life without parole for the following non-homicide crimes: kidnapping, sexual battery, robbery, battery, burglary, and carjacking. 64 juvenile offenders have been sentenced to life without parole in the country for robbery, burglary, battery, and carjacking.<sup>20</sup> 61 of these juvenile offenders were sentenced in Florida. Table C shows, by state, the non-homicide offenses for which juvenile offenders have been sentenced to life without parole. Florida is the only state with confirmed data to have sentenced youths to life without parole for burglary, battery, and carjacking. Twenty four of the seventy seven non-homicide juvenile offenders have a JLWOP conviction for a burglary. Of these twenty four offenders, three have only one JLWOP conviction. Florida has sentenced 46 youths to JLWOP for armed robbery. Only three other armed robbery JLWOP convictions exist in the nation.<sup>21</sup> All other reported JLWOP sentences for non-homicide crimes in the U.S. were for kidnapping and sexual battery (rape).

## Chart D and Chart E

In this study, the researchers surveyed the race, age, and offense category of juveniles who received life without parole sentences for non-homicides in Florida.<sup>22</sup> Table D shows that 84% of this population is Black.<sup>23</sup> Table E shows that the youngest age at the time of offense is 13 years old.<sup>24</sup>

<sup>20</sup> There may be other individuals in the country with JLWOP sentences for these crimes that are not included in this study because they also have a JLWOP sentence for homicide.

<sup>21</sup> See n. 20, *supra*. The one inmate in Mississippi sentenced for armed robbery was originally eligible for parole, but violated parole on more than one occasion and now has no possibility of parole. (Mississippi Department of Corrections, July 8, 2009).

<sup>22</sup> The offense dates for these offenders begin in the early 1970s.

<sup>23</sup> Of the juvenile offenders in Florida sentenced to life without parole for homicide offenses, 62% are Black. (Florida Department of Corrections, June 10, 2009).

<sup>24</sup> The Florida Department of Corrections lists two inmates as 13 years old at the time of their JLWOP offense. These are Joe Sullivan and Douglas Blackshear. While Joe Sullivan was sentenced to life without parole for his original crime at the age of 13, Douglas Blackshear received his life without parole sentences as violations of probation when he was 19 years old. The original crimes he was violated on occurred when he was 13 years old.

## Conclusion

The data presented here provide overwhelming evidence that Florida is out of step with the nation: it stands alone in its willingness to condemn young people to life in prison for non-homicides without a chance of a reassessment of their lives in some future time.

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## APPENDIX I

### ***Kenneth Young:***

### ***Profile of a Florida Juvenile Sentenced to Life without Parole for Non-Homicide***

Kenneth Young,<sup>25</sup> now 24 years old, is serving four life without parole sentences for three armed robberies which occurred within a month's time in the year 2000 in and around Tampa, Florida. During this period Kenneth turned 15 years old. When Kenneth was 14 years old, his mother's 25 year-old drug dealer, Jacques Bethea, told him that his mother owed a three thousand dollar drug debt. This drug dealer threatened Kenneth that if he did not participate in these robberies his mother would be harmed.

Kenneth's part in these robberies was to take the money and the surveillance tapes, while the drug dealer held a gun on the clerk and made the demands. No shots were ever fired. Kenneth did not have a prior criminal history. The 25 year-old drug dealer had an extensive criminal history. The drug dealer received one life without parole sentence; in contrast, Kenneth received four life without parole sentences.

Kenneth's mother was addicted to crack cocaine while Kenneth was growing up. She was rarely home. Kenneth's older sister, a minor herself, was generally the only person around to care for Kenneth. Kenneth's father died before Kenneth was born. By the time Kenneth was 13 years old he had stopped going to school completely. He was young, uneducated, and alone when he was brought into crime by an adult.

At the conclusion of Kenneth's first trial, the Judge sentenced him to a term of prison for the rest of his natural life. Kenneth was so immature and uneducated he did not understand what this meant. After the sentencing was over he asked what his sentence was. When he was told he had received a life sentence, he did not believe it. He thought the officers were trying to scare him.

Since incarceration, Kenneth has been a model inmate. He has received only one disciplinary report during his time in prison. It was for failing to make his bed. He is working towards obtaining his G.E.D. Previously, he was employed as an aide to a disabled inmate, and since his transfer to a new correctional institution he has become a barber. Since incarceration, Kenneth has grown from a young boy to a young man.

Kenneth is one of the 77 juveniles sentenced to life without parole for non-homicide crimes in Florida. Like 84% of the juvenile offenders sentenced to life without parole for non-homicide crimes in Florida, Kenneth is Black.

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<sup>25</sup> The information in this profile was gathered by the researchers through personal interviews with Mr. Young between 2006 and 2009. Affidavit of Kenneth Young on file with researchers. See, Florida Department of Corrections Offender Search page for Kenneth Young at <http://www.dc.state.fl.us/ActiveInmates/detail.asp?Bookmark=1&From=list&SessionID=484412624>.

## APPENDIX II

### Data Sources by State

- Alabama:** Data received from Alabama Department of Corrections, August 10, 2009, with the assistance of the Alabama Sentencing Commission.
- Alaska:** Alaska prohibits sentencing juveniles to life without parole. Rest of Their Lives 2009 Update.
- Arizona:** Arizona did not provide total number of juveniles sentenced to life without parole. Arizona does not have any juveniles sentenced to life without parole for non-homicides according to correspondence from the Arizona Department of Corrections General Counsel, dated June 26, 2009, on file with researchers.
- Arkansas:** Data received from Arkansas Department of Corrections, July 7, 2009.
- California:** Data received from California Department of Corrections and Rehabilitation, August 4, 2009. California reports five (5) individuals with JLWOP sentences for non-homicide offenses. Researchers have included only four (4), because the sentence of one (1) of the five (5) has been held unconstitutional by the California Court of Appeals. *See, In re Nunez*, 93 Cal. Rptr. 3d 242 (Cal. Ct. App. 2009).
- Colorado:** Data received from Colorado Department of Corrections, June 26, 2009.
- Connecticut:** Connecticut did not provide total number of juveniles sentenced to life without parole. Connecticut does not have any juveniles sentenced to life without parole for non-homicides according to correspondence from the Connecticut Department of Corrections, dated June 8, 2009, on file with the researchers.
- Delaware:** Data received from Delaware Department of Corrections, September 1, 2009.
- Florida:** Data received from the Florida Department of Corrections, June 10, 2009.
- Georgia:** Data retrieved from Georgia Department of Corrections Inmate Query, available at <http://www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp>. From the Inmate Query, researchers confirmed 5 individuals serving life without parole sentences in Georgia for crimes committed before the age of 18- all had convictions for homicide. Researchers found 11 individuals serving life without parole sentences in Georgia who were either 17 or 18 years old at the time of their offense - all had convictions for homicide.

<b>Hawaii:</b>	Hawaii did not provide total number of juveniles sentenced to life without parole. Hawaii does not have any juveniles sentenced to life without parole for non-homicides according to correspondence from the Hawaii Department of Corrections, dated June 26, 2009, which states, “[i]n Hawaii, the only individuals sentenced to Life without Parole are for Murder in the First Degree,” on file with the researchers.
<b>Idaho:</b>	Data received from Idaho Department of Corrections, July 1, 2009.
<b>Illinois:</b>	Data for this report received from Juvenile Life without Parole Project, Children and Family Justice Center, Northwestern University School of Law, and Illinois Coalition for Fair Sentencing of Children, June 25, 2009. Data last updated February 2008.
<b>Indiana:</b>	Data received from Indiana Department of Correction, June 3, 2009.
<b>Iowa:</b>	Data received from Iowa Department of Corrections, June 24, 2009.
<b>Kansas:</b>	Kansas prohibits life without parole sentences for juveniles. Rest of Their Lives 2009 Update.
<b>Kentucky:</b>	Data received from Kentucky Department of Corrections, July 9, 2009.
<b>Louisiana:</b>	Louisiana Department of Corrections provided data on juveniles sentenced to life without parole for non-homicides, June 24, 2009. Louisiana Department of Corrections did not provide total number of all juveniles sentenced to life without parole. Total number used in this report is from Rest of Their Lives 2009 Update.
<b>Maine:</b>	Data received from Maine Department of Corrections, July 7, 2009.
<b>Maryland:</b>	Data received from Maryland Department of Corrections, June 10, 2009.
<b>Massachusetts:</b>	Data for this report received from Children’s Law Center of Massachusetts, June 24, 2009.
<b>Michigan:</b>	Data for this report received from ACLU Juvenile Life without Parole Initiative, July 1, 2009.
<b>Minnesota:</b>	Data received from Minnesota Department of Corrections, June 8, 2009.
<b>Mississippi:</b>	Data received from Mississippi Department of Corrections, June 29, 2009. Mississippi DOC supplemented this data with analysis of some of the data on July 8, 2009. On July 29, 2009 researchers received additional information from the Mississippi Department of Corrections correcting

the previous data. Three of the five individuals reported in the July 14, 2009 version of this report are parole eligible at this time. Of the two that remain in this report, one is considered a habitual offender and thus is not eligible for parole. Mississippi Department of Corrections reports that the other individual has a life without parole sentence, but “should be eligible for conditional release” at the age of 65. E-mail correspondence with Assistant Attorney General Jane Mapp, July 29, 2009. Researchers chose to include this individual because of the difference between conditional release and parole and the uncertainty as to whether he would be eligible for conditional release. Mississippi allows an inmate, under certain circumstances, at the age of 65, to petition the trial court for “conditional release.” See Miss. Stat. 47-5-139(1) and Miss. Stat. 47-7-3. Mississippi Assistant Attorney General Jane Mapp reports (1) that Mississippi’s conditional release process is not part of Mississippi’s parole system, (2) no inmate, as of present, is eligible to petition the sentencing court for conditional release under these statutes, and (3) once an inmate petitions for conditional release the sentencing court has total discretion. E-mail correspondence, dated July 14, 2009, on file with researchers and telephonic conversation with research assistant.

- Missouri:** Data received from Missouri Department of Corrections, June 26, 2009.
- Montana:** Data received from Montana Department of Corrections, June 4, 2009.
- Nebraska:** Data received from Nebraska Department of Correctional Services, August 20, 2007. Updated by Family and Friends of Inmates, Omaha August 2008.
- Nevada:** Data not available. Nevada Department of Corrections denied researchers request for information on June 26, 2009 and June 29, 2009.
- New Hampshire:** Data received from New Hampshire Department of Corrections, June 5, 2009.
- New Jersey:** New Jersey has no juveniles sentenced to life without parole. Ashley Nellis, Ph.D., Research Analyst, The Sentencing Project, Testimony to the Pennsylvania Senate Committee on the Judiciary, Public Hearing on the Issue of Juvenile Lifers (Sept. 22, 2008). *See also*, Rest of Their Lives 2009 Update.
- New Mexico:** New Mexico prohibits sentencing juveniles to life without parole. Rest of Their Lives 2009 Update.

- New York:** New York has no juveniles sentenced to life without parole. Ashley Nellis, Ph.D., Research Analyst, The Sentencing Project, Testimony to the Pennsylvania Senate Committee on the Judiciary, Public Hearing on the Issue of Juvenile Lifers (Sept. 22, 2008). *See also*, Rest of Their Lives 2009 Update.
- North Carolina:** Data received from North Carolina Department of Corrections, June 30, 2009.
- North Dakota:** Data received from North Dakota Department of Corrections, June 5, 2009.
- Ohio:** Data received from Ohio Department of Corrections, June 30, 2009.
- Oklahoma:** On July 22, 2009, researchers received a list of all inmates sentenced to life without the possibility of parole in Oklahoma from the Oklahoma Department of Corrections (DOC). The Oklahoma DOC does not keep records of inmates' offense dates. Researchers reviewed every person with a life without parole sentence who was admitted to prison at the age of 19 or younger to determine their crime of conviction. None of these individuals were sentenced to life without parole for a non-homicide crime.
- Oregon:** Oregon prohibits life without parole sentences for juveniles. Rest of Their Lives 2009 Update.
- Pennsylvania:** Data received from Pennsylvania Department of Corrections, June 30, 2009.
- Rhode Island:** Data received from Rhode Island Department of Corrections, July 1, 2009.
- South Carolina:** Data received from South Carolina Department of Corrections, June 16, 2009.
- South Dakota:** Data received from South Dakota Department of Corrections, June 16, 2009.
- Tennessee:** Data received from Tennessee Department of Corrections, June 26, 2009.
- Texas:** Data received from Texas Department of Corrections, June 8, 2009.
- Utah:** Data are not available. In a letter dated, June 29, 2009, Utah Department of Corrections stated Utah does not have any inmates sentenced to life without parole who were admitted to prison before the age of 18. In

August 2009, Utah Department of Corrections denied researchers request for information on whether Utah has any individuals who committed their crime before the age of 18 and were sentenced to life without parole, but were not admitted to prison until after age 18.

- Vermont:** Vermont has no juvenile offenders serving life without parole. Rest of Their Lives, 2009 Update.
- Virginia:** Data are not available at time of publication. Virginia Department of Corrections denied researchers public records request, June 5, 2009. Virginia Department of Corrections denied researchers' subsequent public records request on August 18, 2009.
- Washington:** Data are from trial court files. Columbia Legal Services, Institutions Project and DLA Piper reviewed all trial files between May 2007 and January 2009. Data was confirmed by the Washington Sentencing Guidelines Commission, February 2009.
- West Virginia:** West Virginia has no juveniles sentenced to life without parole. Ashley Nellis, Ph.D., Research Analyst, The Sentencing Project, Testimony to the Pennsylvania Senate Committee on the Judiciary, Public Hearing on the Issue of Juvenile Lifers (Sept. 22, 2008). *See also*, Rest of Their Lives 2009 Update. On July 28, 2009 researchers received a list of all inmates sentenced to life without the possibility of parole in West Virginia from the West Virginia Department of Corrections (DOC). West Virginia DOC does not keep records of inmates' offense dates. Researchers reviewed every person with a life without parole sentence who was admitted to prison at the age of 19 or younger to determine their crime of conviction. None of these individuals were sentenced to life without parole for a non-homicide crime.
- Wisconsin:** Data received from Wisconsin Department of Corrections, August 26, 2009.
- Wyoming:** Data received from Wyoming Department of Corrections, June 15, 2009.

***Estimated National Distribution of Non-Homicide Juvenile Offenders  
Serving Life without Parole***

<b>State</b>	<b>Number</b>	<b>Total Percentage</b>
Florida	77	70.6%
Louisiana	17	15.6%
Iowa	6	5.5%
California	4	3.7%
Mississippi	2	1.8%
Nebraska	1	0.9%
South Carolina	1	0.9%
Delaware	1	0.9%
Alaska	0	0.0%
Alabama	0	0.0%
Arizona	0	0.0%
Arkansas	0	0.0%
Colorado	0	0.0%
Connecticut	0	0.0%
Georgia	0	0.0%
Hawaii	0	0.0%
Idaho	0	0.0%
Illinois	0	0.0%
Indiana	0	0.0%
Kansas	0	0.0%
Kentucky	0	0.0%
Maine	0	0.0%
Maryland	0	0.0%
Massachusetts	0	0.0%
Michigan	0	0.0%
Minnesota	0	0.0%
Missouri	0	0.0%
Montana	0	0.0%
New Hampshire	0	0.0%
New Jersey	0	0.0%
New Mexico	0	0.0%
New York	0	0.0%
North Carolina	0	0.0%
North Dakota	0	0.0%
Ohio	0	0.0%
Oklahoma	0	0.0%
Oregon	0	0.0%
Pennsylvania	0	0.0%
Rhode Island	0	0.0%
South Dakota	0	0.0%
Tennessee	0	0.0%
Texas	0	0.0%
Vermont	0	0.0%
Washington	0	0.0%
West Virginia	0	0.0%
Wisconsin	0	0.0%
Wyoming	0	0.0%
<b>Total</b>	<b>109</b>	<b>100.00%</b>

***State Distribution of Non-Homicide Juvenile Offenders  
Serving Life Without Parole in States With More Than  
50 Total Juvenile Life without Parole (JLWOP) Offenders***

<b>State</b>	<b>Total JLWOP*</b>	<b>Non-Homicide JLWOP</b>	<b>Percentage</b>
Arkansas	58	0	0.00%
California	249	4	1.6%
Florida	302	77	25.5%
Illinois	103	0	0.0%
Louisiana	335	17	5.1%
Massachusetts	57	0	0.0%
Michigan	347	0	0.0%
Missouri	78	0	0.0%
North Carolina	62	0	0.0%
Pennsylvania	375	0	0.0%
<b>Total</b>	<b>1966</b>	<b>98</b>	<b>5.0%</b>
<b>Percent of U.S total<sup>^</sup></b>	<b>76.4%</b>	<b>89.9%</b>	

\* This data comes from two different sources. The total number nationally comes from Rest of Their Lives, 2009 Update. The above state totals were compiled by researchers from updated departments of correction data sources and from other reliable sources. See Appendix II. Researchers were not able to compile an independent national total for all juvenile life without parole sentences, but were able to do so for non-homicide offenses.

<sup>^</sup> 1,966 is 76.4% of 2,574, which is the total estimated number of juvenile offenders serving life without parole in the United States. (Rest of Their Lives, 2009 Update).

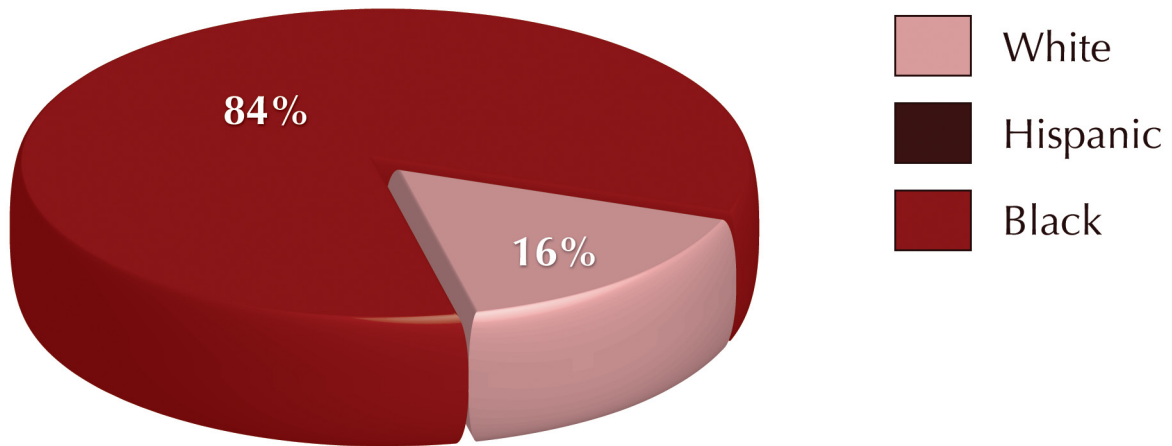
98 is 89.9% of 109, which is the total estimated number of juvenile offenders serving life without parole for non-homicides in the United States. (Shown on Table A).



***Non-homicide Offenses for which Juvenile Offenders are Serving Life without Parole (JLWOP) Sentences in the Nation***

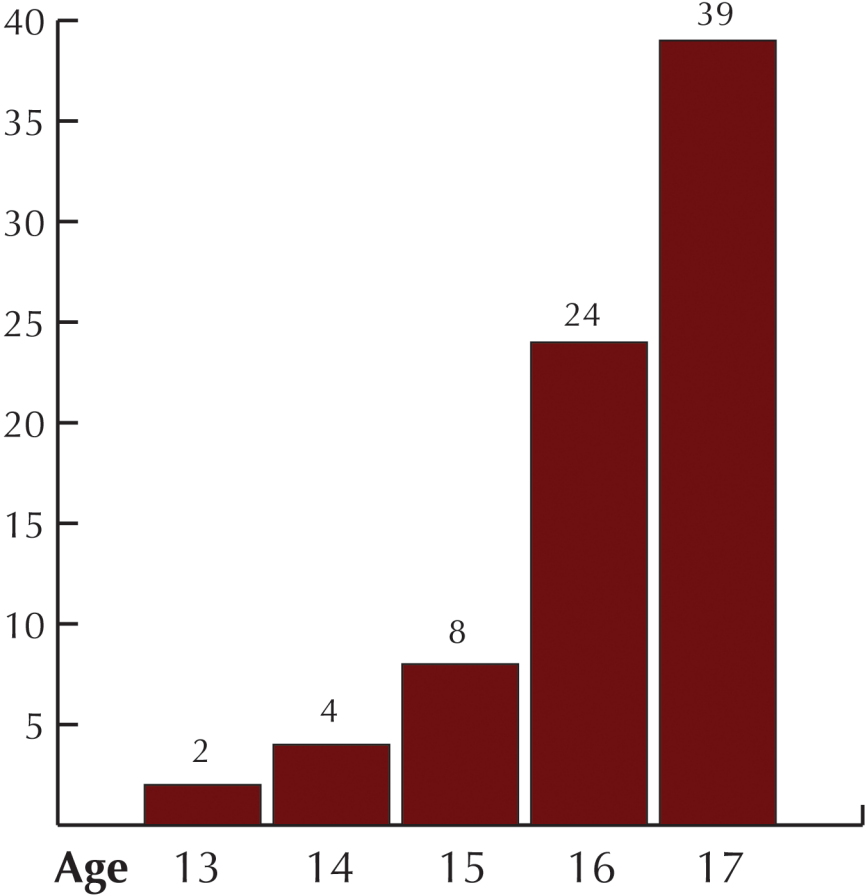
<b>California</b>	Kidnapping, Robbery
<b>Iowa</b>	Kidnapping
<b>Louisiana</b>	Kidnapping, Aggravated Rape
<b>Mississippi</b>	Kidnapping, Armed Robbery
<b>Nebraska</b>	Kidnapping
<b>South Carolina</b>	Kidnapping
<b>Delaware</b>	Rape
<b>Florida</b>	Kidnapping, Sexual Battery, Armed Robbery, Burglary, Battery, Carjacking

*Florida Distribution of Non-Homicide  
Juvenile Life without Parole (JLWOP) Offenders by Race*



Total JLWOP Non-Homicide Offenders: 77

*Florida Distribution of Non-Homicide  
Juvenile Life without Parole (JLWOP) Offenders by Age*



Total JLWOP Non-Homicide: 77