

Criminal Procedure Sentencing

[*Virginia v. LeBlanc*](#), 582 U.S. ____ (June 12, 2017). In a per curiam decision, the Court held that the Virginia Supreme Court's ruling, holding that Virginia's "geriatric release" provision satisfies *Graham v. Florida* was not an objectively unreasonable application of *Graham*. In 1999, the defendant, who was 16 years old at the time, raped a 62-year-old woman. In 2003, a state court sentenced him to life in prison. At the time, Virginia had abolished traditional parole. However it had a geriatric release parole program which allowed older inmates to receive conditional release under some circumstances. Specifically, the statute provided: "Any person serving a sentence imposed upon a conviction for a felony offense . . . (i) who has reached the age of sixty-five or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release." Seven years after the defendant was sentenced, the Court decided *Graham*, holding that the Eighth Amendment prohibits juvenile offenders convicted of non-homicide offenses from being sentenced to life without parole. *Graham* held that while a "State is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide crime," it must give defendants "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." The *Graham* Court left it to the States, "in the first instance, to explore the means and mechanisms for compliance" with the *Graham* rule. The defendant then sought to vacate his sentence in light of *Graham*. The Virginia courts rejected this motion, holding that Virginia's geriatric release statute satisfied *Graham's* requirement of parole for juvenile offenders. The defendant then brought a federal habeas action. The federal district court held that "there is no possibility that fairminded jurists could disagree that the state court's decision conflicts wit[h] the dictates of *Graham*." The Fourth Circuit affirmed. The Supreme Court reversed, noting in part:

The Court of Appeals for the Fourth Circuit erred by failing to accord the state court's decision the deference owed under AEDPA. *Graham* did not decide that a geriatric release program like Virginia's failed to satisfy the Eighth Amendment because that question was not presented. And it was not objectively unreasonable for the state court to conclude that, because the geriatric release program employed normal parole factors, it satisfied *Graham's* requirement that juveniles convicted of a nonhomicide crime have a meaningful opportunity to receive parole.