Eighth Amendment to play major role in upcoming high court term

With the U.S. Supreme Court beginning its new term, it is time to look at the Eighth Amendment, which holds that life without parole for juveniles violates this Amendment.

In a 5-4 decision, the court showed major fissures. Justice Stephen G. Breyer in dissent suggested that the Illinois Supreme Court in 1976, which held that mandatory life for Collins was unconstitutional.

Certainly the court ended its previous term by showing that the Eighth Amendment was very much on its mind. On the very last day it issued a death penalty decision affirming Oklahoma’s use of a drug cocktail in Glossip. The court nonetheless held that the sentence did not violate the Eighth Amendment.

But the renewed interest in Eighth Amendment issues does not come only from the U.S. Supreme Court. A recent case from the 1st District Appellate Court shows the Illinois Appellate Court confronting another punishment problem. Take a look at People v. Collins, 2015 IL App (1st) 131145 (Sept. 16, 2015).

Charles Collins was found guilty of possession of a controlled substance with the intent to deliver. He had two prior Class X drug convictions, in 1998 for delivery of a controlled substance and in 2007 for possession with intent to deliver. Because this was his third conviction, he was only imposing a life sentence on Collins because the law pending on the courts intervening in the sense of the community.

The dissent also discusses the Habitual Criminal Act’s recognition that the purpose of the Habitual Criminal Act is to “protect our society from habitually violent and heinous criminals.” Thus, imposing mandatory life for Collins’ non-violent offenses serves no purpose connected with that statute.

The dissent also discusses the realities of actually serving a natural life sentence. Quoting Justice Anthony M. Kennedy, it observes: “Life without parole is the second most severe penalty permitted by law yet it shares some characteristics with death sentences. [T]he sentence alters the offender’s life by a forfeiture that is irrevocable. It deprives the convict of the most basic liberties without giving hope of restoration.” Graham v. Florida, 560 U.S. 48, 69-70 (2012).

Hyman even cites an executive director of a death penalty advocacy group who admitted that an argument could be made that life in prison is the worst kind of punishment. In the words of one inmate serving life without parole, it is “like putting me in a room with a tiger and letting him take bite after bite out of me, a little at a time.”

The standard for a disproportionate sentence in Illinois is whether it is “cruel, degrading or shocking to the conscience,” or “fair and proportionate to the underlying crime.”

Hyman noted that even the judge at sentencing admitted that he was only imposing a life sentence on Collins because the law forced him to. The crime had nothing to do with murder, violence or guns. Therefore, mandatory life in this situation thus does not comport with constitutional principles.

Hyman’s closing lines need to be quoted in full: “To let Collins’ sentence stand diminishes the very constitutional protections the courts are charged with enforcing and jeopardizes the rights of all of us. Whenever the rights of one individual have been invaded, the rights of all are in danger. The hope and promise of justice depends on the courts intervening in their role as guardian of constitutional rights when, as here, one of those rights has been breached.”

It is possible that the U.S. Supreme Court’s coming term may assist future inmates in the same position as Charles Collins.