

Supreme Court to Consider Old Sentencing

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WASHINGTON -- The Supreme Court said Monday it will decide whether inmates can reopen challenges to prison sentences based on a court ruling two years ago that limited judicial discretion in sentencing.

Justices will hear arguments this fall from Lonnie Burton, who is serving nearly 47 years in prison in Washington state for rape, robbery and burglary.

Burton's lawyers told justices that the judge increased Burton's sentence by about 21 years, declaring that he deserved a harsher sentence than the sentencing scheme provided for there.

The case two years ago was also from Washington state. Justices on a 5-4 vote overturned the sentence of a Washington state man for kidnapping his estranged wife. A judge, acting alone, had determined that Ralph Blakely acted with "deliberate cruelty" and deserved a longer prison term.

Justices did not say then how the decision would affect old cases. Justice Antonin Scalia authored that opinion, for an odd right-left lineup of justices.

Burton had an appeal pending when the court resolved Blakely's case. He had been convicted in 1994 of raping a 15-year-old boy he followed home from school.

The case is *Burton v. Waddington*, 05-9222.

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