

# The Palm Beach Post

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## HOT TOPIC: Harsh sentences for juveniles

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If crime isn't murder, life without parole is too much

Florida sentences juveniles more harshly than any state and any country. Worldwide, roughly 100 juveniles are serving life sentences without parole for non-homicide, felony offenses, and 77 of these juveniles are imprisoned in Florida.

The U.S. Supreme Court heard arguments last week in two cases about whether this practice violates the constitution as cruel and unusual punishment. Both cases are from Florida. Regardless of the Supreme Court's decision, Floridians should decry such sentences as intolerable.

In both cases, the defendants were sentenced as juveniles to life in prison without parole. Terrance Graham was 16 years old when he was sentenced to life for violating his armed burglary probation. Joe Sullivan was convicted of robbery and sexual battery, but he was only 13 years old when sentenced. Avion Lawson is the only Dunbar Village attacker who is still a juvenile. He will be sentenced next month. The other three, all but one of whom was a juvenile at the time of the crime, received life sentences.

In 2005, ruling in the case of *Roper vs. Simmons*, the Supreme Court declared that sentencing juveniles to death was unconstitutional. In *Roper*, the court recognized that juveniles are inherently different than adults; their identity is unformed, they are susceptible to outside influences — such as peer pressure — and are often incapable of fully comprehending the moral reprehensibility of their actions. The court found that the fundamental differences between juveniles and adults made sentencing juveniles to death cruel and unusual punishment.

For the same reason, life sentences without parole for juveniles are "freakishly rare," as Sullivan notes in his brief. Sullivan argues that there are only nine people in the U.S. "under life without parole sentences for offenses committed at age 13." Graham makes a similar argument, noting that "he is one of a handful of juveniles, in any state, who has been sentenced to life without parole for a non-homicide offense such as armed burglary." In fact, he points out that his sentence is harsher than those of most adults convicted of violent crimes.

Many proponents of tough sentencing for juveniles ignore *Roper's* distinction between adults and juveniles and advocate punishment as the ultimate goal of all sentencing. State Rep. William Snyder, R-Stuart, subscribes to this view, commenting in a recent *New York Times* article that "sometimes a 15-year-old has a tremendous appreciation for right and wrong ... I think it would be wrong for the Supreme Court to say that it was patently illegal or improper to send a youthful offender to life without parole. At a certain point, juveniles cross the line, and they have to be treated as adults and punished as adults."

Clearly, juvenile crime is a problem that Florida cannot ignore. However, the problem must be addressed in a humane manner that is consistent with universal norms of justice. As a civilized society that believes in the sanctity of all human life, we cannot permit our criminal justice system to throw away the lives of juveniles as irretrievably bad. Instead, we must begin from the premise that all juveniles are redeemable.

By focusing on punishment alone, the system is blind to factors that should mitigate juvenile sentences. As a result, many juveniles are sentenced unjustly, as with Sullivan and Graham. For example, Sullivan suffers from a mental disability. In its amicus brief, the Disability Rights Legal Center notes that "a disproportionate number of juvenile offenders suffer from disabilities." In addition, the Sullivan and Graham cases, and others like them throughout the state, contain a disturbing racial aspect. As Sullivan states in his brief, "All of the 13-14-year-olds serving life without parole for non-homicide offenses are African-American."

This is why the rest of the world rejects sentencing juveniles to life in prison without parole, as Amnesty International emphasizes in its amicus brief. U.S. Rep. Bobby Scott, D-Va., has introduced a sensible measure (House Resolution 2289) that would require parole hearings 15 years after a juvenile is sentenced to life, and every three years after. It is high time for Florida to do the same.

In 1924, Clarence Darrow took a stand against the death penalty in a case involving 19-year-old Nathan Leopold and 18-year-old Richard Loeb, stating: "I am pleading for the future, for a time when hatred and cruelty will not control the hearts of men, when we can learn by reason and judgment and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man."

Nearly 80 years later, the Supreme Court adopted Darrow's vision of the future in Roper, and the justices should heed his plea once more and declare that sentencing juveniles to life in prison without parole is unconstitutional. If the court does not, Floridians should insist that the state end this unjust practice.

JOHN BAJGER

West Palm Beach

Editor's note: John Bajger is an assistant Florida attorney general.

Targeting volunteers won't root out corruption

The Palm Beach County Commission has entered the realm of the laughable. We've had three county commissioners, a developer and lobbyist/lawyer go to prison on corruption charges, and what does Burt Aaronson — who's about to become commission chairman — propose as the first substantive action to prevent further corruption? He goes after those dangerous volunteers on advisory boards.

He wants them to sign a document saying they're not felons. Do the other commissioners advise this buffoon that such action won't affect the root cause of the corruption? No, they go along with him. They want advisory board members to sign a form stating whether they've been convicted of a felony.

News to the commissioners: We want to know what the feds have been investigating them for. What information did the feds want from Commissioner Aaronson and his wife about the free, weeklong cruise they took courtesy of film festival Chairwoman Yvonne Boice? What other commissioners' gifts and activities have the feds been investigating? Have top-level staff been receiving favors and gifts from special interests?

Karen Marcus and Jeff Koons should be especially ashamed in allowing Commissioner Aaronson to bully this commission and again control the reins of power as chairman. One has to wonder if these old-guard commissioners will ever get it. I used to oppose term limits. But were it not for term limits and federal investigators, we would have been stuck with Tony Masilotti, Warren Newell, Mary McCarty, Karen Marcus, Jeff Koons and Burt Aaronson for a lifetime. Sends a shiver up my spine.

ALAN MAJORS

West Palm Beach

Justice not served in release of teen's killer

There has been a miscarriage of justice in the case of teenager Mark Drewes, who was shot dead while playing a practical joke in his neighborhood.

Jay Levin, the man who is guilty of his death, was released from probation five years early on a technicality, a "vague" word in his sentencing papers. This is untenable. A man, an adult, who could have waited for police before firing his gun is literally getting away with murder. That he would even ask for an early release from his probation is insufferable and shows a lack of remorse and belief in his own privilege, which the courts reinforce over and over again.

So let me get this straight. If you're a teenager convicted of rape in South Florida, you're sentenced to life without parole. But if you kill a teenager, you get a slap on the wrist, no prison term and early release from your sentenced probationary period. Ah, justice. Blind, right?

KAREN STEPHENS

West Palm Beach

PROVOKED BY NATIONAL NEWS

New leadership, not more troops for Afghanistan

Afghanistan is now engaged in a civil war riddled with hatred, corruption, and violence. This is a long-term situation, and has proven to be unsolvable by their present tactics. What is needed is the leadership to change these tactics, not more troops on the ground. We have inherited too many problems from the last administration to take on another war.

LILLIAN HOROWITZ

West Palm Beach

KUDOS TO ...

... The Post. After so much negativity about changes to your newspaper, I think you've finally got it right.

I really like the new layout, particularly the "In The News" and "Your Weather" on the front page. I do like the slimness; it's easier to handle. It's good to have Corrections and Clarifications, information about contacting the paper and Florida Lottery numbers at the bottom on Page 2. Putting Local and Business together works very well. So does combining Accent and Food. You have included more interesting health information, and some great recipes.

I'm still not real thrilled about the way you sensationalize some of the gory articles, some of which shouldn't be reported at all. But that's the news. In these difficult times, when serious cutbacks are needed, I commend you.

JERRIE G. McCOY

Palm Beach Gardens

#### QUICK SHOTS

The quote reported in George Bennett's Oct. 26 story, "Wexler, 3 colleagues endorse Deutch," regarding Ed Lynch running for Congress and his endorsement from Jackie Mason was flabbergasting. I don't know Mr. Lynch and have no ax to grind. However, if Jackie Mason was serious when he was quoted as saying, "How often do you see a gentile who's a great humanitarian?" then I must draw one of two conclusions: That was either a very lame attempt at humor, or Jackie Mason is a racist. Needless to say, I won't be voting for Ed Lynch.

TIMOTHY D. BROWN

West Palm Beach

Only Palm Beach County Commissioner Steven Abrams was unable to see the problems he presented trying to serve so many masters (including Scott Rothstein) when he is committed to serving the public.

JAY MARGOLIS

Boynton Beach

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