Success Stories: Kids Change

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Brief of Former Juvenile Offenders in Support Of Petitoners, Graham / Sullivan v. Florida

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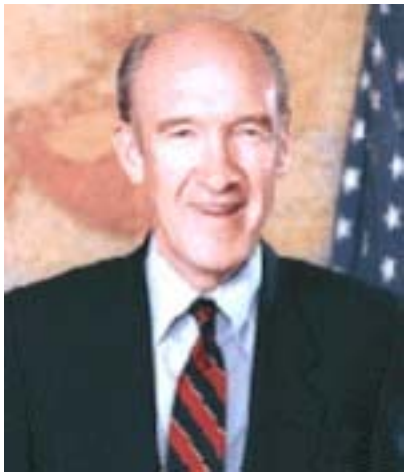
Alan K. Simpson



Alan K. Simpson is an accomplished former member of the United States Senate and a leader of the Republican Party. He served in the Senate for eighteen years, from 1979 to 1997, rising to become the Republican Whip.

When Simpson announced his candidacy for the Senate in 1977, one man stood out in the crowd: Simpson's probation officer. When Simpson was a juvenile – long before he finished college, law school, and eventually became a candidate for the Senate – Simpson was convicted of a serious federal offense and engaged in other conduct that could have led to other serious criminal offenses and, under certain regimes, a life sentence.

When Simpson was in high school in Cody, Wyoming, he and some friends repeatedly engaged in reckless activities. They committed arson on federal property and went shooting throughout their community. They fired their rifles at mailboxes, blowing holes in several and killing a cow. They fired their weapons at a road grader. "We just raised hell," Simpson says. Federal authorities charged Simpson with destroying government property and Simpson pleaded guilty. He received two years of probation.

After getting in a bar fight late one night in Laramie, Simpson spent the night in jail. For Simpson, that night triggered what he describes as "creeping maturity" – a resolve that he would avoid further trouble with the law and become a productive member of society. With the help of his probation officer, Simpson began to redeem himself.

Simpson went on to graduate from the University of Wyoming with a Bachelor of Science degree in 1954 and a law degree in 1958. He served in the United States Army from 1954 to 1956, in various state-level attorney positions from 1958 to 1959, as a United States Commissioner from 1959 to 1969, as a private attorney for many years, and as a member of the Wyoming House of Representatives from 1965 to 1977. He and his wife Ann also raised three children.

Simpson was elected to the United States Senate in 1978. During his tenure, he served as Republican Whip from 1984 to 1994, and he was considered as a potential candidate for Vice President in 1988. He served principally as Chairman of the Senate Veterans Affairs Committee, and also held many

other posts in the Senate. He went on to teach at and later to direct the Institute of Politics at Harvard University's John F. Kennedy School of Government. In 2006, he was a member of the Iraq Study Group. Simpson has received Honorary Doctor of Laws degrees from the University of Wyoming, Notre Dame, and American University, as well as the Thomas Jefferson Award in Law at the University of Virginia.

Alan Simpson was involved in activities as a youth that could have led to a lengthy prison term. He engaged in felonious and violent conduct that posed a serious risk to life and property. Had circumstances been different – had he not been fortunate regarding where his stolen bullets struck or what was damaged by his arson – he might have been jailed for the rest of his life. But the system did not treat him so harshly. It gave him a second chance, including the help of a probation officer who, in Simpson's view, had a great influence on his life and helped him make it to the moment where he stood before a crowd in Wyoming, asking to be elected to the United States Senate.

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

Charles Dutton

Charles S. Dutton is one of the nation's most respected actors and directors. He has received two Tony Award nominations for his performances on the Broadway stage and has been honored with Emmy Awards for his acting and directing on television.

Yet his path to success did not begin at the Yale School of Drama, from which he earned his Masters of Fine Arts degree, but years earlier, during his third and final stint in Maryland State Prison.

Dutton grew up in the Latrobe Homes housing projects in Baltimore. His childhood bedroom overlooked the Maryland Penitentiary, an imposing and dark gothic structure built in the early 1800s. Dutton saw that prison every day and night from birth. "We all expected to end up there," he says, "because all the older guys we knew were there. It was as if I was born for it."

Dutton was first sent to a juvenile reform school when he was thirteen, and he bounced around the juvenile system for several years. When he was seventeen, Dutton was involved in a street fight that escalated into a knife fight. He and his assailant stabbed each other. Only Dutton survived. He was convicted of manslaughter and sentenced to five years imprisonment.

Dutton was out on parole for only a few months when he returned to prison for possession of a deadly weapon (a handgun). When a prison riot broke out, Dutton participated and punched a guard. He was sentenced to an additional eight years imprisonment.

In 1974, during his last prison stint, Dutton's life changed when he was put in the "hole" – solitary confinement – for refusing to clean toilets. "The only thing you were allowed to bring with you into the hole was one book. I brought in an anthology of plays that my girlfriend sent me from the outside. I had meant to grab a different book, actually, but took the plays by mistake," he says. "By the light that shone through the two inches between the door and the floor, I lay flat on my stomach and read for days."

One play in the anthology was "A Day of Absence" by the famous African-American playwright Douglas Turner Ward. "Reading that play sparked me in a way that allowed me to rediscover my own humanity," Dutton recalls.

When Dutton left "the hole," he convinced the warden and a prison teacher, who was also a local actress, to start a prison drama program. Preparing for the group's weekly meetings and rehearsals gave him purpose. While in prison, he received his G.E.D. and then an Associate's Degree in theater.

After his release, he earned a Bachelor's Degree in theater from Towson State University and acted for two years in Baltimore. He applied and was accepted to Yale University's School of Drama – one of the top drama schools in the country.

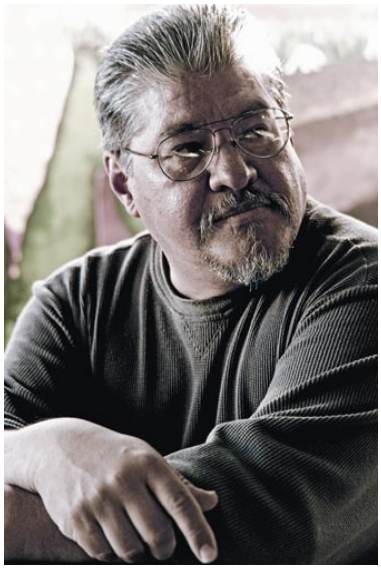
Dutton made his Broadway debut in 1984 in August Wilson's "Ma Rainey's Black Bottom," a performance that earned him a Theater World award and the first of his two Tony nominations. In 1991, Towson State University bestowed him with an honorary doctorate degree. Dutton has co-starred in several major motion pictures, and from 1991-1994 starred in the television series "Roc." In 2000, Dutton earned an Emmy Award for directing the acclaimed HBO mini-series "The Corner." Dutton emphasizes that his redemption is not unusual. "I have buddies who are plumbers and brick masons and carpenters who've been out as long as I've been out and been as productive with their lives," he says.

He firmly believes the chance for a productive life is at its height with juvenile offenders. "I just can't fathom sentencing juveniles to life without parole," Dutton says. "I just talked in Florida to some kids with that sentence. It was just dawning on them after ten or twelve years that their lives were over. They were kids and now they're finished. There's a heart-wrenching sadness on their faces, and you can see the fight is out of them. If they were given a second chance, they'd be changed human beings."

"As long as it's a young mind," he says, "they're salvageable. At those tender ages, the mind is still pliable and can be shaped. It's not too late."

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

D. Luis Rodriguez



Luis Rodriguez is an acclaimed writer, activist, and poet. In his youth, he was headed down an entirely different path. At the age of eleven, Rodriguez joined Las Lomas, a Los Angeles gang. As a teenager, Rodriguez says, "I was destructive and self-destructive. I was willing to shoot, stab and even kill for the gang – and I was willing to die for the gang as well. My world was extremely limited and I ended up becoming small to fit in this world."

When Rodriguez was seventeen, a member of his gang was assaulted by a neighborhood club of white bikers. Rodriguez, deeply ensconced in gang culture and seeking retaliation, shot one of the bikers. He was arrested as he fled the scene and was charged with assault with the intent to commit murder. Although those charges were dropped, a year later Rodriguez faced a six-year prison sentence for assaulting a police officer and resisting arrest. Instead of giving up on him, the criminal justice system – based partly on letters of support from community members – gave him another chance, directing him to a county jail based on a lesser conviction.

Rodriguez has spent his life paying back the second chance he was given and doing so in spades. At nineteen, Rodriguez broke free of his drug addiction and took a series of low-skill jobs. Over the next four years he worked at Bethlehem Steel, with various periods spent as a carpenter, mechanic, foundry smelter, paper mill worker, and truck and school bus driver. He went back to complete high school, and after taking night classes at East L.A. Community College worked as a reporter and photographer for local weekly newspapers. He subsequently was accepted into a summer program for minority journalists at Berkeley, and at the age of twenty-six was hired as a daily reporter for the San Bernardino Sun.

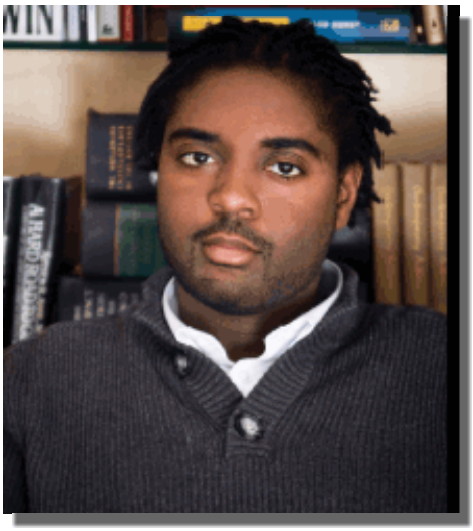
Today, Rodriguez is an accomplished writer, having published fourteen books of fiction, nonfiction, literature, and poetry. In 1993, Rodriguez wrote his memoir and signature work, *Always Running: La Vida Loca, Gang Days in L.A.*, which he dedicated to twenty-five close friends who died during his gang days. The book, intended to steer Rodriguez's son away from gang life, has sold more than 300,000 copies, and received numerous accolades, including being named a New York Times Notable Book, and receiving the Carl Sandburg Literary Award and a Chicago Sun-Times Book Award. His

freelance journalism has appeared in *U.S. News & World Report*, *Chicago Tribune*, *L.A. Times*, and the *New York Times*. Rodriguez also has appeared on National Public Radio, the Oprah Winfrey Show, Good Morning America, CNN, BBC, Fox TV News, and Jim Lehrer's NewsHour.

Returning full circle, in 1994 Rodriguez helped found Youth Struggling for Survival, a community organization that works with gang and non-gang youth in Chicago. He believes that "if properly seen, mentored, assisted, guided, and initiated, young people have immense capacities for change and transcendence. I have seen this in the work I do with gang and other troubled youth, as well as in my own teen years when I left the gang and drugs, including heroin." Today, he testifies as a gang expert and has filed affidavits and appeared in over fifty cases. Rodriguez also spends time speaking in juvenile facilities, prisons, homeless shelters, and detention centers. He says, "Adults today give up on youth when the going gets rough. Youth is youth for a good reason. Youth are very malleable and it is society's obligation to try to change them. I am living proof of the capacity for change."

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

R. Dwayne Betts



On May 21, 2009, Reginald Dwayne Betts became his family's first college graduate when he received his bachelor's degree in English from the University of Maryland. He had the honor of being chosen to give a commencement address at graduation. Standing before thousands of spectators and his fellow graduates, Betts recalled a day twelve years earlier when he stood as a teenager in a Virginia courtroom and was sentenced to prison. "My journey," Betts said, "began the moment my life became a derailed train headed toward the state penitentiary."

In 1997, sixteen-year-old Betts and a friend took a joyride in a stolen car. They came across a man asleep in his car near a Northern Virginia shopping mall and decided to carjack the man. Betts had a gun. He pointed it at the car window, stole the man's wallet, and drove off with the car. Betts was arrested the next day. Asked later about his motivations, Betts said, "I did it for all kinds of reasons I can't clearly reason out. At that moment I wanted to do it, and I had no idea that it would define me for the rest of my life."

Betts was convicted of carjacking, use of a firearm during a felony, and attempted robbery. Although he had never before been arrested, he was certified as an adult. He faced a possible life sentence but was sentenced to nine years. He recalls the judge saying, "I'm under no illusions that sending you to prison will help you."

Prior to his arrest, Betts had drifted between his school life and his social life. An avid reader, he qualified for his school's gifted program, made the honor roll, and was elected class treasurer. But Betts was restless. Although he remained on the honor roll and excelled in his honors classes, Betts began to get into trouble, using drugs and cutting class.

After his arrest, Betts escaped into books, as he had done as a child, and began writing essays and poetry as well to pass the time. Betts knew that one day he would be released back into society, and he did not want to have wasted the years he was incarcerated. "I took everything seriously because I knew I had a release date," he says. "I wrote my way out of that world… If I

had gotten life without parole, I would never have written those poems and essays."

Betts now has been out of prison for four years. He is making the most of his second chance and has proved he can be a productive member of society. He enrolled at Prince George's Community College, where he served in the student government, was the Phi Theta Kappa honor society president, and edited the college's literary journal. His grades earned him a spot in the school's Honors Academy and a full tuition scholarship to attend the University of Maryland.

His poetry has been published in several national magazines and journals, and he has won a number of writing contests and scholarships, including the Breadloaf Writer's Conference scholarship and a Holden Fellowship to attend the graduate program at Warren Wilson College. Later this year, Betts will publish a memoir, *A Question of Freedom*, as well as a book of poetry. He is married and has a child.

Betts also has worked to give back to his community. He started a book club for young boys and also teaches poetry workshops for middle school students in Washington, D.C.

Betts is remorseful for his actions and grateful for the opportunity to prove that he is not a criminal at heart, not a menace to society. "I made one mistake," he says. "It was not the sum total of who I was." He knows how fortunate he is to have this second chance. Knowing that he would have another chance – that he had a release date – is what motivated Betts to work hard to prepare for life after prison. "I always knew I'd have this day, standing on a porch, looking outside," he muses. "Without that, there would just be no reason to think about life beyond a jail cell."

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

E. Terry K. Ray

As a youth, Terry Ray bore all the hallmarks of a recidivist violent criminal. Years later, he would become an Assistant United States Attorney, prosecuting the crimes he had once himself committed.

Ray was regularly abused at home as a boy. Over the years, Ray's anger swelled and he committed a series of increasingly violent offenses. He repeatedly fought with other students, at times responding with extreme violence to the slightest provocation. At age eleven, he stabbed a classmate in the leg with scissors, and then stabbed the teacher who tried to break up the fight. One day when he was sixteen, he marched toward his school with a gun, intending to attack a teacher. An alert police officer intercepted Ray, beating him severely. "I was a very violent young man," Ray says. "I was a very angry young man."

Ray spent his teen years drifting in and out of the juvenile justice system. For Ray, incarceration meant stability and safety. It meant protection from the abuse he faced at home. He explains, "I felt much, much better locked up than on the streets. The food was better. The living conditions were better. I had friends."

After his final release from juvenile detention, Ray enrolled in a junior college and took a job as an orderly at a local hospital. One counselor at the college recognized that he had significant academic potential and encouraged him to avoid further trouble by leaving Chicago to complete his education. Ray listened, transferring to and eventually graduating with honors from Iowa's Luther College. He then attended Northwestern University School of Law. After graduating, Ray earned a Master of Legal Letters degree in taxation from Washington University School of Law.

Despite these degrees, Ray initially had trouble finding a job. After he had worked for fourteen months for an insurance company, two law school professors helped him arrange for an interview with the Department of Justice Tax Division in Washington, D.C. Ray – who at one point had seemed destined to spend his adult life in and out of prison – became a trial attorney for the United States. He later became an Assistant United States Attorney, prosecuting street crime cases in Washington, D.C., and eventually was hired to lead the Tax Fraud Prosecution Unit in the U.S. Attorney's Office in

Dallas, Texas. When he left that post in 1987, the Internal Revenue Service thanked him for his service by making him an honorary special agent.

Ray is now an attorney in private practice in Dallas. Throughout his career, he has reached out to juvenile offenders and at-risk youths, teaching them to resolve conflicts without resorting to violence. "Sometimes we don't take the time to look at someone as an individual," Ray says. "We look at something a person did in one second, five seconds, or ten minutes and say that the person has no possibility of ever overcoming that moment. But those people who make it out – they have an extra gear, and they can do remarkable things."

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

T.J. Parsell

T.J. Parsell is a successful software executive, author, and human rights activist. But after convictions for larceny and armed robbery as a juvenile, his life might have been quite different.

Parsell grew up in Michigan, raised by a family with a "long history of trouble" where it was almost expected that he would end up behind bars. In 1978, when Parsell was seventeen, he was arrested for stealing items from the hotel where he worked. He agreed to plead guilty in exchange for probation. While out on bail for that offense, Parsell held up a Photo Mat with an imitation gun and stole money from the proprietor. Parsell was arrested the following day and charged with armed robbery, a crime for which he could have spent the rest of his life in prison.

The state courts sentenced Parsell as an adult to two-and-a-half to four years of imprisonment on the larceny charge and delayed sentencing on the armed robbery for several months. He was placed in the Riverside Correctional Facility – "a close-custody prison for inmates serving long sentences, usually ten or more years." Parsell was terrified. On his first day in the general population, an inmate spiked Parsell's drink with a powerful sedative. Parsell was dragged to a cell, where four inmates gang-raped him. They flipped a coin to see who would "own" him for the rest of his prison time.

Parsell was then transferred back to county jail for sentencing on his armed-robbery charge. There, Parsell was gang-raped even more brutally than he had been at Riverside. When the probation officer preparing his pre-sentence report made a sexual advance, Parsell rebuffed it. He then received a harsh sentencing recommendation, and the judge sentenced him to four-and-a-half to fifteen years in prison.

Parsell's life turned around when he was transferred to a medium-security facility which stressed rehabilitation. "The school and the library became my sanctuaries," he says. A woman named Miss Burt, the classification director, was starting a prison newspaper. Simply by calling Parsell by his first name (Tim), Miss Burt made him "believe that I was human again." As he recalls, "what a difference it made to be treated with dignity in a place that didn't seem to value it much." Parsell wrote for the prison newspaper. He also completed his G.E.D. and twenty months of his college education in prison.

Parsell left prison in 1982. He took a typing job and put himself through night school to complete his undergraduate degree. He graduated with honors from St. Francis College and went on to work in the software industry. He went on to become a top executive at several technology firms, ultimately rising to become vice president of sales at a major publicly traded software company.

Following his brother's death and the September 11, 2001 terrorist attacks, Parsell made a decision to confront issues he long had repressed. "I felt extremely fortunate to have been able to transcend the mistakes of my earlier life." His memoir, *FISH: A Memoir of a Boy in a Man's Prison*, was published in 2006 and won the Pass Award for Literature by The National Council on Crime and Delinquency. Since then, Parsell has become one of the nation's leading advocates against prison rape. He is president of the human rights group Stop Prisoner Rape and has worked with the Justice Department to set up the National Prison Rape Elimination Commission. He helped produce an inmate orientation video, which is shown to all new incoming prisoners in the United States, outlining ways in which inmates can avoid prisoner rape.

This fall, Parsell will enter the graduate film school at New York University. He plans to turn his memoir into a feature film. Parsell says, "I'm taking back the voice that was stolen from me when I was seventeen years old. And I know that others, no matter how far down a wrong path they may have gone, or how far they've fallen, can do the same."

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

G. Ishmael Beah

Ishmael Beah is a highly accomplished individual who is making the world a better place and has devoted his adult life to advocating rehabilitation for children who have committed brutal acts. In a foreign country, as a child soldier in a militia army, Beah engaged in the atrocities of murder and torture. His story illustrates the amazing capacity of youth to grow and change.

Beah grew up in Sierra Leone, and his home region was engulfed in warfare in his early teenage years. After the death of his family, he tried to flee to safety until he was forced to join the government army, as this became the only way to ensure his survival. He was initially reluctant to be a soldier, but rapidly became accustomed to the extreme violence that surrounded him. At age thirteen, he learned to fire a gun, to handle a bayonet, and to find motivation by focusing on his hatred for the rebel army, which had killed his family.

In the years after he enlisted, Beah aspired to be a fierce and deadly soldier, modeling himself after the "Rambo" movies. He practiced beheading rebels with a bayonet; he shot prisoners in their feet and kept them living for hours in excruciating pain before finally killing them; he led small bands of soldiers in massacring entire villages. When Beah was fifteen, UNICEF workers managed to get him out of the army – entirely against his will – and into a refugee camp. As the UNICEF workers struggled to bring the boys back to some semblance of normalcy, the boys ripped apart furniture, walls, windows, and anything else they could find, so inured had they become to a lifestyle of violence and ruin.

Looking back on that time now, Beah recognizes that the violence was a way to keep himself from thinking about what he and his family had suffered. But it was only the opportunity given to him by the UNICEF workers that allowed him to "discover himself" and realize that he could be more than a mindless agent of destruction. Beah began to come to terms with what he had done as a teenager. He moved to the United States in 1998 and finished his last two years of high school at the United Nations International School in New York. In 2004, he graduated from Oberlin College with a Bachelor of Arts degree in political science. Within a few years, he was speaking at conferences on children's welfare all around the world. In 2007, he published

the memoir *A Long Way Gone*, which has become an international best-seller.

Although the circumstances in America are very different from those in Africa, Beah believes that the forces that push people to criminal activity are fundamentally the same in both places. "Not every child who fights wants to be a child soldier," he explains. "Many have bad home lives and can fall victim to those who would pull them into a life of violence as a solution from their abuse or suffering." Violence or theft "becomes normalized because it becomes the only way to live." Beah knows that there is no easy solution for juvenile crime, and that different methods are effective for different people. Still, he is certain that a lifetime in prison is not the answer: "There's more trauma in prison than what I'd been put through. Punitive measures for kids just don't help." If Beah had been in an American-style prison, he believes, he would have been left to "push myself into despair, wallowing in the trauma of what happened" instead of getting a chance to discover his own potential and eventually educating the world about African wars and the rehabilitation of child soldiers.

Beah has seen some of the worst things that teenagers can do, if pushed far enough, and he grasps the fundamental similarity between his own life and some of the excruciating histories of juveniles serving life sentences in America. His goal now is to prevent such sentences from being imposed, so that young people like him "can tell others, instead of being locked away."

"Children who commit crimes lack the moral and psychological underpinnings of adults," he says, "but they're also more resilient, so it is very possible to change. And it is only through rehabilitating such children and youth that we are able to learn how to prevent a similar situation from happening to others." Beah's own story illustrates that a youth who has committed even the most horrific crimes can, given another chance, build a joyful and meaningful life. Because he was not judged solely on who he was as a fifteen-year-old, he says, "I discovered my own potential and have become a productive member of society."

Brief of Former Juvenile Offenders in Support of Petitioners, Graham / Sullivan v. Florida, 2009

Raphael Johnson

Raphael Johnson is a community re-integration advocate and motivational speaker who recently won the primary election for the Detroit City Council. As a teenager, he committed a senseless crime. Johnson has since dedicated his life to making amends. His story illustrates the power of young people to transform and rehabilitate.

Johnson grew up in a Detroit neighborhood known for gun violence and drug dealing. As a youth, Johnson looked to the streets and to tough men for the male role model he lacked at home. His first arrest came when he stole his grandmother's gun at twelve years old and took it to school. At fourteen, he was sent to a boys home for four years. There, things began to look up. Johnson was given a full scholarship to attend the University of Detroit High School. He excelled in high school and was on the honor roll, captain of the football team, and homecoming king. Yet, Johnson remained an adolescent who could not think clearly before he acted, could not control his anger or walk away from conflict.

When he was 17 years old, he went to a party with his friends. A fight broke out and he was thrown to the ground. One of his friends had a gun in his car. Without thinking, acting out of rage and fear, Johnson grabbed the gun, returned and fired it three times. The bullets hit and killed someone who was not even involved in the scuffle. Johnson was tried as an adult and found guilty. He narrowly escaped life without parole and was sentenced to 10-25 years in prison.

As a youth, Johnson could not comprehend the gravity of what he had done. He says that years passed before he was mature enough to really understand his actions. As the years went by, Johnson grew up inside his prison cell. He began to come to terms with his crime and wrote letters to the victim's family trying to express his apologies and beg for forgiveness. Each letter would be returned with an "address expired" stamp affixed to it.

Johnson recognizes that it was because he had the chance of parole that he had hope and the drive to change. He immersed himself in education and vocation, becoming a certified carpenter, plumber, electrician and paralegal.

After he was released from prison, Johnson went to college and received his B.A. and M.A.L.S degrees *summa cum laude* from the University of Detroit Mercy. He then started his own company doing motivational speaking and conflict resolution all around the country. Additionally, he worked with Goodwill Industries of Greater Detroit as a Community Re-integration Coordinator, helping ex-offenders successfully re-enter society.

Johnson works as an advocate to teach that for any juvenile offender who commits a crime as horrible and senseless as his, there is still hope. He also works with trouble teens as a national expert for the *Maury Show.* Last year Johnson received the Best Community Leader award from Steve Harvey. Recently, Johnson won the primary election for the Detroit City Council. As Johnson's transformation shows, no adolescent is beyond hope of redemption and every young person should have the chance to prove that they can change and make a difference.