

## **Juvenile Life Without Parole Profiles**

These intimate profiles of individuals who were sentenced to life without the possibility of parole as children illustrate the importance of reforming Michigan's juvenile justice system.

As this debate becomes more public, we are hearing opponents of reform referring to the juveniles as “all cold-blooded murderers.” There are teenagers who have committed some terrible crimes, but it is not responsibly factual to characterize them all in these terms.

After reading even just a few examples of young men and women who are now serving life sentences and will live in a Michigan prison until they die, you will hopefully agree that there is need to reform a system that categorizes and treats all youth offenders in the same way.

Judges in several districts have expressed deep displeasure with limited sentencing options. The Honorable Leopold Borello from Saginaw has specifically criticized the mandatory provision of the current legislation, which allows the court no discretion whatsoever.

In one case, Judge Borello wrote, “The next tragedy as I see it, in my opinion, was the glaring flaw in our judicial system. This court heard the testimony in this case twice, the first trial ending in a hung jury and the second trial ending in a conviction with which the court is now dealing. The testimony in both trials clearly demonstrated to this court’s satisfaction that the planner and the prime perpetrator of the crimes is Jacinto Rico...now we come to the third tragedy: the sentencing of Mr. Michael Lee Perry.”

### **Michael Lee Perry**

The Saginaw County case involving Michael Lee Perry is a stark example of the differences that distinguish individual offenders and the disturbing inequities with mandatory sentences that ignore such differences. The Court was faced with only two options: sending Michael to a juvenile system, which would have meant allowing him to be released at age twenty-one, or sentencing him as an adult, which meant mandatory life without parole.

The judge found that all evidence produced at the sentencing hearing demonstrated that Michael Lee Perry was amenable to treatment. In fact, all of the workers at the youth home indicated that Michael was amenable to treatment as a juvenile.

It was recommended by both of the People’s witnesses, Martha Stimpson, a DSS employee, and Carol Holden, Ph.D. Clinical Psychologist for the Center for Forensic

Psychiatry, that Michael Lee be sentenced as a juvenile. They specifically stated that Michael Lee lacked insight, had impulsive tendencies and difficulties thinking through problems, but felt his conditions would improve with treatment and, more importantly, as he matured into adulthood.

In the end, Michael Lee was sentenced to life without parole in an adult prison. Judge Borello stated for the record, "The only conclusion that I can reach is that the law deprives me of doing justice in this case."

## **Henry Hill**

Henry and one of his co-defendants, Dennis Johnson, were both sixteen when they were sentenced to life without any possibility of parole for a crime committed in Saginaw County. They were among a group of boys with firearms who confronted another group of boys with firearms. It is an undisputed fact that neither Henry nor Dennis Johnson shot anyone. It is also a fact that neither boy was offered a plea for their involvement in the felony murder that occurred that night. .

However, because of this inequitable system, Henry's other co-defendant, who was an adult at the time of the crime, was able to plead to a lesser offense and has the option of parole while the two juvenile co-defendants do not.

Henry has now served nearly 30 years in prison. You may argue that Henry was involved in a crime of felony murder, but he was not the person who actually pulled the trigger. Henry Hill does not fit the picture of a "cold-blooded killer."

## **Barbara Hernandez**

Barbara ran away from home to escape sexual abuse when she was 14 years old. Like too many runaways, she got involved with an older man who pushed her into drugs and prostitution. He then pushed her into luring a man into their house and, after she left the room, he stabbed the man to death. Barbara was tried for the murder and convicted in an adult court.

She had no prior record, but she became a victim of her past. Despite testimony by a social worker that she was easily susceptible to manipulation and the fact that she did not actually commit the murder, Barbara has spent 14 years in prison and will be there for the rest of her life unless the laws are reformed.

## **Deon Haynes**

Consider, as well, the case of Deon Haynes who was 16 when he was involved in a robbery. Deon had no previous juvenile record. He was enrolled in school at the time of the crime and had completed the 11th grade.

While Deon remained in the car, three of his friends went inside a home. During the process of the robbery, one of his friends shot and killed someone in the home.

In Deon's first two trials, three of his friends testified that Deon had nothing to do with the shooting. The juries refused to convict him. It was only by forcing a third trial that Deon was found guilty, after one of the individuals was given immunity not to testify.

While Deon's involvement that night cannot be excused and deserves punishment, he has now served 13 years in prison. How is it justice or necessary to protect society to keep a first-time offender juvenile, who did not shoot anyone, in prison for the rest of his life or to characterize him as a "cold-blooded murderer?"

\*\*\*\*\*

Whether any of these people who are serving life without parole sentences should be paroled cannot be answered without careful examination. But, hopefully it is clear that juvenile offenders are entitled to a second look under the parole board standards in order to determine two key questions. First, is the time they have served sufficient and commensurate with their involvement in the crime? And, second, would they be a risk to public safety if released?

What is certain is that the issue is not illuminated or the debate strengthened by characterizing all the youth presently spending their lives in our prisons as like-minded "cold-blooded killers." This broad characterization only serves to continue the injustice recognized by Justice Borello and many other judges who have publicly disagreed with a "one-size-fits-all" solution, which allows no judiciary discussion or the ability to consider the many differences among youth offenders and the circumstances that change their lives forever.

A Detroit Free Press editorial (10/20/05) summed it up well, "... the maximum adult penalty of life without parole, which forever locks out a second chance, is unreasonable and unwarranted for anyone too young to exercise adult rights and responsibilities."

The effort to change the laws that arbitrarily and, often, unjustly treat immature children as disposable human beings with no hope of rehabilitation or salvation will continue. As the discussions on this important issue continue, remember that all youth offenders serving life without parole are not cut from the same cloth.