

Too young to drive, but old enough for life in prison

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WASHINGTON (AFP) — More than 70 inmates in US prisons were 13 or 14 years old when they committed their crimes -- too young to drive or watch a scary movie but old enough to spend the rest of their lives in jail, according to a report.

This situation does not exist anywhere else in the world, according to the report by the Alabama-based Equal Justice Initiative.

Over the course of a year lawyers with the group, which specializes on defending the poorest citizens, pored over legal files across the country to uncover the number of young teens tried and convicted as adults.

At least 2,225 juveniles aged 17 or younger have been sentenced to life imprisonment with no possibility of parole, a punishment forbidden by the UN Convention on the Rights of Children, which the United States has not ratified.

Among those juveniles, 73 were under the age of 15 when they committed the crime. And half of them are African-American, hardly representative of a society where 12 percent of the population is black.

The teens have all been incarcerated with adults, where they face the same risk of beatings, rape and abuse as their elders. Some have attempted suicide.

"This is an unintended and disastrous consequence of prosecuting children as adults: children too young to drive, or even see a scary movie by themselves, are being sentenced to die in adult prisons," said EJI director Bryan Stevenson.

Most often the juveniles participated in crimes in which an adult was killed. Considered therefore as guilty as an adult, they were sent to prison based on mandatory guidelines that in some states judges cannot change.

The EJI report mentions the case of 14 year-old Ashley Jones, who helped her boyfriend kill her grandfather and aunt, and seriously wound her grandmother.

Jones' life had been marked by beatings by her father, rapes by her father-in-law, and threats from her drug-addicted mother. But once her guilt was established, the judge had no choice: life in prison with no possibility of parole.

In most cases, the severity of punishment can also be explained by the incompetence of defense lawyers, according to the report.

A defense lawyer in the southeastern state of Florida urged Ian Manuel, 13, to plead guilty in a case in which an accomplice wounded a woman, assuring him that he would not get more than 15 years in prison.

Instead Manuel was sent to prison for life, and the attorney has not appealed the case.

In 1988, the US Supreme Court ruled that juveniles aged 16 and under at the time of their crimes could not be sentenced to die. In 2005 this ruling was broadened to cover all minors, under the argument that they did not have the necessary maturity to be fully responsible for their acts.

"We think the analysis the Court employed, in that case, is applicable to life in prison for 13 and 14 year old kids," said Stevenson.

"We believe that the penalty is inappropriate for older teens as well, it's just that the courts tend to deal with these issues in smaller bites."

Life in prison without parole is "a different kind of death penalty, death in prison rather than by execution," Stevenson said.

EJI lawyers have filed appeals in courts across the country contesting the constitutionality of the harsh sentences for those under 15.

"We expect to start getting rulings next year," said Stevenson, who hopes the Supreme Court will eventually rule on the issue.