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Lifers as Teenagers, Now Seeking Second Chance

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American Exception

Without Parole

This is the first in an occasional series of articles that will examine commonplace aspects of the American justice system that are actually unique in the world.

BIRMINGHAM, Ala. — In December, the [United Nations](#) took up a resolution calling for the abolition of life imprisonment without the possibility of parole for children and young teenagers. The vote was 185 to 1, with the United States the lone dissenter.

Indeed, the United States stands alone in the world in convicting young adolescents as adults and sentencing them to live out their lives in prison. According to a new report, there are 73 Americans serving such sentences for crimes they committed at 13 or 14.

Mary Nalls, an 81-year-old retired social worker here, has some thoughts about the matter. Her granddaughter Ashley Jones was 14 when she helped her boyfriend kill her grandfather and aunt — Mrs. Nalls's husband and daughter — by stabbing and shooting them and then setting them on fire. Ms. Jones also tried to kill her 10-year-old sister.

Mrs. Nalls, who was badly injured in the rampage, showed a visitor to her home a white scar on her forehead, a reminder of the burns that put her into a coma for 30 days. She had also been shot in the shoulder and stabbed in the chest.

"I forgot," she said later. "They stabbed me in the jaw, too."

But Mrs. Nalls thinks her granddaughter, now 22, deserves the possibility of a second chance.

“I believe that she should have gotten 15 or 20 years,” Mrs. Nalls said. “If children are under age, sometimes they’re not responsible for what they do.”

The group that plans to release the report on Oct. 17, the Equal Justice Initiative, based in Montgomery, Ala., is one of several human rights organizations that say states should be required to review sentences of juvenile offenders as the decades go by, looking for cases where parole might be warranted.

But prosecutors and victims’ rights groups say there are crimes so terrible and people so dangerous that only life sentences without the possibility of release are a fit moral and practical response.

“I don’t think every 14-year-old who killed someone deserves life without parole,” said Laura Poston, who prosecuted Ms. Jones. “But Ashley planned to kill four people. I don’t think there is a conscience in Ashley, and I certainly think she is a threat to do something similar.”

Specialists in comparative law acknowledge that there have been occasions when young murderers who would have served life terms in the United States were released from prison in Europe and went on to kill again. But comparing legal systems is difficult, in part because the United States is a more violent society and in part because many other nations imprison relatively few people and often only for repeat violent offenses.

“I know of no systematic studies of comparative recidivism rates,” said James Q. Whitman, who teaches comparative criminal law at Yale. “I believe there are recidivism problems in countries like Germany and France, since those are countries that ordinarily incarcerate only dangerous offenders, but at some point they let them out and bad things can happen.”

The differences in the two approaches, legal experts said, are rooted in politics and culture. The European systems emphasize rehabilitation, while the American one stresses individual responsibility and punishment.

Corrections professionals and criminologists here and abroad tend to agree that violent crime is usually a young person's activity, suggesting that eventual parole could be considered in most cases. But the American legal system is more responsive to popular concerns about crime and attitudes about punishment, while justice systems abroad tend to be administered by career civil servants rather than elected legislators, prosecutors and judges.

In its sentencing of juveniles, as in many other areas, the legal system in the United States goes it alone. American law is, by international standards, a series of innovations and exceptions. From the central role played by juries in civil cases to the election of judges to punitive damages to the disproportionate number of people in prison, the United States is an island in the sea of international law.

And the very issue of whether American judges should ever take account of foreign law is hotly disputed. At the hearings on their [Supreme Court](#) nominations, both [John G. Roberts Jr.](#) and [Samuel A. Alito Jr.](#) said they thought it a mistake to consider foreign law in constitutional cases.

But the international consensus against life-without-parole sentences for juvenile offenders may nonetheless help Ms. Jones. In about a dozen cases recently filed around the country on behalf of 13- and 14-year-olds sentenced to life in prison, lawyers for the inmates relied on a 2005 Supreme Court decision that banned the execution of people who committed crimes when they were younger than 18.

That decision, *Roper v. Simmons*, was based in part on international law. Noting that the United States was the only nation in the world to sanction the juvenile death penalty, Justice [Anthony M. Kennedy](#), writing for the majority, said it was appropriate to look to "the laws of other countries and to international authorities as instructive" in interpreting the Eighth Amendment's prohibition of cruel and unusual punishment.

He added that teenagers were different from older criminals — less mature, more susceptible to peer pressure and more likely to change for the better. Those findings, lawyers for the juvenile lifers say, should apply to their clients, too.

"Thirteen- and 14-year-old children should not be condemned to death in prison because there is always hope for a child," said Bryan Stevenson, the executive

director of the Equal Justice Initiative, which represents Ms. Jones and several other juvenile lifers.

The 2005 death penalty ruling applied to 72 death-row inmates, almost precisely the same number as the 73 prisoners serving life without parole for crimes committed at 13 or 14.

The Supreme Court did not abolish the juvenile death penalty in a single stroke. The 2005 decision followed one in 1988 that held the death penalty unconstitutional for those who had committed crimes under 16.

The new lawsuits, filed in Alabama, California, Florida, Missouri, North Carolina and Wisconsin, seek to follow a similar progression.

“We’re not demanding that all these kids be released tomorrow,” Mr. Stevenson said. “I’m not even prepared to say that all of them will get to the point where they should be released. We’re asking for some review.”

In defending American policy in this area in 2006, the State Department told the United Nations that sentencing is usually a matter of state law. “As a general matter,” the department added, juvenile offenders serving life-without-parole terms “were hardened criminals who had committed gravely serious crimes.”

Human rights groups have disputed that. According to a 2005 report from [Human Rights Watch](#) and [Amnesty International](#), 59 percent of the more than 2,200 prisoners serving life without parole for crimes they committed at 17 or younger had never been convicted of a previous crime. And 26 percent were in for felony murder, meaning they participated in a crime that led to a murder but did not themselves kill anyone.

The new report focuses on the youngest offenders, locating 73 juvenile lifers in 19 states who were 13 and 14 when they committed their crimes. Pennsylvania has the most, with 19, and Florida is next, with 15. In those states and Illinois, Nebraska, North Carolina and Washington, 13-year-olds have been sentenced to die in prison.

In most of the cases, the sentences were mandatory, an automatic consequence of a murder conviction after being tried as an adult.

A federal judge here will soon rule on Ms. Jones's challenge to her sentence. Ms. Poston, who prosecuted her, said Ms. Jones was beyond redemption.

"Between the ages of 2 and 3, you develop a conscience," Ms. Poston said. "She never got the voice that says, 'This is bad, Ashley.'"

"It was a blood bath in there," Ms. Poston said of the night of the murders here, in 1999. "Ashley Jones is not the poster child for the argument that life without parole is too long."

In a telephone interview from the Tutwiler Prison for Women in Wetumpka, Ala., Ms. Jones said she did not recognize the girl who committed her crimes. According to court filings, her mother was a drug addict and her stepfather had sexually molested her. "Everybody I loved, everybody I trusted, I was betrayed by," Ms. Jones said.

"I'm very remorseful about what happened," she said. "I should be punished. I don't feel like I should spend the rest of my life in prison."

Mrs. Nalls, her grandmother, had been married for 53 years when she and her husband, Deroy Nalls, agreed to take Ashley in. She was "a problem child," and Mr. Nalls was a tough man who took a dislike to Ashley's boyfriend, Geramie Hart. Mr. Hart, who was 16 at the time of the murders, is also serving a life term. Mrs. Nalls said he deserved a shot at parole someday as well.