8/27/2013

Juvenile Life Without Parole

HBs 4806, 4807, 4808 and 4809

ACLU

AMERICAN CIVIL LIBERTIES UNION of MICHIGAN

1. Summary of the Issue
2. Letters of support from organizations
3. Letters from victim family members
4. Letters of support from inmates currently serving life sentences and their family members
5. Editorials

Juvenile Life Without Parole

This past June, the U.S. Supreme Court ruled in *Miller v. Alabama* that it is unconstitutional to sentence any child under age 18 who is convicted of homicide to mandatory life-without-parole sentences. Effectively, the Court struck down statutes in Michigan and 28 other states that provide for mandatory life-without-parole sentences for children.

The Court held that mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on "cruel and unusual punishments."

Michigan is second in the country when it comes to the number of people who were sentenced to life in prison for crimes committed before they turned 18, with more than 359 inmates currently incarcerated for crimes committed as children.

The Court banned mandatory sentences because they preclude consideration of children's unique characteristics. "Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features – among them, immaturity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional. It neglects the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him . . . And finally, this mandatory punishment disregards the possibility of rehabilitation even when the circumstances most suggest it."

The ruling will affect hundreds of individuals whose sentences did not take their age or other mitigating factors into account.

The ruling specifies that the sentencing court must exercise discretion in an informed and thoughtful way that acknowledges that children are biologically different than adults and less culpable for their wrongdoing. Courts should provide the individuals affected by the ruling a meaningful opportunity to show they have rehabilitated themselves and are appropriate candidates for release.

While the Supreme Court in *Miller* did not categorically ban juvenile life without parole in all circumstances, Justice Kagan wrote for the majority that, "given all that we have said in Roper, Graham, and this decision about children's diminished culpability, and heightened capacity for change, we think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon."

On August 12, 2013, the US District Court for the Eastern District of Michigan ruled that the Supreme Court decision in *Miller* applies to all juveniles in Michigan who were convicted when they were under the age of 18. Michigan laws will need to be amended to reflect the Supreme Court decision and those convicted offenders must be subject to a mitigation evidentiary hearing to determine the appropriate sentence for the original conviction based on the factors set forth by the Supreme Court in *Miller*:

i. The child's age and its features including immaturity, impetuosity, and failure to appreciate risks and consequences;

ii. The child's family and home environment;

iii. The circumstances of the offense, including the extent of the child's participation and the way familial and peer pressures may have affected his or her behavior;

iv. The child's unsophistication in dealing with a criminal justice system that is designed for adults; and

v. The possibility of rehabilitation.

Over 100 volunteer lawyers and social workers who have agreed to represent youth at the hearings attended training on July 27, 2013 at the University of Michigan Law School.

Shelli Weisberg, Legislative Director
American Civil Liberties Union of Michigan
Cell: 248-535-7112

The Campaign for the Fair Sentencing of Youth

Jackson and _Miller_: Hope for children sentenced to die in prison

"Such mandatory penalties, by their nature, preclude a sentencer from taking account of an offender's age and the wealth of characteristics and circumstances attendant to it. Under these schemes, every juvenile will receive the same sentence as every other—the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one."[1]

On Monday, June 25, 2012, the United States Supreme Court declared that mandatory life-without-parole sentences for children violate the Eighth Amendment prohibition against cruel and unusual punishments. In the majority opinion, Justice Kagan stated that the mandatory imposition of life-without-parole sentences on children "contravenes *Graham*'s (and also *Roper*'s) foundational principle: that imposition of a State's most severe penalties on juvenile offenders cannot proceed as though they were not children."[2]

- **The ruling vacated Evan Miller's and Kuntrell Jackson's sentences and struck down all statutes that *require* a child to be sentenced to die in prison.** Faithful application of this decision requires that this new rule be applied retroactively to everyone who is serving this now-illegal sentence. Individuals currently serving this illegal sentence should be given the opportunity to go back into court and present relevant mitigating evidence that was previously ignored under the mandatory sentencing scheme.

- **The Court reaffirmed its past holdings in *Roper v. Simmons*, *Graham v. Florida*, and *J.D.B. v. North Carolina* that acknowledge the unique characteristics of children and require these factors to be considered in the context of the Eighth Amendment.** The Court recognized that "youth is more than a chronological fact. It is a time of immaturity, irresponsibility, impetuousness[,] and recklessness. It is a moment and condition of life when a person may be most susceptible to influence and to psychological damage. And its signature qualities are all transient."[3] This leads to a recognition that children are less morally culpable for the crimes they commit and are uniquely able to be rehabilitated and become productive members of society.

- **The court yet again ruled that child status and inherent youthful characteristics apply to *all* youth under the age of 18 regardless of the crime.** "[N]one of what [*Graham*] said about children—about their distinctive (and transitory) mental traits and environmental vulnerabilities—is crime-specific," the Court reasoned. "So *Graham*'s reasoning implicates any life-without-parole sentence imposed on a juvenile, even as its categorical bar relates only to nonhomicide offenses."[4]

A better way forward:

The Court held that a judge or jury can no longer bypass important and relevant mitigating factors in sentencing a child. The court cited the following key factors to be considered in cases involving children facing life-without-parole sentences:[5]

- The child's age and its features including immaturity, impetuosity, and failure to appreciate risks and consequences;
- The child's family and home environment;
- The circumstances of the offense, including the extent of the child's participation and the way familial and peer pressures may have affected his or her behavior;
- The child's unsophistication in dealing with a criminal justice system that is designed for adults; and
- The possibility of rehabilitation.

The Court discouraged the use of life-without-parole sentences for children. The court did not uphold discretionary life-without-parole sentences for children, and in fact, said "appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." Justice Kagan wrote for the majority that sentencers are now required "to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison."[6]

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[1] *Miller v. Alabama*, No. 10-9646, slip op. at 14 (U.S. June 25, 2012).
[2] *Miller v. Alabama*, No. 10-9646, slip op. at 3 (U.S. June 25, 2012).
[3] *Miller v. Alabama*, No. 10-9646, slip op. at 13 (U.S. June 25, 2012).
[4] *Miller v. Alabama*, No. 10-9646, slip op. at 10 (U.S. June 25, 2012).
[5] *Miller v. Alabama*, No. 10-9646, slip op. at 15 (U.S. June 25, 2012).
[6] *Miller v. Alabama*, No. 10-9646, slip op. at 17 (U.S. June 25, 2012).

Harriet Tubman Center
For the Recruitment and Development of Community Organizers
2727 Second Street Suite 220 Detroit, MI 48201
www.tubmanorganizing.com (313) 285 9710 – Office (313) 285 9753 - Fax

Michigan Prophetic Voices

TO: Hon. Rick Jones, Senate Judiciary Committee Chairman
Hon. Kurt Heise, House Committee on Criminal Justice Chairman

FROM: Rev. David Galbraith (Peace Presbyterian, Flint MI)
Chairperson, Michigan Prophetic Voices, a statewide caucus of clergy

DATE: August 23, 2013

CC: Rev. Albert Hamstra, World Mission Director, COIC (Grand Rapids)
Rev. Forrest Hoppe, United Church of Christ, Rockland
Rev. Sue Rich, Grace Episcopal in Lapeer, St. John's Episcopal in Dryden

We are individual members of the Executive Committee of Michigan Prophetic Voices, a statewide caucus of clergy. We are taking responsibility for contacting you about a very important matter to us and our congregations, so that we have your opinion to bring to our larger Executive Committee and caucus.

We are writing to ask your opinion on the matter of ***life sentencing for juveniles***. We understand this to be a topic of discussion in Michigan, and would like to hear your mind on the matter.

We as clergy leaders, coming from our own faith and life backgrounds, agree with the U.S. Supreme Court ruling in *Miller v. Alabama* that declared the mandatory sentencing of children to life in prison without parole to be a violation of the 8th Amendment.

As people of faith, we are called to work on behalf of children and other vulnerable populations of our society. There are more than 360 people serving a life sentence without the possibility of parole for a crime committed as a child in Michigan.

Our faith tells us that children should not be judged for the rest of their lives based on their greatest failures. As people of faith, we have a moral responsibility to advocate for the most vulnerable in our society —even those convicted of serious crimes. Our society should uphold our children's dignity and human rights, rather than discard them for life. Young people should be held accountable for harm they have caused in an age-appropriate way, with a focus on rehabilitation and reintegration into society.

While we agree with the intent of the Supreme Court's decision, and we support polices that would put in place a more age-appropriate sentencing and parole review schemes that recognizes juveniles are different than adults, we want to hear your opinion, even an opposing opinion, on the matter.

Please send any correspondence to Rev. David Galbraith, Chairperson of Michigan Prophetic Voices, c/o Harriet Tubman Center (see above information). Email response: pastor@ppcflint.org.

Thank you in advance. Be sure of our prayers for your work as elected officials in our great state.

Harriet Tubman Center
For the Recruitment and Development of Community Organizers
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August 23, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P.O. Box 30014
Lansing, MI 48909

Dear Senator Rick Jones and Representative Kurt Heise:

We are writing to ask your opinion on the matter of life sentencing for juveniles. We understand this to be a topic of discussion in Michigan, and would like to hear your mind on the matter.

We as clergy leaders, coming from our own faith and life backgrounds, agree with the U.S. Supreme Court ruling in *Miller v. Alabama* that declared the mandatory sentencing of children to life in prison without parole to be a violation of the 8th Amendment.

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While we agree with the intent of the Supreme Court's decision, and we support polices that would put in place a more age-appropriate sentencing and parole review schemes that recognizes juveniles are different than adults, we want to hear your opinion, even an opposing opinion, on the matter.

You have our best wishes for your work.

In faith,

Pastor Kevin Turman (Second Baptist Church)
Treasurer, Harriet Tubman Center
Co-Convener, Tubman Detroit Clergy Gathering

Rev. Ted Parker (St. Charles Luangwa)
Member, Harriet Tubman Center
Co-convener, Tubman Detroit Clergy Gathering

Association for Children's Mental Health

August 23, 2013

The Honorable Rick Jones
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P.O. Box 30014
Lansing, MI 48909

Dear Senator Rick Jones and Representative Kurt Heise:

We support House Bills 4806-4809 and Senate Bills 318-319, which will end the mandatory sentencing of juveniles to life in prison without parole, and provide guidelines for review and resentencing of those juvenile offenders serving life who meet the conditions set forth in the bills.

The U.S. Supreme Court ruled more than a year ago that mandatory life without parole sentences for children are unconstitutional. The court held that juveniles are different from adults and their youthful status should be taken into account when it comes to sentencing. Michigan is No. 2 when it comes to the number of children currently serving these sentences and its time our laws were changed to comply with the court decision.

As the statewide family organization that advocates for families and supports children with mental health, and emotional and behavioral health challenges, we clearly know that our children all too often end up in the prison system. This is a result of lack of appropriate and accessible mental health services, systems that view them as 'small adults' who must be punished under the same guidelines as chronologically and developmentally mature individuals, and overwhelmed and under-informed court systems. Resources need to be used for treatment, education, and support for children and their families-not to finance life imprisonment. Mandatory life sentencing without parole for juveniles must be stopped.

I hope you will consider helping to move these bills forward. Please help put an end to the mandatory sentencing of young people in our state to life in prison, and provide those currently serving such sentences a meaningful opportunity for review. Thank you for the consideration.

Sincerely,

Jane Shank
Executive Director

cc: Senate Criminal Justice Committee Members
House Criminal Justice Committee Members

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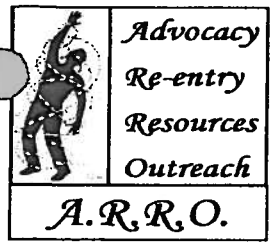

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TO OUR MICHIGAN LEGISLATORS

As our voted legislators, we appreciate your great efforts to give our juveniles a second chance. House Bill 4806-4809 do make great strides to find a way to do that except that we would like to see that there is more judicial discretion in sentencing and parole eligibility after 15 years. We support retroactivity as Miller clearly states it is "cruel and unusual" to sentence a juvenile unless the judge is given the opportunity to look at all circumstances.

This legislation is so important because as research shows, young children's brains have not developed and they are not mature. If you look at each one of these juvenile stories you will find that most came from dysfunction and their own short lives had been filled with pain, abuse, and mental illness. We are not forgetting that there are victims of these senseless deaths, but keeping these juveniles in prison after they have gotten their rehabilitation is senseless and a waste of tax payer dollars. A parole board panel or a judge will use great scrutiny when they make a decision to release, public safety will be a priority.

Jennifer Pruitt was a 16 year old girl that had been sexually abused and ran away from that situation where she was influenced by an older women to become involved in the senseless death. The victims family supports her release, she is now a mentor to other prisoners, she is going to college and doing all she can to become a productive member of society.

Justin Gibson was a 16 year old boy who was born to drug dealers, he didn't have anyone to teach him wrong from right. He went to school and worked hard to get good grades and get away from the life style of his parents but instead he went to prison. While incarcerated he has become a poet, writes stories and has even helped to produce a video.

Amy Black was a 16 year old girl that got involved with an older man because she was being sexually abused by members of her family. She was a young girl that just wanted someone to love her and when she didn't get that love from home, she went looking elsewhere. She takes full responsibility for her actions and has done as much as she can do to rehabilitate herself.

These are only three examples of our young men and women that deserve consideration for a second chance. We need you to vote to allow our judges and parole board to look at their files and see that they weren't given a fair chance at life to begin with. We are not minimizing their criminal acts, but they deserve a second chance. We don't let our juvenile's vote, smoke, drink, sign contracts or consent to sex, but we can punish them as if they were adults and throw them away. Sit back and think about when you were 15 or 16, are you the same person you were back then or have you matured?

AWEC

Association of Women Executives in Corrections

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Affiliates

American Correctional Association
American Probation & Parole Association

"EACH ONE . . . TEACH ONE"

August 27, 2013

RE: Creating Fair and age-appropriate sentences for children in Michigan who commit serious crimes

Dear Michigan Legislators:

The Association of Women Executives in Corrections (AWEC) writes to encourage the Michigan legislature to pass legislation that recognizes the differences between children and adults, and a child's unique capacity to transform their lives if given the opportunity.

AWEC strongly believes that as we hold children accountable for their actions, we should do so in a way that considers their youthfulness and capacity for change. AWEC's Mission is to provide leadership development for executive women, to support the career advancement of women in corrections and to promote informed discussion of correctional issues in an atmosphere of mutual respect.

Currently in Michigan, children charged with certain crimes are automatically tried in adult court and subject to mandatory lengthy adult prison terms, including life without the possibility of parole.

As an organization that serves as a voice for sound correctional policies, which rely on research based practices, we understand the unique capacity of youth for change and rehabilitation, and we strongly believe that children should be held responsible for their actions in an age appropriate manner. We know that youth are fundamentally different from adults and their brains—not just their bodies—are still developing. Children do not have adult levels of judgment, impulse control, or ability to assess risks, and we know that they are more susceptible than adults to negative influences and outside pressures, including peer pressure. Despite these fundamental differences between youth and adults, current law denies many juveniles the chance to show they have grown, matured, worked hard to change their ways, and made amends for their mistakes.

We believe that no child should be condemned to a lifetime behind bars without opportunities for a second look. Therefore, AWEC urges Michigan legislators to create a sentencing scheme that holds youth accountable for their actions in a fair and age-appropriate manner. Specifically, we encourage Michigan policymakers to eliminate life-without-parole sentences for juveniles and provide opportunities for sentence review. Children who have been convicted of serious crimes should take responsibility for their actions, learn from their mistakes, rehabilitate themselves, and be given the hope of one day re-entering society as productive citizens.

On behalf of AWEC, we thank you for your attention to this important matter and look forward to partnering with you in the coming months.

Sincerely,

Kathy Waters

Kathy Waters, President
Association of Women Executives in Corrections

Each One....Teach One

Creating Heroes Stephen's Way

2019 E MICHIGAN AVE, Lansing Michigan 48912 Director: Monica Jahner

Thank you all for your efforts and the consideration for the difficult task you have in front of you. We pray that you will give the House Bills serious and fair consideration. The issues in front of you are so important to an issue of cruel and unusual punishment, with the House Bills you do protect public safety by allowing the parole board and sentencing judges the opportunity to punish the prisoners with some discretion and allowing the parole board to release when they feel they can secure the public safety.

I myself spent 28 years in prison and was serving a "life" sentence, and while I was not a juvenile by definition I was a young 18 year old that made all the wrong decisions and because of that someone just about died because of my bad judgment. I think back as to whom I was in 1975, and I was nothing more than a confused child, with so much dysfunction in my life and no real concept from right and wrong or consequences. While in prison I did everything that I could do to rehabilitate myself, and become the better person. I got a Bachelors and Associates Degree, I am a paralegal, started all types of programs inside. I mentored the juvenile females in prison, where they are housed with adults, so I have seen and heard the other side to what took them to prison. I took the bad experiences in my life and learned from them, and have spent my life trying to give back and help others, others would do the same if you gave them the chance.

After my 28 years I have come back to society and I am the director of a grass roots re entry program, I sit on the Prison Correction Section of the State Bar, I sit as a Corrections Advisory Board member that has created a PA 511 program as an alternative to incarceration. In this program I have clients that are 17-23 and each one had so much dysfunction in their life , no direction or someone that cares. After seeing the lives of our young kids, I realized that most of these youth just don't have a chance, so I created a mentoring program called "Creating Heroes Stephens Way". I want to save our kids and give them direction, so I am involved in all the different agencies to bring a different input to the table. I get poems from these juvenile lifers and do a yearly "Prisoner Poetry Reading" so that I can share the stories of our prisoners. If you could read the emotion in these poems, it would let you see the human side to those that made some bad choices. I have all ready got many of the juvenile lifers that want to get involved in helping other kids if they can get out, there is no one better to help those kids that are all ready involved in the criminal justice system.

So many lifers have come out here and become very successful once released, and if you give these juveniles that opportunity you will not only be serving justice, but saving tax payers dollars when the prisoner could become a tax paying citizen instead of a burden on tax payers. Jennifer Grandholm took a chance and commuted many first degree murder cases, and they are all doing amazing,and have not reoffended and they are now some very successful people in our community, including myself.

If only you as legislators would look at where these juveniles came from and their history and growth, you will find many that would be wonderful candidates for parole. Let the parole board or court decide their fate NOW. Make this retroactive, let them have a parole interview after 15 years, let a judge decide if they deserve that second chance, give them an opportunity to make you proud of your decision to give a second chance.

I invite all of you to come hear the stories of our juveniles, I invite you to come and see the young men and women that we have in our PA 511 program, these stories are heartbreaking. We only hear of the crime that led the child to prison, we never hear of the life they had to live to survive in this world alone. I have the stories if anyone is interested in hearing them.

Monica Jahner

Michigan PTA
everychild.onevoice.

Michigan Parent Teacher Association
1390 Eisenhower Place
Ann Arbor, MI 48108
(Phone) 734-975-9500 (Fax) 734-677-2407

Michigan PTA mobilizes the forces of school, home, and community in order to ensure a quality education and nurturing environment for every child.

August 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P.O. Box 30014
Lansing, MI 48909

Dear Senator Jones and Representative Heise:

On behalf of the Michigan Parent Teacher Association (PTA), I commend the efforts of both the House and Senate to end the mandatory sentencing of juveniles to life in prison without parole and write in support of House Bills 4806-4809 and Senate Bills 318-319. It is time that Michigan's laws are brought into compliance with the U.S. Supreme Court ruling from June 2012 that declared these mandatory sentences unconstitutional.

Protecting the rights of children and youth in trouble has long been at the core of PTA's advocacy work. As early as 1899, PTA convention delegates passed a resolution supporting the extension of juvenile courts and probation systems to protect children and youth from being incarcerated with adult criminals. Over 110 years later, our work to speak up for Michigan's most vulnerable – children and youth – continues. Ensuring there is a mechanism to review cases of life without parole for individuals who committed a crime prior to turning 18 is a critically important step to addressing the one-size fits all sentencing that does not take into account life experiences and variables that may impact a youth's decision-making. The Supreme Court decision was based largely on the fact that children are not "mini-adults", something every parent knows from experience.

Michigan currently has approximately 360 individuals serving mandatory life for crimes committed before 18. We support legislation that establishes a mechanism for potential parole review and resentencing of those juvenile lifers who deserve a second chance and that provides guidelines going forward for consideration of the factors that differentiate juvenile offenders from adult offenders in sentencing.

We urge you to consider moving these bills forward and putting an end to these mandatory sentences. Thank you for your time and consideration.

Sincerely,

Sandra A. York
Executive Director

August, 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P.O. Box 30014
Lansing, MI 48909

Dear Senator Rick Jones and Representative Kurt Heise:

My name is Tammi Smith. I support the intent of House Bills 4806-4809 and Senate Bills 318-319, which will end the mandatory sentencing of juveniles to life in prison without parole, and provide guidelines for review and resentencing of those juvenile offenders serving life who meet the conditions set forth in the bills.

I grew up in the same dysfunctional household in Grand Rapids, Michigan, as my half-brother, Robert Sellon, whom I always thought of as my full brother. When I was not quite 15-years-old, my mother threw me, Robert and our other siblings out of the house. We all went in separate directions. Robert was already spending most of his time managing a local pool hall, so that simply became his residence.

On the night of October 26, 1981, two 17-year-old brothers, David and Michael Samel, went to the pool hall where Robert lived. They had heard a drug shipment was being stored there. Since both brothers suffered drug addiction and were in desperate need of money, they headed to the pool hall intending to steal the shipment. However, the information they received was wrong. Once they realized that there were no drugs at the pool hall, they decided to rob Robert. He put up a fight, and the two brothers beat him to death. At his trial, Michael pled guilty to second-degree murder and received a prison sentence. David's counsel believed that, because Michael had pled guilty, David's case would be dismissed. However, his case not only proceeded to trial on first degree murder, but also resulted in a sentence of life in prison without parole for David.

Initially, I was enraged by what these boys had done to Robert, and I hoped that the Samels would be imprisoned for the rest of their lives for their crime. Prior to David being transferred from pre-trial detention to permanent incarceration, I visited him only to express hatred of him face-to-face. However, this opportunity to express my anger to the offender did not provide me with the closure I desired.

As the years went on, I looked to my Christian faith to help me work through my anger, and eventually forgave the Samels for their crime. Yet even after embracing

forgiveness, there was still an unresolved question that prevented me from achieving closure: What kind of adults had Michael and David become in prison? The question haunted me. In 2001, when I realized that Michael would soon be released from prison, me and my half-sister started corresponding with both Samels brothers and were able to visit them in prison. As we learned more about them, we saw that they were no longer drug-addicted, naive teenagers, but mature adult men who felt extreme remorse for the crime committed in their youth. David has talked about how childish he was. David has even expressed to me that if he could give his life to bring my brother back, he would.

Michael has now been released, but David remains in prison. I am in favor of, and will help to seek, David's release. He would be a better person out than wasting his life just sitting in prison -- he could give something back.

I hope you will consider helping to move these bills forward. Please help put an end to the mandatory sentencing of young people in our state to life in prison, and provide those currently serving such sentences a meaningful opportunity for review. Thank you for your time and consideration.

Sincerely,

Tammi Smith
Grand Rapids, MI

August 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P.O.Box 30014
Lansing, MI 48909

Dear Senator Rick Jones and Representative Kurt Heise:

Thank you for taking time to address my concerns regarding Juvenile Life Without Parole in Michigan. The great state of Michigan has been a progressive and moral leader for centuries becoming the first English-speaking territory in the world to abolish the death penalty in 1847. Sadly, I have had personal experience with the tragedy of murder and have learned more than I ever wanted to know about our judicial system with its strengths and its most serious flaws. I feel compelled to speak out against JLWP for a number of reasons. The most important reason, the one that weighs heaviest in my heart is perhaps the least obvious; it is the utter and complete lack of hope at the core of sentencing children to spend their entire lives in prison and the devastating, enduring impact it has on the families of both the victim and the offender and our entire society.

My life changed forever the night I received the call that my beautiful daughter and her roommate had been brutally murdered on November 1, 2004. A shroud of darkness fell over me and I could not breathe. It was inconceivable that the vibrant, shining essence which for twenty-six years had been Leslie Ann Mazzara, the light of my life, my flesh and blood, my youngest child, could be gone forever. Her beautiful and promising life was stolen that night in an act of terror; in a gruesome act of selfish anger and rage. I was thrust on a journey through hell seemingly without end, and began a mother's mission to make meaning out of the meaningless.

My Unitarian Universalist faith teaches that all will ultimately be reconciled with God, even murderers. Remarkably, Jesus was capable of forgiving his own murderers as he suffered on the cross. As a UU minister, I seek to follow the teachings and the example of Jesus, but forgiving the murderer of my daughter for the loss of my never-to-be-born grandchildren; babies that my arms ache to hold, still seems inconceivable to me. However, I know that if I don't walk towards that hope, I will be doomed to dwell in despair and pain forever. It is about choosing life, again and again, day after day. It's about making our tears holy and keeping our broken hearts open. Life without parole for juvenile offenders holds us hostage, stagnating our hope, compounding the tragedy, and escalating the conflict resulting only in more victims.

We will begin to heal ourselves and our world when we refuse to participate in perpetuating the cycle of violence. Please help our great state make a powerful statement of hope to the rest of the country and to the entire world. We must choose a better path; a path of restorative justice.

We will only make our world safe by creating loving and safe homes for every child. This is what true justice looks like. Let us invest in making certain that all children have the opportunity to grow up to be healthy, whole adults. We will change the world one child at a time, and then we can dare to dream that one day no mother's child will grow up to be a murderer.

Sincerely,

Reverend Cathy Harrington
818 N Rath Avenue
Ludington, MI 49431

August, 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P.O. Box 30014
Lansing, MI 48909

Dear Senator Rick Jones and Representative Kurt Heise:

My name is Toni Bunton. When I was a 17 year old I was sentenced to 25 to 50 years in prison for my role in a marijuana deal turned armed robbery turned murder. I served 16 ½ years before my sentenced was commuted by Governor Jennifer Granholm. After my release I was on supervised parole for four years. I completed all requirements and was discharged a year ago.

Here's what I've done in the past five years: I am a business owner, a homeowner, a new mom and I have a life partner. I pay taxes and give to my community through charity and service. I earned a Master Degree from the university of Michigan and worked as a community organizer in Southwest Detroit.

I will admit that coming out of prison after serving my entire adult life behind bars was very difficult and sometimes traumatic. Because I had served 16 ½ years in prison I had learned very early in life to work hard and never give up hope. That perseverance, that I learned while incarcerated, is what helped get through every challenge I faced. Hope lives in every fiber of my being. Hope is what kept me alive in prison and hope is what pushes me, still, today.

I support the new "hopeful" JLWOP legislation because it will give men and women who have been incarcerated for decades HOPE. This new legislation isn't a 'get out of jail' free card rather it's a new process that will allow the Michigan Parole Board to use their skill and judgment to select potential candidates for parole. If the candidates pass the rigorous public hearing process then, and only then, will they be released on supervised parole. This legislation is necessary because it gives hope to men and women who were children at the time of their crime and most likely had a neglectful or abusive childhood.

Finally, I believe in the Michigan Parole Board and our parole agents. I can attest to the thorough job both agencies do to protect our communities. I urge our legislators to pass the JLWOP laws because we no longer can afford to ignore the men and women who have served decades and deserve a fair review and the agencies that we pay to do these reviews should be able to have the "jurisdiction" they need to do their job.

Thank you for your time and consideration.

Toni Bunton

August, 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
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Dear Senator Rick Jones and Representative Kurt Heise:

I support House Bills 4806-4809 and Senate Bills 318-319, which will end the mandatory sentencing of juveniles to life in prison without parole, and provide guidelines for review and resentencing of those juvenile offenders serving life who meet the conditions set forth in the bills.

I am married to Timothy Ray Carigon, 254039. The incident for which he is incarcerated occurred in 1980, when he was 17 years old. He was arrested and incarcerated in 1996, 16 years after the incident occurred. He is currently 50 years old.

I am in support of these bills, because I know that the reform is needed to have the Juvenile Lifers under the jurisdiction of the parole board; that has now been mandated through the case of Hill v. Snyder, and needs to be resolved. The juveniles are being discriminated against currently. They need to be able to, after serving their minimum sentences, be able to qualify for review by the parole board, as well as to be able to be considered for commutations.

I am in support of these bills, also because, I do not believe in mandatory sentences for these young people. Mandatory sentences unfairly place the burden of sentencing onto the jury members, whose only responsibility under the constitution is to hand down a verdict. Our judges are the ones who are to hand down the sentence, and need to be able to do so, based on the individual circumstances of each case. Our current 'one size fits all' practice of mandatory sentencing is unfair and unconstitutional, in my view.

My husband had a clear record for the 16 years before he was brought in by the State A.G. in 1996. He has a clean file to date while housed by the M.D.O.C. Tim has grown tremendously, since the tragic events that occurred in 1980; Tim straightened himself up then, and continued to grow while incarcerated. He participates in many activities, classes, and gardening, which feeds the women's shelter in Muskegon. He has been selected by Warden Mary Bergeus, to participate in the newest pilot project known as 'The Peace Keepers'. He speaks to me often of wanting to contribute to the tax base in our

state and to be productive in society, instead of having tax payer dollars used to support him.

I hope you will consider helping to move these bills forward. Please help put an end to the mandatory sentencing of young people in our state to life in prison, and provide those currently serving such sentences a meaningful opportunity for review. Thank you for your time and consideration.

Sincerely,

JoEllen J Carigon
132 Jackson St
Saranac, MI 48881

August 2013

A letter of support for youths sentenced to life without parole, and my brothers story, Patrick McLemore # 302122

At 16 years old, without any criminal record, my brother Patrick James McLemore (PJ) was walking with 19 year old Nathan Reed who, unknowing to PJ, had a history of armed robbery, assault & battery, & rape charges. Nathan trespassed into a house while PJ hid outdoors. After some time Nathan called PJ to come in. PJ had found that Nathan had killed the resident. Alone with the killer, PJ had to stay and appease Nathan. Help him, do what he says. The next day PJ did not tell. He was afraid & immature. He just kept quiet. Biggest mistake. Days later, both arrested. Prosecutor wanted separate trials. Nathan, failing a lie detector, took the plea bargain, 25 years. PJ, who did not commit murder, or was even on the property when the murder occurred, in agreement with family & attorney Dennis Lazar, went to trial believing the truth would be revealed & appropriate sentencing would follow. I was about to witness my first trial & learn it was not about the truth or even about my brother as much as it was the prosecutor doing everything possible to win. He did not allow testimonies of people who witnessed Nathans confession. He did not allow PJ 's parents in any of the court proceedings or sentencing stating they could be used as witnesses. Bologna, and they never were called. We were not allowed to mention what Nathan had done or that he even was there because of the prosecutors arrangement of separate trials. Pretty sneaky Prosecutor. The truth was the whole angle of our case but we were not allowed to tell it. We learned after the trial that our lawyer was a previous teacher of the prosecuting attorney. I believe that is a conflict of interest however neither of them disclosed this. My brother accounted for everything he wore that night. Nathans clothes and shoes were missing. Nathan had all of the victims property at his house. PJ had nothing. PJ had a small small spec of the victims blood on the side of his shoe from helping Nathan. Nathan bludgeoned the man to death spraying blood on the walls and ceiling, soaking his clothes and shoes in blood. Nathans shoes, by footprints taken, were not accountable. By suppressing the truth & the obvious & the facts, the prosecutor was able to squeeze a guilty verdict from the jury. You must be so proud prosecutor.

My family and i joined a support group called "second chances" for juveniles sentenced to life without parole. By talking with these families i have heard many stories and one rings over and over. The youth took the blame by instruction from the adult being told they will go easy on the youth. So many youths are sentenced to life without parole for crimes they did not do and were conned into taking the blame. "second chances" proposed 4 Bills to congress that would allow these juveniles without parole to be eligible for a board review at some time. The Supreme court recently agreed. Thank you & thank god. These bills do not let people out but allow them to be reviewed. What I have learned is these youths will be retried & resentenced. My brother PJ has served nearly 20 years so far. He is still a good person. He has earned his diploma and tries to get involved in trade school when available. His only tickets in prison have been from defending himself. I have known Patrick from birth. He is a good hearted, caring person who thought it was only going to be mischief that night. Please be fair & just.

A supportive brother & second chances member, Anthony Grignani 810-250-1351

August 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P. O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
House Committee on Criminal Justice Chairman
N-699 House Office Building
P. O. Box 30014
Lansing, MI 48909

Dear Senator Rick Jones and Representative Kurt Heise:

I support House Bills 4806-4809 and Senate Bills 318-319, which will end the mandatory sentencing of juveniles to life in prison without parole, and provide guideline for review and resentencing of those juvenile offenders serving life who meet the conditions set forth in the bills.

I am (Angela Beaver) the sister of inmate Walter Miller #185506 who has been incarcerated since April 1986 at the age of 16. Walter Miller #185506 is now 44 years old and has spent his entire adult life behind bars under the life without parole sentencing.

These bills will allow my brother Walter and other juveniles to have a fair and actual review from the parole board to show that a person can make a mistake as a juvenile and be rehabilitated in the process.

Walter Miller #185506 was an intelligent 16 year young man, who played sports with the ideal beliefs of what life had to offer. He has educated himself in two different fields (culinary & building /trade) in order to become employable upon release from prison. He has shown growth and maturity throughout the years of incarceration. His faith in God is stronger today. The sentencing of juveniles to life without paroles does not allow a juvenile a chance to show that with time you can change and improve on the person you once were.

I hope you will consider helping to move these bills forward. Please help put an end to the mandatory sentencing of young people in our state to life in prison, and provide those currently serving such sentences a meaningful opportunity for review. Thank you for your time and consideration.

Sincerely,

Angela Beaver
24285 Wildbrook Ct
Southfield, MI 48034

August, 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
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My son is Brandon Harrington his inmate number is 248519. He was convicted of life in prison in 2006 at the age of 18. He was 17, at the time the crime was committed and he is currently 36 years old.

I support the bills listed above because they indicate that a juvenile that commits a crime should still be punished as a juvenile. A juvenile lacks the capacity to enter into a contract of any type due to their inability to make a sound decision. To punish and treat someone who is a child as if he or she is an adult only when a crime had been committed is wrong. The difference between a seventeen year old child and 36 year old man is very large. Children usually don't see past tomorrow.

Sincerely,

Bill Harrington

28910 Monterey Dr.

Southfield, MI 48076

August 27, 2013

The Honorable Rick Jones,
Senate Judiciary Committee Chairman
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

The Honorable Kurt Heise,
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Dear Senator Rick Jones and Representative Kurt Heise:

I support House Bills 4806-4809 and Senate Bills 318-319, which will end the mandatory sentencing of juveniles to life in prison without parole, and provide guidelines for review and resentencing of those juvenile offenders serving life who meet the conditions set forth in the bills.

My husband is a juvenile lifer that has served 36 years in prison. His name is Michael Calvin #150349. He was sent to prison in 1977 at the age of 16 years old. I have known him since before his incarceration. I have seen him grow from a reckless teenager into a man with morals and principles. I have witnessed his determination and will despite his circumstances to try and reach out to other youth, and try to educate and counsel them in an effort to keep them from ending up in the same situation. His efforts help to enlighten my son who I am proud to say that at age 27 years old, has never been to prison, which is feat in itself in our society. Michael has worked very hard to rehabilitate himself. He has taken advantage of every class and trade available to him. He loves to sew, read, workout and coaches sports (since he is no longer able to play due to knee replacements). He has plans for a productive future. I know that he will be a positive impact on his community and he has a great family support system.

These bills are important for many reasons, the most obvious being that children are impressionable, reckless, easily misled, immature, ignorant and sometimes just plain stupid. But they are our children and we have a responsibility to them. We as a society have to start taking better care of them and we cannot be so quick to just throw them away. Sending them to prison for the rest of their lives sends the wrong message. It sends a message that they in most cases have already heard, "that they are not worthy" and the truth of the matter is that a few may not be but how will we know if we don't give them a chance to try and prove themselves worthy at some point.

I hope you will consider helping to move these bills forward. Please help put an end to the mandatory sentencing of young people in our state to life in prison, and provide those currently serving such sentences a meaningful opportunity for review. Thank you for your time and consideration.

Sincerely,

Kimberly Craighead-Calvin
1300 E. Lafayette Apt. 605
Detroit, Michigan 48207

SOUL DRIVEN, COLD WORLD, LONG DISTANCE
NO CHILDREN, FEW WISHES, SO DIFFERENT

A LIST OF GIFTS, SMILING LIPS, HAPPY FACES
LIVING LIFE, LEARNING PATIENCE, STRIVE FOR GREATNESS

LATELY I MEDITATE TO ELEVATE MY THOUGHTS,
I THINK ABOUT THE COST OF MY GROWTH, THE PRICE,
THE LOSS WEIGHS HEAVY ON MY HEART, I TOOK A LIFE,
NOT EASY SO I THINK OF CHRIST,
AND I ASK TO BE FORGIVEN AND GIVEN A SECOND CHANCE,

I WAS SIXTEEN TRAPPED IN A SICK SCHEME THAT HANDED ME ILLUSIONS NOT REALITY
A SICK DREAM, BETTER YET A NIGHTMARE,
AND I KNEW WRONG FROM RIGHT, YEAH
BUT I WAS SO HIGH I COULDV'E TOOK A FLIGHT HERE, THEN,

I MAKE NO EXCUSE,
HOWEVER IN YOUTH, AS CHILDREN,
THE BUILDING OF THE MIND IS INCOMPLETE AND UNDERDEVELOPED IS THE BRAIN,

SO, WHEN THE PAIN & FRUSTRATION OF ABUSE IN RELATIONS OR THE TEARS AND SOBS FROM MOM CAN'T BE CALMED OR CONTROLLED,
HOW CAN A CHILD EMOTIONALLY THROWN LEARN TO HOLD WITHIN WHAT HAS CLEARLY TOOK A TOLL ON THEM SINCE CONCEPTION/

IT TOOK PRISON FOR REFLECTION,
THE YEARS AND YEARS OF PINNED UP AGGRESSION ARE NOW LESSONS,

MY PERCEPTION HAS CHANGED TO ONE OF PROGRESSION,
A CLEAR VIEW OF PERFECTION STRIVED FOR DAILY, A BLESSING

I'M A MAN NOW GUIDED BY FAITH,
UNDERSTANDING THIS RACE WAS NEVER TO THE SWIFT,

I'VE ENDURED AND I PRAY AND LOOK FORWARD TO REASSURING SOCIETY THAT WHAT I DID IS NOT WHO I AM,

IT'S BEHIND ME, AND COULD NEVER DEFINE ME!

My name is Paul Marcus Carter and I'm on my 18th year. I have grown tremendously and continue to grow. I know that as hard as it may seem for some to even think about granting a second chance. I do also know that we could never put a period on a person's life until their life is over.
I am a living testament that no matter how hard or strenuous the situation of life may be. Determination, Drive and Focus with a Strong Will & Faith can change any reality.
Contact info: PAUL M. CARTER 250980
MICHIGAN REFORMATORY
1342 W. MAIN ST.
IONIA, MI 48846
THANK YOU ALL FOR YOUR TIME AND COMMITMENT TO THIS VERY WORTHY CAUSE.

Andre Calloway #208079
Bellamy Creek Correctional Facility
1727 W. Bluewater Hwy.
Ionia, Michigan – 48846

"Every sinner has a future
and every saint has a past."

Greetings:

Senators, House of Representatives, victim families and supporters... On behalf of all juvenile lifers, I would like to thank everyone for attending this meeting. To the lawmakers of this state, your devotion to secure the safety and progressive growth of Michigan and its citizens is greatly appreciated; and to the people of our society who were victimized by my actions 24 years ago, and the foolish actions of teenagers like me, I am deeply sorry.

My name is Andre Maurice Calloway. I'm currently incarcerated at the Bellamy Creek Correctional Facility. I'm writing regarding the House/Senate bills presented which deal with the state's treatment of juveniles who fall into the criminal justice system for adult offenses in this state, and also to acknowledge my accountability; display my remorse and to exemplify my growth and maturity.

At the age of 16, I committed a horrific crime. I took the life of a fellow human being and seriously injured two others in a dispute over something as petty as drugs and money. As a teenager I thought I knew everything, wanting to be accepted I failed to overcome the pitfalls of peer pressure. I did not understand the importance of education, nor did I understand the true meaning of love, life or death. As a juvenile, my inability to fully comprehend the laws of society allowed me to develop a disregard for them which ultimately landed me in prison, a place where I quickly realized that all the odds are stacked against a person being successful in the area of rehabilitation. So in order for me to succeed in this environment I had to do more with less. This is not a cry for pity, it's just my way of showing that I'm truly remorseful for the acts committed in the past, and the only way that I can make amends is by improving and asking for

forgiveness. I seek refuge in God asking for forgiveness, guidance, strength, knowledge and understanding to be able to carry on with my life. I shall continue to live my life in apology without fear or shame to those who fell victim to my senseless acts as a juvenile.

Regardless of my current conditions, my subconscious mind must have known something good was in store for my future that my conscious mind could not fathom. Why else would I have worked so hard to build myself up spiritually, mentally, morally and physically? Why do anything productive if I see myself dying behind bars? It would have been much easier for me to have lost all hope and continued living a life that was fit for a savage and not that of a maturing young man. It would have been much easier to conform to the ways of adult prison life and tried to fit into a world that I knew was not the one I really wanted to be in. I didn't choose the easy path, I took the road less travelled, knowing that change was necessary, so far the past 24 years in a world that houses the worst mind-sets of human beings, where hope is lost, and failure is acceptable, I chose as a young man to defy the odds and inspired myself to be a better person.

Understanding that most people deemed me irredeemable, I was determined not to fail in life just because I was in prison, vowing never to allow my environment or circumstances to define me as a person. I since earned by G.E.D., completed all necessary recommendations dealing with substance abuse and group counseling, earned several vocational trade skills and have exhausted all available resources of programs that will help me while working hard to further my education so just in case I am one day given the opportunity of a second chance in society, I will be able to handle the struggles of life and produce thoughts and actions that lead to success.

I have an aim and purpose, I'm mature enough to understand the value of integrity; this being my only way to pay my debt to society, so I strive daily to do what is right, I don't do what's right so that I may receive a parole, because at this stage – the parole board is ordered to show no interest in those of us who are serving this type of extensive sentence. But this has not, and will not deter me from doing what is right according to the new standards of my life.

Ronald Wiliams #191260
1727 W. Bluewater Hwy.
Ionia, Michigan – 48846

Greetings:

THANK YOU FOR YOUR ATTENTION… My name is Ronald Williams, I am a juvenile lifer. I've been incarcerated for 27 years, since the age of 17. The Honorable Jennifer Granholm once stated during a State of the State address, "…When it comes to the issue of corrections, we must be wise enough to determine those who we are afraid of, and those offenders who are just mad at…"

First and foremost, the act of taking a life, regardless of the circumstance, is an ugly act. A mature minded individual understands that life is not theirs to take from anyone. A mature minded individual also understands the impact of his/her actions, measures the probabilities before taking action and understands the gravity and weight their actions produce.

I grew up not knowing my father because he was suspected of having participated in the death of my grandmother. My mother was in and out of prison from the time I was 5 to 13 years of age. She battled with drug addiction, trying to cope with the idea that the father of her only child had been involved in the death of her mother. My childhood, because of the periods of incarceration for my mother, was far from stable. Like other children, I wanted a normal life – I had family members that loved me, cared for me – but the stability for me was not there, because my mother wasn't present. In elementary to jr. high school, my grades were awful. I was in the principal's officer on a regular basis for unruly conduct and disturbing class. It seems the things that attracted me were the same things that distracted me from focusing on my work. At age 13, my father was allowed into my life and his influence helped to produce a truant and often delinquent state of mind. Frankly, my father chose a lifestyle (drug dealing) that ultimately shattered my interest in school.

At the age of 15, my mother tried to get a grip on her life by moving to New York, New York. At this age I thought of myself as "grown", but in reality I was far from it. So, on my own, no longer under the supervision of either parent, I began to emulate the small world around me and I eventually familiarized myself with the dealing drugs.

Today, at age 43, I understand that I was responsible for selling death to my people. I played a part in the deterioration and destruction of my community by praying on the weakness of others. In August 2009, while being transferred to the Ryan Correctional Facility in Detroit, I witnessed first-hand the conditions of the neighborhoods I had played a role in destroying. I felt immediate guilt for my involvement, no matter how minute or insignificant, my influence was there and it was wrong.

As a mature minded man, I understand that my responsibility today, is to live the truth, speak the truth, and to enrich the lives of all young people that will listen to my story, examine my journey and understand that you can never be successful by preying on the lives of other people.

I didn't think about this as a teenager, in fact, even if I wanted to I was ill-equipped in life, and void of living examples that could have evoked change

in me at that time... This is in no way an attempt to shift blame and responsibility for my actions upon parents. The only one responsible for the crime I have served 27 years for is me... However, like myself, there are others juvenile lifers I've come to admire during my walk through the Michigan Prison System. They are men whose actions demonstrate that they are not the same individuals that entered prison years ago.

For a juvenile lifer, there is no reward system in the M.D.O.S. for good behavior. A man that decides to take a much more positive path chooses it because he doesn't want to fail in the same manner that led him to becoming a lifer in the first place.

I don't make light of the fact that a life was lost, and families shattered due to my actions. For this I am deeply sorry. We are given stories of the lives of prophets in the Bible to not only inspire, but to direct and compare for our own correction and success. One of those lives is the life of Moses. Moses as a young man took a life of another. Given the opportunity to mature, repent and contrite, he was allowed a second chance and was made fit to become a Man of God. And though he (Moses) committed an ugly act, God saw that he could be brought up, raised up, to lead the children of Israel out of their deplorable condition. God could have chosen anyone else and still achieved success – the point is God chose a sinner. In no way am I suggesting that I could fit into Moses' sandals – but his story continues to motivate and inspire me to be the best I can be – to be a better man and human being.

It is my prayer, not for just myself, but for those like me who made a terrible mistake, like God did Moses, not to be treated as throw-aways, trash. The one thing that is certain, a single action does not define who you are—what you continue to do is how our lives should be measured.

I live my life today like an open book. I was 17 years old, never thought about the future impact of my actions. 27 years later, I spend my days and nights in meaningful dialogue with young men inspiring to invoke change in their thinking that prison will never be their reality again... I don't do it for applause or credit, I do it because as an adult I understand how I impact my community and the world around me.

It is my hope these factors are taken into consideration in your decision making. Because I believe that the actions of the 350 juvenile lifers in this state can at any time be read and those who prove their maturity, rehabilitation and even contrite through a pattern of positive behavior while incarcerated – should receive the benefit of not being viewed as those that should be feared...

THANK YOU FOR YOUR TIME.
Sincerely,
Ronald Williams

Mr. Diarra Kenyatta (Bryant)
Bellamy Creek Correctional Facility
1727 Bluewater Hwy.
Ionia, Michigan – 48846

August 20, 2013

"One of the greatest challenges faced in life
is developing the will, determination and discipline to change."

Good Afternoon:

I trust that the honorable members of this legislative panel will allow the contents of this open letter to represent me in my absence; and furthermore, I humbly ask of those whose lives have been touched by senseless violence, resulting from the wayward behavior, immaturity, and utter ignorance of misguided youth, to grant me the opportunity to offer your heart my sincere apology for the errors of "our" ways.

My name is Diarra Kenyatta (Bryant). I am 34 years old and currently under incarceration as a juvenile lifer here in the state of Michigan. At the age of 17, I was charged, convicted and sentenced as an adult for my involvement in a terrible incident which claimed the life of another human being. The most valuable lesson I have learned during the course of this prison experience deals with the human expression of sympathy and remorse. Both are moral values and characteristics which identify a person's level of humanity and help to shape their views of society.

As a child who voluntarily forfeited my life to the adult criminal justice system, I was determined from day one to correct my character flaws and overcome the stigma placed upon me due to my errors in judgment. This couldn't be possible unless I was willing to first acknowledge my faults, and take responsibility for the thoughts and actions that led me here. In doing so, this began the healing process, and is the primary motivation for my desire and willingness to courageously utter the words: I AM SORRY FOR WHAT I'VE DONE... I apologize not only for myself, but on behalf of those juvenile lifers who have died in prison from social neglect; who have suffered quietly, and worked diligently year in and year out to prevail against a "super-predator".

Due to the overwhelming amount of criminal acts being perpetrated against the citizens in this country, I have become an advocate of harsh punishment. But I also understand that second chances are a

principle for which this country was founded. I honestly believe that second chances should be given to those of us who have deserved them. I am one who has worked hard to qualify for myself a second chance in life. My first chance was surrendered to ignorance, peer pressure and an inordinate view of myself. If allowed by the community, made permissible by the Victim Rights Organization, approved by this legislative panel and carefully scrutinized by the parole board members, I assure you that I will not fail this State! I will not fail my family! I will not fail myself! And I will not fail my God!

Thank you for your time and patience in the above matter.

KIND REGARDS

DIARRA KENYATTA

"The solution to a complex problem is often found within the problem itself."

Detroit Free Press

Editorial: Finally, an end to juvenile life without parole in Michigan

August 14, 2013

Michigan's practice of automatically sentencing some juvenile criminals to life sentences without the possibility of parole was shameful, and it didn't deserve any reprieve when the Supreme Court ruled it constitutionally cruel and unusual last year.

It was a barbaric sentencing guideline, tantamount to the gulag and other less-than-civilized practices.

Society doesn't treat kids like adults in other ways. They don't vote; they can't serve in the military, and they can't drink — all because their minds are not fully formed and their judgment hasn't reached the maturity we expect from full citizens.

Still, Attorney General Bill Schuette wrongly tried to cling to Michigan's juvenile-lifer past: He argued that most current inmates sentenced under the rule should not be granted new hearings. Only a handful of inmates who challenged their sentences, along with all future convicts, would benefit from the high court's ruling, under Schuette's plan.

On Monday, a federal district court judge in Detroit gave Schuette the right answer: no way. Judge Corbett O'Meara struck an important blow for justice, saying every Michigan inmate sentenced to life without parole as a juvenile must have a chance for parole.

That's the only way to assure equal application of the rule of law. And it's the only way to wipe the stain completely from Michigan's get-tough past, which saw it hand down 350 of the 2,200 juvenile life sentences nationwide.

Some advice for Schuette, who has said he plans to appeal the decision: Let's have that be the last word on this, huh? Don't appeal the ruling, or press the issue. It's time for Michigan to move on to a future structured by more rational thought about young minds.

New hearings for Michigan's juvenile-lifers won't mean parole for all of them. They'd still need to meet the standard for release: If they're deemed threats or haven't proved sufficiently rehabilitated, they'll stay in prison.

But the new hearings give these inmates a chance (one the high court says they have been unconstitutionally denied) to show that their crimes were mistakes they've learned from, and to make a case for a shot at a normal, productive life outside of prison.

It's amazing that this state ever looked at young people, no matter how horrid their crimes, and decided that they were lost causes who needed to be behind prison bars for an eternity. That speaks volumes about how far our culture has veered from the tenets of nurture and forgiveness, and toward intolerance and punishment. And let's be clear: About half of those incarcerated for life as juveniles didn't kill anyone; rather, these kids were aiders and abettors.

No doubt, children who kill — or serve as accomplice to murder or other crimes — must be dealt with, and justice demands incarceration. But science now tells us so much about the juvenile inability to make adult decisions, and that suggests an important redemptive quality that automatic life-without-parole sentences ignore.

The high court was right to give every state a cultural jolt by declaring that where kids are involved, automatic life sentences are unacceptable.

Michigan's attempt to balk at fully embracing that notion was unfortunate. With the federal district court ruling, it should now be over.

Gingrich, Nolan: Young offenders can regain public's trust

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Teenagers often do stupid and dangerous things without thinking about the consequences. Adolescents' minds work differently than adults' minds. They are often impetuous, lack maturity and have an underdeveloped sense of responsibility. They have less ability to control their surroundings than adults. They are more susceptible to negative influences and outside pressures, particularly peer pressure.

Scientific studies show that teenagers' abilities to understand the consequences of their actions are not fully developed until they are young adults. Parents don't need studies to understand this; and our laws take this into account. We don't let young people drink until they are 21; they can't sign contracts, marry without their parents' permission, vote or serve on juries until they are 18.

However, there is one area in which we don't consider teens' youth and impulsiveness: our criminal laws. Our laws often ignore the difference between adults and teens, and some youngsters commit serious crimes and are sent to prison for so many years that they end up serving what are, in effect, life sentences. Currently, if a juvenile commits a serious crime and is prosecuted as an adult, he or she has no opportunity for judicial review outside of the ordinary appeals. This provides no opportunity for rehabilitation.

The California Assembly will soon vote on SB 260, a bill that takes the potential for change into account by providing the opportunity for review hearings.

In order to be eligible for such a hearing, offenders must pay their debt to their victims by serving 15-25 years of their sentence (depending on the gravity of the offense). That is no "easy stretch." In fact, it is more than half of their lives. And even then, they will not be automatically released. They must show the Board of Parole Hearings that they have participated in programs that prepare them to support themselves and stay on the straight and narrow when they are released. They must also convince the board that they are remorseful and have changed so they no longer pose a threat to the community.

If the board is convinced that the individuals have turned their lives around, they will give them parole dates. For every individual granted release, the public will save at least $474,000 for each 10 years cut off his or her sentence. If the sentence is cut by 30 years, the state will save well over $1.4 million.

In addition, this will save the state from bearing increasing medical costs, which grow higher as inmates grow older. It is estimated that medical costs of elderly inmates are three times the cost of the average inmate. And older inmates often need to be housed in geriatric units at great expense to the taxpayer.

As conservative Republicans, we believe that people who have done heinous crimes must pay their debts to their victims and be separated from our communities to protect public safety. That is what prisons are for. But we are also Christians and know that redemption is possible. We know offenders who have made remarkable transformations in their lives. Youngsters can and do change. In fact, juveniles have a greater capacity than adults to turn their lives around.

Wouldn't it be better to at least consider whether they have matured, made efforts to reconcile with their victims and improved themselves after serving long stretches in prison?

Doesn't it make sense to provide incentives for them to earn the public's trust back by taking responsibility for their actions and transforming their character and behavior?

Allowing young offenders to apply for review hearings will provide an incentive to take responsibility and express remorse for their actions, and encourage them to become self-sufficient, taxpaying and law-abiding members of society.

Newt Gingrich was Speaker of the U.S. House of Representatives from 1995 to 1999 and is the founder of American Solutions. Pat Nolan was Republican leader of the California Assembly from 1984 to 1988 and was president of Justice Fellowship (justicefellowship.org) from 1996-2012. They wrote this commentary for The Fresno Bee.