

Court Ruling Offers New Hope for Lifers Sentenced as Children

Lawyers applying last year's court ruling on juvenile sentencing to those currently in prison

Juliet Linderman
Associated Press

BALTIMORE — A U.S. Supreme Court decision triggering new sentences for inmates serving mandatory life without parole for crimes committed as juveniles has had a far greater effect: The ruling is prompting lawyers to apply its fundamental logic — that it's cruel and unusual to lock teens up for life — to a larger population, those whose sentences include a parole provision but who stand little chance of getting out.

The court in January 2016 expanded its ban on mandatory life without parole for juveniles to more than 2,000 offenders already serving such sentences, saying teens should be treated differently than adult offenders because they're less mature, prone to manipulation and capable of change.

The court found that all but the rare juvenile lifer whose crime reflects "permanent incorrigibility" should have a chance to argue for freedom one day, and dozens serving mandatory terms have since been resentenced and released.

But legal challenges are also being argued on behalf of offenders sentenced to life with parole for crimes they committed as teens — a population totaling some 7,300 inmates nationwide, ac-



In this Dec. 28, 2016 photo, Robert Boyd holds high school and college diplomas he earned while incarcerated, at his home in Baltimore. At 16, he was sentenced to life for his role in a home invasion that turned deadly in Baltimore. Boyd was the lookout, standing watch on the porch. The man who fired the fatal shot was acquitted at trial. By the time Boyd was released, after 34 years behind bars, even Brian Murphy, the prosecutor who tried the case in 1982, offered to testify on his behalf. "It was not the intention of anybody back then that guys like this wouldn't get paroled," Murphy said. "It doesn't sound fair or legal."

According to Ashley Nellis at advocacy group The Sentencing Project.

"Even states that do have parole, it doesn't give a lot of reason for hope," Nellis said.

"The Supreme Court was very clear to say that age-related factors need to be considered at resentencing or parole review, but the feedback we're seeing is that those factors aren't being considered."

Other courts are applying the 2016 ruling to those whose life-without-parole sentences weren't mandatory or were negotiated as part of a plea deal.

In Florida, more than 600 inmates are potentially eligible for new sentences because court decisions there require a new look at anyone serving life for crimes committed as minors — even if their sentences were optional or included the possibility of parole.

The Supreme Court has not ruled on these other circumstances, but some state courts have. In January, New Jersey's Supreme Court ordered new sentences for two former teen offenders with de facto life terms.

One was serving 110 years, with parole eligibility after 55 years; the

other had 75 years, with parole eligibility after serving 68. The court noted both defendants would "likely serve more time in jail than an adult sentenced to actual life without parole."

The number of years inmates must serve before parole eligibility varies by offense and state: In Tennessee, a lifer must serve 51 years. In Texas, 40.

Lifers could qualify for a hearing after 10 years in Michigan, but that doesn't mean they'll get one. In 44 states, parole boards are appointed by governors, and review processes vary great-

ly. Some boards review prisoner files without in-person interviews.

Some states specify factors to consider; others allow significant discretion.

If a prisoner is denied, he'll likely wait several years for another chance and sometimes isn't told why.

Chester Patterson, 63, has been behind bars for 45 years in Michigan. At 17, he fatally shot a store clerk during a robbery.

He got life with the possibility of parole after 10 years. Patterson has earned degrees, completed a substance-abuse program, worked in the library, and avoided disciplinary tickets.

He's also been denied parole at least five times, according to records. Each time, the board sends a notice that says, "no interest."

He's awaiting a decision after his most recent hearing in April.

"I am not that same 17-year-old kid. I will never commit another crime again," Patterson wrote to The Associated Press.

"I caused a terrible tragedy for which I will always be sorry and shameful. What more can I say to the family? I have been here for almost a half of a century, and the parole board is still saying no."

His case isn't unique. In Florida, a state Supreme Court ruling last year

said that juvenile offenders who were eligible for parole must be resentenced to ensure they have a real opportunity for release.

It involved the case of Atwell, who got life with the possibility of parole after 25 years for a murder he committed at 16. When it came time for Atwell to argue for his freedom, the state calculated his presumptive release date as 2130 — 140 years after sentencing.

"While technically Atwell is parole eligible, it is a virtual certainty that Atwell will spend the rest of his life in prison," the justices wrote, and his sentence, "virtually indistinguishable from a sentence of life without parole, is therefore unconstitutional." (Florida Department of Corrections/Miami Herald via AP)

The ruling came in the case of Angelo Atwell, who got life with the possibility of parole after 25 years for a murder he committed in 1990 at age 16.

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