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Should teens get life prison terms?

Mich. slammed for letting youths spend lives behind bars for murder; push is on to change its practice.

Ronald J. Hansen / The Detroit News

Like many 15-year-olds, Bobby Hines of Detroit followed his friends, even when they ran headlong toward trouble.

Upset that someone took his friend's coat, Derius Woolfolk, then 16, grabbed a rifle and Hines went with him. The results: Woolfolk shot and killed one man and wounded another, and both he and Hines are serving life terms.

Michigan's juvenile justice system allows teens to spend the rest of their lives behind bars for murder, even if they didn't pull the trigger, prompting a move in Michigan and across the nation to abolish life sentences without parole for those younger than 18.

Ann Arbor lawyer Deborah LaBelle is urging the change in the wake of her report on the state's system, which was noted by a United Nations human rights committee.

The U.N. committee condemned the U.S. practice of sentencing juveniles to life without parole, based largely on LaBelle's report.

Though 41 other states offer similar punishment, such sentencing is forbidden in most countries.

"The grown person I am now is having to pay for what the child in me did," said Hines, now 32, in a handwritten note about the May 1989 slaying.

"I have to constantly go through life knowing that being in this living hell is the destiny of my life."

Witnesses said Hines urged Woolfolk to "let him have it."

Woolfolk killed James Warren and wounded another man who was running away. Woolfolk, who was 16 at the time of the May 1989 slaying, is now serving life in prison.

So is Hines.

Buoyed by a U.S. Supreme Court ruling last year that said juveniles couldn't be executed for their crimes, LaBelle is leading a push in Michigan and across the country to abolish life sentences without parole for those younger than 18.

According to her analysis, called "Second Chances," Michigan has at least 146 teens who were sentenced to life in prison when they were 16 or younger. There are more than 150 sentenced to life for murder when they were 17 and at least 2,200 juveniles sentenced to life without parole nationwide.

"These are children who often come from dysfunctional homes and communities. They don't have the option to leave," said LaBelle, who has examined the juvenile justice system for a state commission.

In Michigan, prosecutors and a judge can agree to try a suspect as a juvenile, as in the case of Nathaniel Abraham, who was 11 when he fired a sniper shot that killed an 18-year-old man in Pontiac. Because he was tried as a juvenile, he is due to be released in January when he turns 21.

Those juveniles tried as adults, however, face a different fate and can remain in prison for life.

Last month federal authorities defended juvenile sentencing during a review of U.S. compliance with an international treaty it signed in 1992. Authorities said the states set their own punishment and that it is reserved for "hardened criminals who had committed gravely serious crimes."

Michigan lawmakers have legislation pending in Lansing that would create more flexibility for punishing juvenile offenders, though they haven't received much interest.

Sen. Alan Cropsey, R-DeWitt, who chairs the Senate Judiciary Committee, says in each case judges and prosecutors weighed the child's background and their crimes before agreeing they were too dangerous to ever release. Under the traditional juvenile system, youthful offenders would have to be released by 21, he said.

"This is not a social work system for this poor misguided soul. That poor misguided soul killed a person -- killed them in cold blood," Cropsey said. "The U.N. is a laughingstock. They have no moral credibility."

But LaBelle, whose research was cited in last week's U.N. report, said Michigan's cases reveal an uneven system where some teens are treated more harshly than others.

Some juvenile offenders received longer sentences than adults who were involved in the same murders, LaBelle said. The state has at least two prisoners serving life sentences for crimes committed at 14. Lawyers for some juvenile defendants were later disbarred for incompetence, she said.

One of the glaring problems, LaBelle said, is that felony murder, a crime that can apply to those with secondary roles in a homicide, carries only one punishment: life without parole.

"The system fails to look at any of these cases individually," she said. "There is no discretion."

On occasion, even relatives of murder victims say the system needs to be more flexible.

Over 25 years, Tammi Smith of Hopkins has seen the anger she felt when her half brother was brutally murdered with a hammer give way to a belief in redemption and forgiveness.

She has met and corresponded with David Anthony Samel and his twin brother, Michael, who were 17 when they killed Robert Dale Sellon at a pool hall in Grand Rapids. At the time of the 1981 crime, both boys lived with their abusive, alcoholic father and both quickly sank into drug use and dropped out of high school.

"It bothers me because it's like one screwup and you're done," said Smith, a born-again Christian who said her faith has led her to re-examine her feelings. "I'm not saying the kids are not responsible for what they did, but kids don't learn things unless they are properly taught."

LaBelle is also troubled by the different outcomes for the Samels.

Though each boy was equally implicated, Michael pleaded guilty to second-degree murder and could be released on parole in 2009. David, maintaining he didn't have a lead role in the slaying, went to trial and was convicted of first-degree murder and is sentenced to life without parole.

He can expect the same fate as Allen Roy Smith, who had a stormy relationship growing up in Brooklyn, Mich., with his mother and stepfather.

On Dec. 2, 1953, the 16-year-old Smith shot and killed an elderly couple in their cabin in Newberry. A psychologist later determined Smith took out his anger at home on a couple he actually liked, court records show.

Smith said he pleaded guilty to the murders because his lawyer told him he would get out in 10 years. Today he is 69 and still behind bars.

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