

From the Los Angeles Times

California a leader in number of youths in prison for life

The state has 227 inmates serving such sentences for crimes committed before they were 18, a new study says.

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California has sentenced more juveniles to life in prison without possibility of parole than any state in the nation except Pennsylvania, according to a new study by the University of San Francisco's Center for Law and Global Justice. California currently has 227 inmates serving such sentences for crimes committed before they turned 18; Pennsylvania has 433.

The study, titled "Sentencing Children to Die in Prison," also found that the United States has far more juveniles serving life terms than any other country -- 2,387 at present -- with Israel running a distant second at 7. Israel, the only other country that imprisons juveniles for life, according to the study, has not issued such a sentence since 2004.

In the United States, life terms have fallen disproportionately on youths of color, with black juveniles 10 times more likely than white juveniles to be given a life without parole sentence, the report found. In California, black juveniles are 20 times more likely to receive such sentences.

"For many children, [life without parole] is an effective death sentence carried out by the state slowly over a long period of time," said Michelle Leighton, chief author of the study. The report found that 51% of juveniles sentenced to life without parole are first-time offenders.

The federal government and 44 states permit life sentences without the possibility of parole for juvenile offenders. "Among those states, 13 allow sentencing a child of any age to [life without parole] and one sets the bar at 8 years or older," the study said.

The report asserts that "harsh sentences dispensed in adult courts do not take into account the lessened culpability of juvenile offenders, their ineptness at navigating the criminal justice system or their potential for rehabilitation and reintegration into society. Psychologically and neurologically, children cannot be expected to have achieved the same level of mental development as an adult, even when they become teenagers."

Intensified advocacy on the issue has come in the wake of a 2005 U.S. Supreme Court decision, *Roper vs. Simmons*, in which the high court held that the Constitution prohibits executing an individual for committing murder if he or she was under the age of 18 at the time.

In California, state Sen. Leland Yee (D-San Francisco), a child psychologist, has introduced a bill that would modify the state's sentencing laws. SB 999, known as the California Juvenile Life Without Parole Reform Act, would allow for juvenile life sentences but amend the penal code so that such inmates would be able to apply for parole after serving 25 years.

"Children have an extraordinary capacity for rehabilitation," Yee said in support of the measure at a hearing in mid-April. ". . . Brain maturation continues well through adolescence and thus impulse control, planning and critical thinking skills are still not fully developed."

The measure, which cleared the Assembly Committee on Public Safety in April, is staunchly opposed by groups such as the California District Attorneys Assn., and the California Peace Officers' Assn. and Crime Victims United. In a statement to the committee, Crime Victims United said judges already "have the discretion to provide a sentence of 25 years to life and reserve life without parole for highly serious offenders. In order for a juvenile to obtain a sentence of life without parole, he or she must have committed a heinous, violent offense."

The issue is being litigated in court. Last March, two criminal defense lawyers filed a petition for a writ of habeas corpus in the California Supreme Court challenging the sentencing of Antonio Nunez, who is serving life without parole after being convicted of kidnapping and attempted murder in 2003.

Nunez, who was 14 when the 2001 crimes occurred, was riding in the car of a 27-year-old man he had met at a party. The man offered him a ride home, and on the way kidnapped another man and then negotiated with the man's brother for ransom.

"Nunez's case is the only known case nationwide in which a 14-year-old was sentenced to die in prison for his involvement in a single incident in which no one was injured," according to the petition filed by attorneys Bryan A. Stevenson of Montgomery, Ala., and Jack M. Earley of Irvine. They contend that the sentence violates the Eighth Amendment prohibition against cruel and unusual punishment.

The California attorney general's office recently filed papers opposing Nunez' release and the California Supreme Court may might hear the case next year.

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