



no  
CHANCE to make it  
RIGHT

**Life Without Parole  
for Juvenile Offenders in Mississippi**

**LDF**  
DEFEND EDUCATE EMPOWER

The NAACP Legal Defense & Educational Fund, Inc., acknowledges and thanks the many people who assisted in the preparation of this report. Specifically, LDF is extremely grateful to all of the incarcerated young men, their parents, siblings, and relatives that shared their experiences for this report.

LDF thanks the personnel from the Mississippi Department of Corrections who facilitated the interviews with the young men described in this report as well as court personnel throughout Mississippi who assisted LDF in accessing court files for review. LDF would like to individually thank Alison Parker, Deputy Director of Human Rights Watch's U.S. Program, and Deborah LaBelle, Project Director of the Juvenile Life Without Parole Initiative in Michigan, without whose knowledge, guidance, and support this project could not have been completed. LDF also thanks Robin Dalton, Michelle Enchill, Miranda Galindo, Alec Karakatsanis, Jason Marks, and Ngozi Ndulue for their assistance with the research and data-gathering. Finally, LDF thanks the many advocates in Mississippi who provided their knowledge and advice in writing this report.

LDF also acknowledges the individuals whose lives were lost or harmed by the actions of the young men profiled in this report, as well as their families, friends and community members. Nothing in this report is intended to diminish the suffering that these young men's actions have caused.

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*Funding*  
Arthur Liman Public Interest Program and Fund  
Open Society Institute

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**It's not that I believe young people shouldn't be punished for the crimes they commit, they should. It's just that I can't understand how the public can give up on someone who only had 14, 15, 16, 17 years of trying to figure life out. If they can mess things up so badly in that amount of time, then how come they can't turn it around in that same amount of time?**

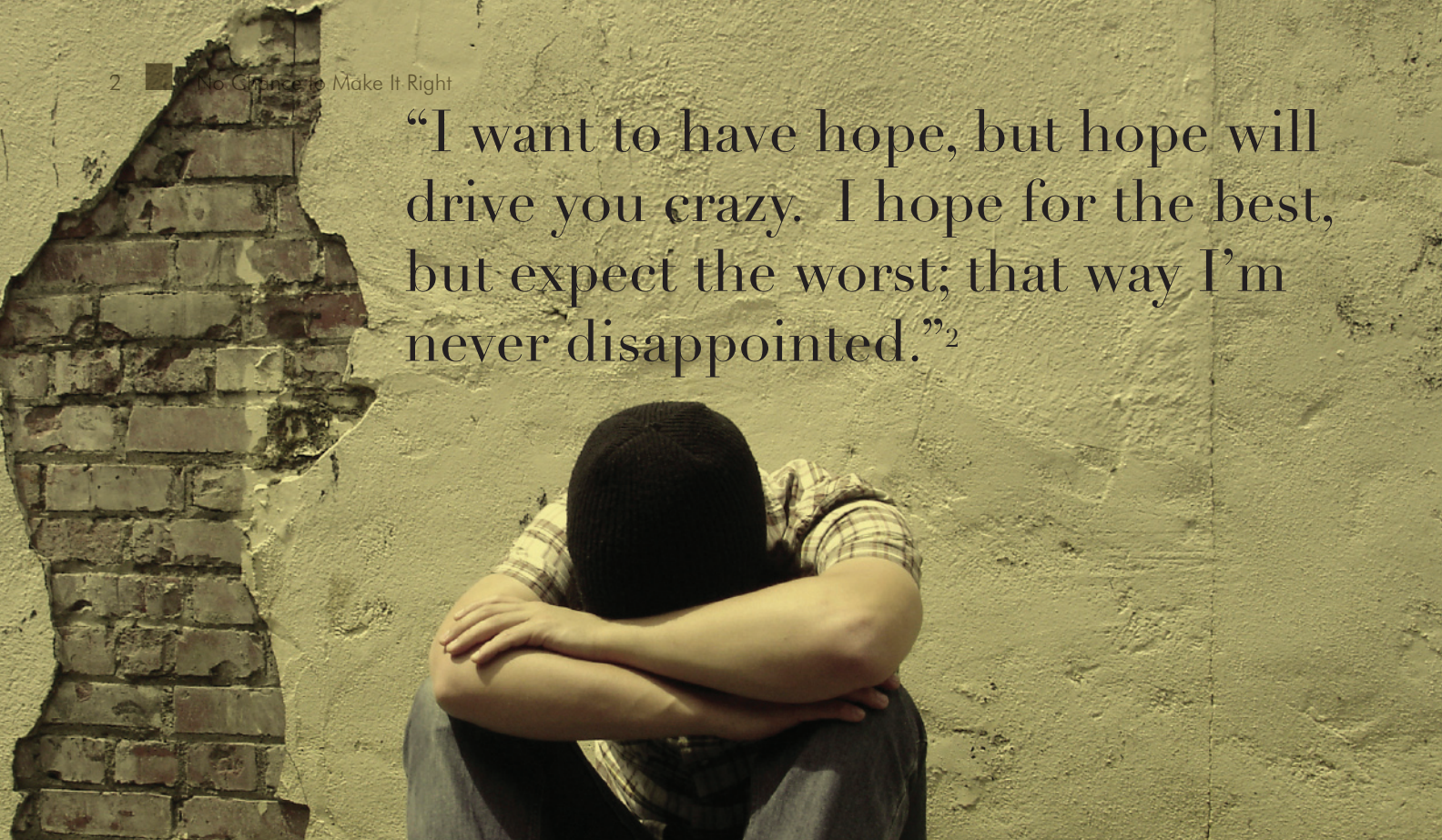
**James R.<sup>1</sup>**

**I don't think it's fair to just throw us away like this. They don't want to give you a chance to make your life right.**

**Terrell B.**

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“I want to have hope, but hope will drive you crazy. I hope for the best, but expect the worst; that way I’m never disappointed.”<sup>2</sup>



David grew up in a small town in Mississippi, in a county of just over 12,000 people. Twenty percent of his town’s population lives below the poverty line. David’s mother and father divorced when he was four years old. Thereafter, his mother “bounced from one man to the next.” David reports that his mother’s boyfriends were almost always alcoholics and frequently abusive.

When David was in his early teen years, he left his mother’s home and went to live with an older cousin—his co-defendant in the crime for which David is serving life without parole. David says that although his mom warned him that living with this cousin would cause him trouble, David moved in with him anyway because he saw his cousin as a cool older figure, someone to look up to.

When asked about what happened on the day of the crime, he described his recollection of the events as a “bad nightmare” that replays in his mind over and over again. Shaking his head, he repeats, “I was just 14 years old.”

When David was 14 and his cousin, Kenneth, was 20, they were arrested for the the murder of 27-year-old William Hatcher and the rape and murder of 21-year-old Robbie Bond, a local couple who were out stargazing on a bridge. David was convicted of capital murder, and sentenced to life without parole. David’s cousin Kenneth pled guilty and testified against David in order to escape the death penalty. Kenneth too was given a life without parole sentence.

According to David, the murders occurred after he and Kenneth, who were out drinking and joyriding, came upon the couple alone on a bridge. Upon seeing the couple, Kenneth suddenly and inexplicably jumped out of the truck and assaulted both Mr. Hatcher and Ms. Bond. David was in the truck when the assault occurred. Thereafter, Kenneth told him to get out of the truck and help, telling David, “Help me with her or I’ll put you in the same hole with her.”

Shortly thereafter, David’s cousin drove out to a secluded area where he raped Ms. Bond and instructed David to do the same, saying “Now, you’re going to do it too. Do it or I’m gonna kill you.” In both his trial testimony and an interview, David stated that out of terror for his own life, he pretended to rape Ms. Bond. As noted by the Mississippi Court of Appeals, “this claim is corroborated by the fact that DNA testing on bodily fluids . . . excluded David as the donor of any fluid samples recovered.”<sup>3</sup>

David recalls that the days after the murder were ones of sheer terror: “For the next four days, everywhere [my cousin] went, I went. He said he was going to kill me. He told me how he had killed my uncle and where he had buried him. I start to think I’m losing my mind.” Finally, David’s cousin took him to another relative’s house. Once there, David immediately told his aunt what had happened, and together they went to the police station and reported the murders. Because David felt that he had been another victim of his cousin’s madness, he saw going to the police as an escape from the situation and as the right thing to do. When he spoke with Sheriff Billy McGee, he told the Sheriff everything he knew.

When David was arrested and offered a plea deal, his aunt encouraged him to reject it because she did not think that David had done anything wrong and felt that he was the victim of circumstance. After a four year delay (during which time Kenneth’s plea negotiations took place), David went to trial and was convicted of murder.

After spending more than 11 years in jail, David says: “I used to think it was God’s plan for this to happen to me, but now I see no purpose. I’m just taking up space. I feel like I should get another chance, not spend the rest of my life in here.”

### **“He was telling the truth.”**

Sheriff McGee agreed with David. He said, “If there’s a person in my law enforcement career that might very well have been wrongfully convicted, it might have been David. . . .” Sheriff McGee said that when David came to the police station he was “shaking and crying. I thought he had been in an altercation or that something bad had happened to him.” David told Sheriff McGee the same story he has been telling since the murders occurred.

Sheriff McGee so believed in David that he asked the District Attorney not to prosecute David. He also testified on David’s behalf at trial. Sheriff McGee even offered David the hope of a reduced sentence if David would give the police information about another unsolved crime. Sheriff McGee recalled that, “[David] could have said anything, fabricated any story. But he didn’t. He said he couldn’t lie, he just didn’t know anything about it. He said, My cousin’s real mean.” He told me that his cousin had killed somebody else related to them and buried the body. Well, we went where he said to go and dug that body up. We found him. I knew he was telling the truth then, and I believe he’s telling the truth now. He’s never wavered from that story.”

Sheriff McGee continued: “It’s one of those deals in your career where it never sits well with you – it just doesn’t seem fair. If we err, we ought to err on the side of caution. If he had been in jail 5 or 10 years and been let out and done wrong then the penitentiary would have still been there. But I would have been able to sleep at night.”<sup>4</sup>



## SECTION 1: INTRODUCTION

For David and the other young men discussed in this report, life without parole is a final sentence. It denies them of the opportunity to develop, to learn from their mistakes, and to grow into contributing members of society. It represents a judgment that they are beyond hope.

Since 1994, the State of Mississippi has allowed juvenile offenders to be sentenced to life without parole. In Mississippi, children as young as thirteen may receive such a sentence. The NAACP Legal Defense & Educational Fund, Inc. (LDF) has identified 25 young men serving a sentence of life without parole in Mississippi. In preparing this report, LDF reviewed their court files and interviewed two-thirds of the young men, attorneys, family members, relatives, community members, judges, and prosecutors.

The young people in Mississippi who are sentenced to life without parole are struggling in many different ways to cope with the finality of their sentence. Some remain hopeful that one day someone will examine their case and give them a chance. Others struggle with the finality of the sentence they have received. As one young man sentenced to life without parole put it:

Some people change, and some people don't. But you cannot rehabilitate a child with a life sentence. Their life is gone. I can see if I got a second chance and screwed up. But I was thrown away on one charge.—Paul C.

These young men traveled many different paths before ultimately being convicted of capital murder and sentenced to life without parole. The one thing they all have in common, however, is that their convictions and sentences occurred when they were at an age that scientists, courts, parents, and others agree that their brains are not fully developed, that critical maturation

and growth is still occurring, and that they are still amenable to positive influence. Each of the young men discussed in this report were sentenced to die behind bars, at an age where they were not yet the people they could eventually become.

There is no doubt that any crime as serious as murder must be punished, even when it is committed by a young person. However, the lifetime incarceration of teenagers has consequences that reach far into society: costs associated with imprisonment, an aging prison population, and the impact upon the families and communities from which these children come. If our criminal justice system is to provide rehabilitation as well as retribution and deterrence, then the sentence must fit the crime and the offender. Thus, when the offender is a child, judges and advocates should have the opportunity to develop a punishment that considers the individual and environmental factors that led to the commission of a crime and that can help make the child offender a productive member of society. Life without parole utterly fails to meet this standard because it deprives children of any opportunity for rehabilitation and any chance to try and give back to the families and communities that they harmed.

Because sentencing policy need not be irretrievably harsh to be just, this report recommends the elimination of the sentence of life without parole for juveniles. If the State of Mississippi eliminates such sentences, it will lead the nation towards much-needed sentencing reform.

As of 2005, all 50 states and the federal government had laws allowing persons under the age of 18 to be tried as adults. Forty-two states, including Mississippi, go one step further and allow children to be sentenced to life in prison with no possibility of parole.<sup>5</sup> Ten of those states have **no minimum age** for life without parole sentencing.

## SECTION 2: WHAT IS JUVENILE LIFE WITHOUT PAROLE AND WHO DOES IT AFFECT?

Nationwide, there are 2,380 people serving life without parole for crimes that they were convicted of committing as children.<sup>6</sup> Although most of these individuals were either 16 or 17 at the time of their crimes, nearly 16% were 15 years old or younger. Ninety-seven percent of the people sentenced to life without parole as children are male. Sixty percent are African American.

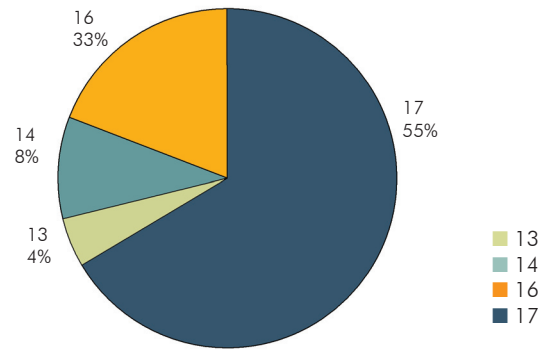
In Mississippi, children as young as 13 years old can be sentenced to prison for the rest of their lives. LDF has identified 25 young men in Mississippi who are currently serving life without parole sentences for crimes committed as children. The youngest was sentenced to life without possibility of parole for a crime he was convicted of committing when he was just 13 years old.

Five of the young men currently serving life without parole in Mississippi were originally sentenced to death. After the Supreme Court abolished the death penalty for juvenile offenders in 2005,<sup>7</sup> each of these young men was resentenced to life without parole.<sup>8</sup>

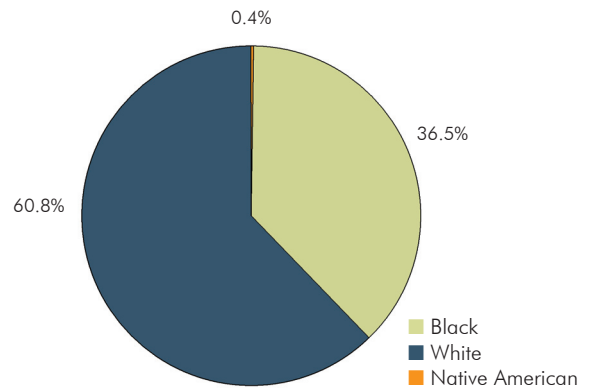
Although Mississippi's population is only 36% African American, 76% (19 of 25) of the teenagers sentenced to life without parole are black.<sup>9</sup> That means that the percentage of African Americans serving life without parole in Mississippi is 16% higher than the national rate, and that, as compared to their representation in Mississippi's population, African Americans are substantially overrepresented among juveniles sentenced to life without parole.

For all of the young men in this report, the sentence of life without parole was mandatory once they were convicted in adult court. Even if a judge felt that the sentence was too harsh, she had no option but to sentence the youth standing before her to spend the rest of his life in prison.

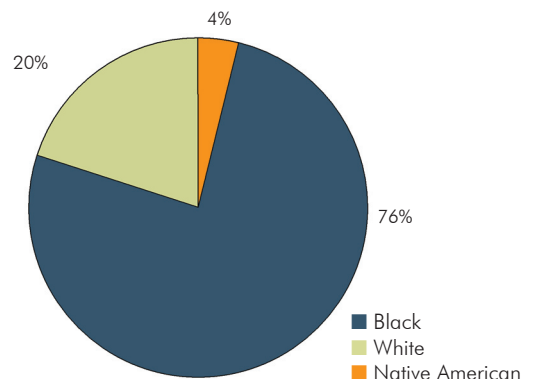
**Age at Time of Offense**



**Total Mississippi Population by Race**



**Race of Persons Sentenced as Juveniles to LWOP**



### SECTION 3: HOW DID THE SENTENCE OF JUVENILE LIFE WITHOUT PAROLE COME ABOUT?



Life without parole for children in Mississippi is the product of a 1994 Mississippi legislative action. During its 1994 session, the legislature passed a bill declaring that no person sentenced to either life imprisonment or life without the possibility of parole for capital murder after July 1, 1994 would be eligible for parole.<sup>10</sup> Prior to this change in the law, a person sentenced to serve their natural life in prison would be eligible for parole after 10 years.<sup>11</sup>

A separate Mississippi law already provided that any child aged thirteen or older who committed a crime which, if committed by an adult, was punishable by life imprisonment or death, would have his case automatically heard by an adult court, rather than a youth court.<sup>12</sup>

Whether lawmakers foresaw the way in which these laws would interact to affect children is difficult to say. The result, however, is clear. In Mississippi today, any person—including a child—who is convicted of capital murder (and not sentenced to death) in adult court is automatically sentenced to life imprisonment without the possibility of parole.<sup>13</sup>

Thus no matter what the circumstances, judges have no choice but to sentence children that are convicted in adult court of serious crimes such as capital murder to life without parole. Instead of receiving the treatment afforded to most young persons who get in trouble—e.g., having their case heard by youth court judges, and receiving the type of advocacy and sentencing options that children receive in youth court, such as juvenile “boot camp”—children charged with crimes punishable by life imprisonment or death are legally adults. They are therefore thrust into adult court to face adult sentences.

In 2006 and 2007, Mississippi’s House of Representatives considered the Juvenile Transfer Reform Acts, legislation that would make it more difficult to remove children from the juvenile justice system, limit the transfer of juveniles into the adult system, prohibit mandatory sentencing for children, and give judges an increased measure of discretion.<sup>14</sup> The 2007 version of the Act also eliminated juvenile life without parole sentencing. Had this legislation passed it would have significantly reformed the state’s treatment of children accused and convicted of committing serious crimes. Although these legislative efforts have not yet been successful, it is LDF’s hope that this critically important issue will continue to receive serious consideration by decisionmakers throughout Mississippi.



## SECTION 4: CHILDREN TRIED AS ADULTS

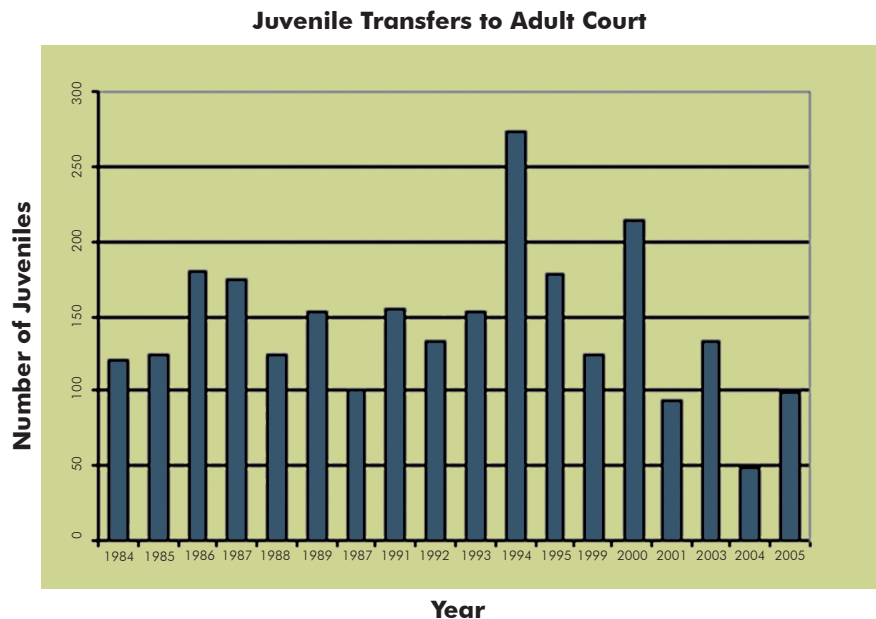
Capital murder is just one crime that allows a child to be transferred to adult court and subjected to lengthy sentences, often in adult facilities. According to the Mississippi Department of Youth Services, between 1984 and 2004, an average of 146 children per year were transferred to adult court, with the highest number (273 children) being transferred in 1994 and the lowest number (48 children) being transferred in 2004.<sup>15</sup>

Under Mississippi law, a child that is charged as an adult can petition to have his or her case transferred back to the youth court by arguing that such a transfer is in the best interests of both the child and society. The decision to transfer a case, however, lies solely within the discretion of the trial court; there are no circumstances in which a court must transfer a case to juvenile court. The following account illustrates what this means for children charged with adult crimes in Mississippi.

Anthony Booker was sixteen years old when he was charged with capital murder for the robbery and killing of Dorian Brent Johnson. The court in Mr. Booker's case discounted arguments that his low I.Q., his youth, and the fact that no firearm was involved in the crime, entitled him to have his case transferred to youth court. The court noted that, "Because the circuit court had original jurisdiction over Booker, it was not required to consider alternative sentencing."<sup>16</sup>

Mr. Booker's case is instructive. When a court elects to keep a child in adult court, or a young person's lawyer fails to

petition for a transfer to youth court, the circuit court judge has absolutely no obligation to consider a lesser or reduced sentence for the child—and, in the case of capital murder, that court cannot entertain such a sentence. No matter what the circumstances, once a case is in adult court the sentenced child cannot be sent to a state-supported "boot camp" or training school, even if the judge believes that such a program will address the child's problems.<sup>17</sup> Additionally, if a child has previously been transferred from youth court to adult court for trial, or if the child has a prior adult conviction, then the court cannot send the case back to youth court.<sup>18</sup>



## SECTION 5: THE CHARACTERISTICS OF MISSISSIPPI'S JUVENILES SERVING LIFE WITHOUT PAROLE AND THE CASE AGAINST SUCH SENTENCES

LDF's research, including interviews with the young men sentenced to life without parole in Mississippi revealed several common characteristics among their cases: (a) race; (b) poverty, education, and family dynamics; (c) the impact of juvenile brain development, (d) the susceptibility of youth to negative influences, (e) the serious failure to grasp the significance of relevant legal proceedings, and (f) the dangers of incarcerating youth among adult offenders. Together, these factors demonstrate how a sentence of life without parole represents an improper denial of any opportunity for redemption, and a rejection of the chance for change

Although nearly 60% of those sentenced to life without parole as juveniles nationwide are African American, a full **two thirds** (76%) of the 25 young men so sentenced in Mississippi are African American (19). Given the relative percentage of African Americans in Mississippi's population (36%), that means that African Americans are drastically overrepresented among the population of juveniles sentenced to life without parole.

### A. RACE

In every state with juvenile life without parole sentencing, African Americans are disproportionately represented among offenders receiving such sentences. Mississippi is no different. In Mississippi, 19 of the 25 children sentenced to life without parole are black. Compared to their percentage of the population (36%), black youth are significantly overrepresented among those sentenced to life without parole for crimes committed as juveniles.<sup>19</sup>

Studies consistently show that the race of the victim and the race of offender play a powerful role in the charge a particular defendant will face and the sentence s/he will receive. LDF was able to identify the race of the victims of the juveniles sentenced to life without parole in 23 of the 25 Mississippi cases. In 13 cases, the victim was white, in 7 cases the victim was African-American, in 2

cases the victim was Asian, and in one case the victim was Latino.<sup>20</sup> This data indicates that 57% of juveniles serving life without parole have received this sentence for the murder of a white victim, and only 30% are serving such a sentence for the murder of a black victim. This pattern conflicts with the rate at which blacks and whites are the victims of homicides in Mississippi—statistics show that between 1994 and 2005, 24.5% of homicide victims in Mississippi were white, while 73.9% were African American.<sup>21</sup> Thus, whites are significantly overrepresented among the victims of juveniles serving life without parole sentences for capital murder.<sup>22</sup>

In attempting to analyze the influence of race on juvenile life without parole sentencing, LDF examined the cases of the juveniles sentenced to life without parole from the two Mississippi counties with the largest number of juveniles serving such sentences: Hinds County and Jackson County. As detailed below, regardless of the racial make-up of the county, African Americans remained overrepresented among juveniles charged with capital murder or sentenced to life without parole.

### Hinds County

The population of Hinds County—which contains Mississippi's capitol (Jackson)—is largely African-American. According to 2005 census data, 65% of Hinds County is black, and 32% is white. The Hinds County court system is split into two districts—one in Jackson, Mississippi and the other in Raymond, Mississippi. These two areas have markedly different racial makeups: Raymond is 58% white, and 41% black, while Jackson is 28% white and 70% black.

Six of the twenty-five persons serving life without parole hail from Hinds County. All six of these young men are black. Four of these young men were convicted of the murders of white victims, and two of the murders of black victims. Furthermore, data obtained from the Hinds County Information technology division and records reviewed in the Circuit Clerk's offices for both of Hinds County's two districts indicate that 23 juveniles were charged with capital murder since 1994, and all are black.<sup>23</sup>



### **Jackson County**

Jackson County is a community of about 136,000 people, which sits on the Gulf Coast of Mississippi. Unlike Hinds, Jackson County is about 75% white and 22% black. 1.7% of the county's population is Asian, and less than 1% of the county's population is Native American.<sup>24</sup>

According to data from the Jackson County Circuit Court, between 1994 and the present, six Jackson County juveniles, including one woman, have been charged with capital murder.

One of the capitally charged young men was Asian, another is Native American, two are black, and two are white. The Asian and Native American youth were convicted of the murder of several white victims. The Asian youth was sentenced to life, and the Native American youth was sentenced to life without parole. The two black youth were charged with the death of a black victim: one

was sentenced to life without parole, and the other (a young woman), was sentenced to 30 years imprisonment after being convicted of manslaughter. The two white youth were convicted for the murder of a white victim: one is serving life without parole, and one was sentenced to life.

The data uncovered by LDF demonstrates that regardless of their representation in the population, African Americans are overrepresented among those charged with life without parole eligible offenses and among those actually sentenced to life without parole. Because this evidence strongly suggests that race plays a powerful—and unwarranted—role in life without parole sentencing, LDF calls upon prosecutors, police, courts and other state and local agencies to collect, maintain and make publicly available county-specific statistics on the race and ethnicity of all juvenile offenders arrested, prosecuted and sentenced to life without parole for capital murder and other serious crimes, as well as the race and ethnicity of their victims.

**B. POVERTY, EDUCATION, AND FAMILY STRUCTURE**

Poverty, inadequate education, and weak family structures are common among the population of juveniles sentenced to life without parole. The children sentenced to life without parole in Mississippi hail from seventeen of the state’s 83 counties. One juvenile has been sentenced to life without parole from Choctaw, Coahoma, Forrest, Grenada, Humphreys, Lee, Leflore, Lincoln, Lowndes, Madison, Perry, Scott, Rankin and Tallahatchie counties; two hail from Bolivar County; three from Jackson County; and six from Hinds county.

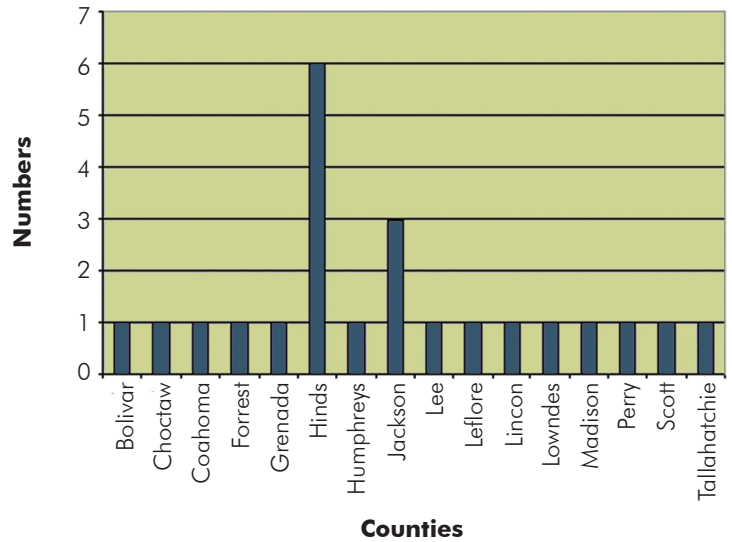
Eight of these counties are characterized by very high poverty, with over 20% of the adult population living below the poverty line. In another six of these counties, between 15-19% of the adult population lives below the poverty line.<sup>25</sup>

Some of the families interviewed by LDF described how poverty affected not only their life circumstances, but also their ability to afford an attorney for their capitally charged child. One mother summed up these sentiments: “If I could have afforded to get a [private] lawyer, [my sons] wouldn’t have got this. I just know it. But I couldn’t afford it.”<sup>26</sup>

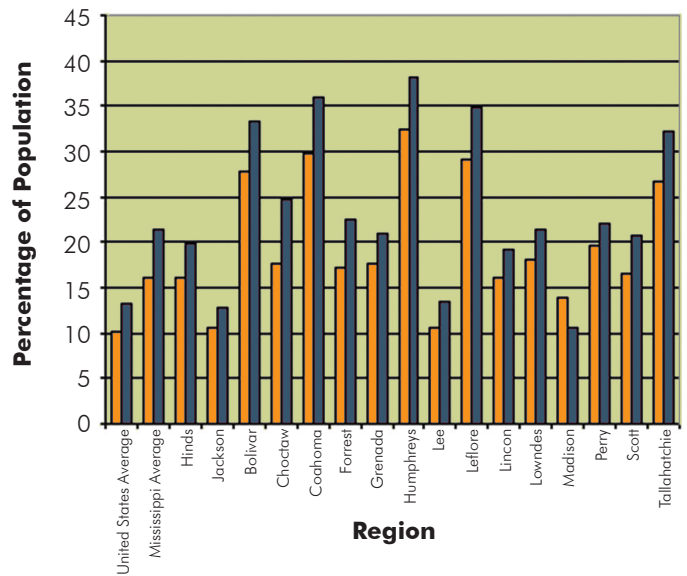
All of the juveniles sentenced to life without parole for capital murder come from counties with high school graduation rates that fall well below the national average. Fifteen out of 16 of these counties also have below average rates of college graduation.<sup>27</sup>

Several of the young men LDF interviewed talked about their poor experiences with the educational system. James R. said, “I was living at home at the time [of the crime], and not in school. I had been kicked out of school.” Brian A. stated: “I had failed the 4th [grade] and they transferred me to the 5th, failed the 5th [grade], they transferred me to the 6th, failed the 6th [grade] and they transferred me to the 7th. They put me in a special ed. class then, and I didn’t go back [to school] after that. I was about 14 when I stopped going to school. I never had a job or anything until I came to prison.”

**Number of Children Sentended to LWOP by County**



**Measurements of Poverty in Mississippi Counties**



Social science researchers generally agree that unemployment, poverty, and low income contribute to violent crime rates; that juveniles in counties with higher unemployment levels have higher rates of crime; that children who are enrolled in school are significantly less likely to be involved in crime than those that are not; and that poor academic achievement increases the likelihood that a child will engage in criminal behavior.<sup>28</sup>

In addition to the influence of poverty and education on juvenile crime, researchers have found that parental support is a key factor in a child's ability to cope with their surroundings and circumstances and avoid criminal behavior.<sup>29</sup> Testimonials from some of Mississippi's life without parole sentenced juveniles reflect this absence of meaningful family support.

James R. said, "My sister had just gotten a divorce and moved in with us, for the first time since I was eight, plus she had a three year old son. She [my sister] molested me when I was younger. It was very hectic. I had come back from Oklahoma living with my real father only months earlier. He kicked me out and sent me back to Mississippi after only 3 months of staying with him. I had found out him and my mom had made a deal that if he took me until I turned 18, she would not go after him for the more than \$15,000 he owed in child support."

Thus, many of the young men profiled in this report were exposed to the known risk factors for violence and criminality. Although these experiences undoubtedly contributed to their involvement in the murder that ultimately yielded their life without parole sentence, no court had the authority to take these circumstances into consideration in crafting an appropriate sentence.

*LDF spoke in depth with Jack and Brian A., two brothers who are both serving life without parole sentences, as well as with their family. Brian and Jack were 15 and 17 years old when they were convicted of the home invasion, robbery, and murder of an elderly neighbor. They spoke separately to LDF about their life before conviction.*

**Jack:**

"I was living with my mom at the time. I ran away at 13 to live with her—I lived with my dad before that. My mom gave me more freedom than I'd ever had. She was cool, but, like, too cool. I had too much freedom.

She was an alcoholic and all that. We were poor – the whole nine yards. So I just started hanging out with the lower type of crowd. I fell off into that lifestyle. Young people are easily deceived. I started breaking the law . . . I was out on bond at the time this happened for shooting into an occupied dwelling.

I had no guidance. If you have parents who are hard or whatever and are hands on, then you won't get youth doing this kind of thing. I was lost in school and everything. I didn't want anything positive, and was caught up in everything negative. I was just a complete damn fool."<sup>30</sup>

**Brian:**

"The youth court gave my mom custody of me and my brother when I was 13. My mom and dad had separated when I was a kid, and I didn't know who my mom was until I was about 8. My brother moved in with my mom before I did.

My dad just worked and drank. And basically, from age 13 to 15, I was just high or drunk. I smoked weed and everything with my mom. I was really just doing my own thing. I didn't start messing up until I started messing with drugs.

Now, my whole family is in prison. All my brothers have been locked up. My brother now that's 31 has been locked up since he was 21; my other 2 brothers are in their 40s. All have been in prison. I went to prison to see my oldest brothers as a kid. It's really hard. I grew up in prison. It's just the only thing I know."<sup>31</sup>

**Jack and Brian's Mother and Stepfather:**

Jack and Brian's mother admitted to the difficulties in her son's lives when they were growing up, saying that she had been an alcoholic, and had "left them with their father when they were little." Of their childhood with their father she said: "He didn't whip 'em or anything, but he was mentally mean. He would put a padlock on the freezer to stop

them from eating; he would cut the cord on the air conditioner, so they'd have to be there hot. They lived way out in the country and he never took them anywhere. He would cuss 'em, call them this and that.

When I left him, I lived in a hotel. [Their dad and I] would steal them back and forth, and that just hurt [Brian] real bad. I worked nights, so I was never with them.

Their daddy ended up abusing them just to get back at me. [He'd say,] 'Your ma don't love you, she hates you.' After a while they started believe it. It takes a long time to undo that, and I didn't have much time before it happened."

Their stepfather added: "I bought them their first shoes when they came to visit. They were scared, real scared, when I told them I was going to buy them Nike's. Their daddy only got them \$3 or \$4 pairs of tennis shoes. He would make 'em crush cans for four months – then he'd take all that money, and buy them a \$3, \$4 pair of shoes, and pocket the rest. Just real mean. I bought them clothes, and their daddy wouldn't let them even keep the clothes. He'd throw them away."

Their mother continued, "[Jack] was 12 when he sneaked out to come live with us. He left [Brian] there, and it just tore him up again. He felt like no one wanted him then. [Brian] just got where he didn't care anymore. He would sneak out and steal things. He ended up at Oakley training school.



They knew it was wrong, they knew what to do, but they just didn't see any other way out. And they had no guidance. They were just trying to get attention, like all kids want attention. And because they thought nobody didn't care about them, they just said, 'Why should we care?'<sup>32</sup>

### C. Scientific Research on Juvenile Brain Development

Any parent, teacher, social worker, nurse, or person who has spent time with children can point to the many ways in which they differ from adults. Children are impulsive; they act before they think; they do not consider the consequences of their behavior; and they are easily influenced by their peers and people older than themselves.

Science is beginning to prove what parents, lawmakers, and even the United States Supreme Court have long recognized—that children are different from adults. Emerging scientific research demonstrates that there are real, physical differences between the brains of children and the brains of adults. Research shows that the human brain undergoes significant developmental changes in the years between adolescence and adulthood, and that the parts of the brain that "govern impulsivity, judgment, planning for the future, foresight of consequences, and [the] other characteristics that make people morally culpable"<sup>33</sup> does not fully mature until a person reaches their early twenties. Indeed, a 10-year study conducted by the National Institute of Mental Health (NIMH) revealed that the prefrontal cortex of the brain, which controls such "executive functions" as reasoning and problem solving, is the last to develop and is not complete until early adulthood.<sup>34</sup> Furthermore, a comparison of the brain scans of adults aged 23-30 with those of teenagers between 12-16 reveals that the substance that lines nerve fibers to aid in the transmission of the electrical current that carries data from one nerve cell to another (myelin) is lower in teenagers than in adults. That means that juveniles are not as equipped to rationalize and comprehend the environment that surrounds them.<sup>35</sup>

In *Roper v. Simmons*, the United States Supreme Court decision that abolished the death penalty for juveniles, the Court made note of this emerging scientific evidence:

Three general differences between juveniles under 18 and adults demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders. First, as any parent knows and as the scientific and sociological studies . . . tend to confirm, "[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young.

These qualities often result in impetuous and ill-considered actions and decisions.” . . . The second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. . . . The third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.<sup>36</sup>

Additionally, in *In re Sanford*,<sup>37</sup> four Supreme Court Justices noted that technological developments such as magnetic resonance imaging (MRI) have revealed that the juvenile brain is underdeveloped, often leading juveniles to engage in unpredictable and impulsive behavior.

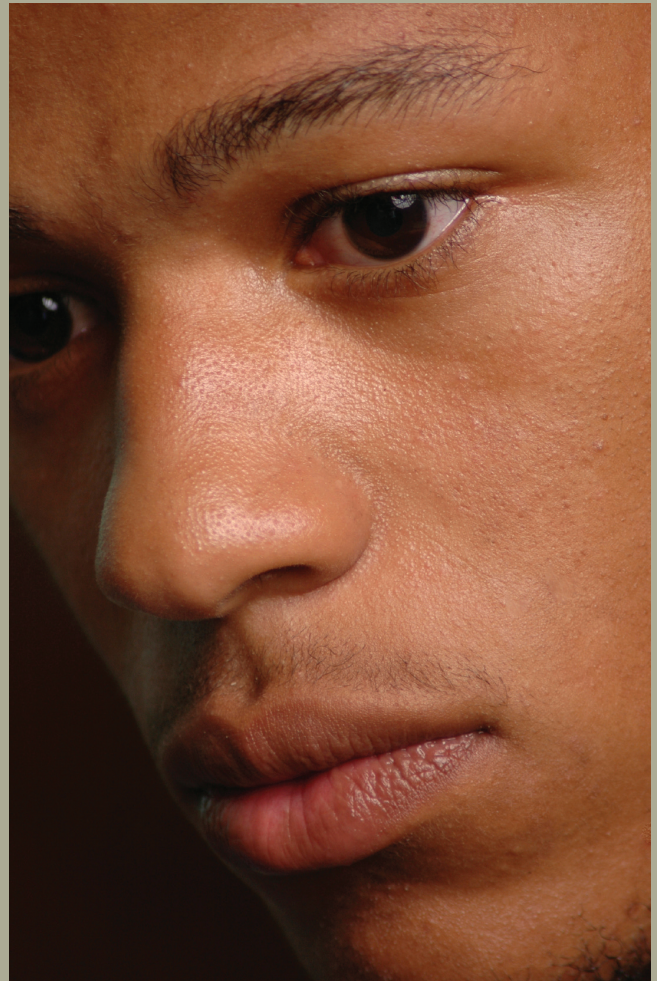
Thus, there are real, physical, structural differences in the brains of teenagers and the brains of adults.

Regardless of the reason, American law has long recognized that young people act impulsively and has long adjusted the laws accordingly. Thus, for example, in Mississippi, a person must be eighteen before they can vote, buy cigarettes, or sign contracts; they must be twenty-one to serve on a jury, buy alcohol, or get married without parental consent. Nonetheless, Mississippi children as young as 13 are treated exactly like adults when it comes to life without parole sentences. The same children that are too immature to vote or smoke or drink, are mature enough to spend the rest of their lives in prison.

#### **D. Teenagers, Peer Pressure, and Life Without Parole Sentencing**

In Mississippi, and throughout the country, a common thread that connects many of the children sentenced to life without parole is evidence indicating that they do not act alone. This fact underscores the known susceptibility of youth to peer pressure, and strongly suggests that many of those who are serving life without parole sentences would not have committed a murder without the aid and encouragement of others.

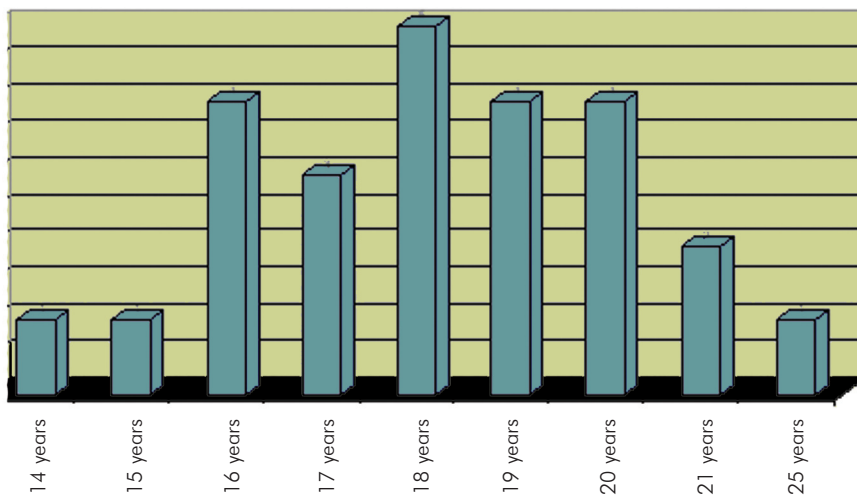
Although the Bureau of Justice Statistics reports that the juvenile murder rate declined between 1994 and 2002, it also found that during the same time period the proportion of juvenile murders involving multiple offenders increased.<sup>38</sup> In the 1980s, about 33% of all murders committed by juvenile offenders involved



more than one participant.<sup>39</sup> By the 1990s, this number had grown to 41%. Between 2000 and 2002, a full 45% of murders involving juveniles had more than one participant.<sup>40</sup>

Significantly, in many cases the second offender was an adult. “In the 1980s, 25% of the murders involving a juvenile offender also involved an adult offender. This proportion grew to 31% in the 1990s and averaged 36% for the years 2000–2002.”<sup>41</sup> Eighty-nine percent of these adult offenders were under the age of 25.

In Mississippi, these numbers are even more striking. According to court records and interviews conducted by LDF, in 23 of the 25 cases in which a juvenile was sentenced to life without parole, either an adult or another teenager was involved with and/or charged as an accomplice to the crime. In over half of the Mississippi cases examined by LDF, at least one of the people involved in the crime was older than the child sentenced to life without parole.

**Age of Accomplices**

### **13 Years Old; Life in Prison**

In 2006, Demarious B. was convicted of the murder of a pizza deliveryman in Jackson, Mississippi. The victim was shot after delivering a pizza in the apartment complex where Demarious and others were playing basketball.

Demarious was just 13 years old at the time of the crime. When he was charged, Demarious was a seventh grade student at Northwest Middle School with no criminal record.

According to a news report of the case, both the District Attorney and Demarious agreed that he was given a loaded gun by his 18-year-old co-defendant, Dennis R. At trial, Demarious, who said he had never before touched a gun, testified that Dennis R. had given him the gun, and forced him to commit an attempted robbery. Demarious said, "I was scared he would put bullets in the gun and shoot me."

The District Attorney, on the other hand, contended that Demarious committed the crime on a dare.

Because Demarious was charged with and convicted of capital murder, he is now serving a sentence of life without parole.

These remarkable statistics illustrate that the youth convicted of capital murder and sentenced to life without parole are frequently influenced by an older person and that another person's bad decisionmaking can destroy a young person's life. Like David's story, detailed at the outset of this report, Demarious' story makes this point especially clear.

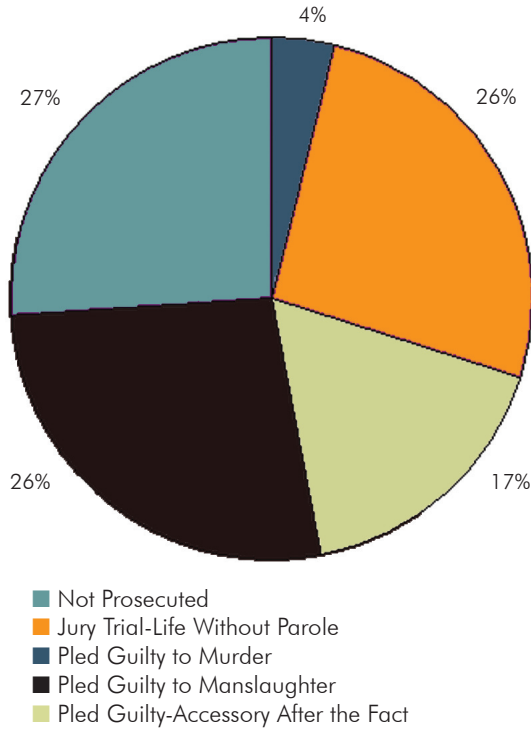
### **E: A Serious Failure to Grasp the Importance of Relevant Legal Proceedings**

"The effects of immaturity are evident from the time the juvenile becomes involved in a crime, through the police interview, planning for hearings, and considering a plea. As defendants under the age of 18 are increasingly tried as adults—in a system that focuses more on the offense than the cognitive and emotional capacity of the accused—too little attention is paid to immaturity."<sup>43</sup> With regard to plea bargaining, young people often suffer from an inability to consider alternatives, from frequent misunderstanding of the terms of the deal, and from a cognitive limitation that impairs their ability to weigh several options simultaneously.

While such findings have significant implications for the juvenile justice system as a whole, they are particularly salient for juveniles who are charged with capital murder and are facing life without parole. As demonstrated by the cases detailed below, some of the Mississippi juveniles that pled guilty to capital murder lacked an understanding of the impact of a plea on their opportunity to appeal; failed to appreciate the fact that a plea meant an automatic minimum sentence of life



**Disposition of Juvenile Capital Murder Cases  
Hinds County**



imprisonment without parole; lacked a real understanding of the meaning of life without parole; and were unable to make firm decisions for themselves.

Sean D., sentenced to life without parole for the murder of a corrections officer, said: "It didn't sink in until I got back to the jail—why didn't I just go to trial? My mom and grandmother would have understood . . . ."

Damien F., who is serving a life without parole sentence for a home invasion, robbery, and murder, told LDF: "Because my mother was right there, that's why I did what I did [accepted a plea]. As time went on, I thought, 'Why did I do this? I just jumped on the first thing they offered, because she was there.'"

Roderick Eskridge pled guilty to capital murder and armed robbery for the murder of 34-year-old Cheryl Johnson. His story demonstrates the difficulty a young person can have in understanding the implications of a plea bargain or sentence, as well as the consequences of more fundamental decisions about waiving the right to counsel and the right to remain silent.

Roderick (who was prosecuted before the Supreme Court abolished the death penalty for juvenile offenders) entered a plea bargain that did not include an agreement about sentence and therefore kept the death penalty as a possible option. After Roderick entered his plea, a jury imposed the death penalty. In denying his appeal, the Mississippi Supreme Court noted, "Although he was only seventeen (17) years old at the time of the crime, we have held before that minors can be treated as adults in such circumstances and are allowed to waive their rights and confess to a crime."<sup>44</sup>

Roderick is now 28 years old, and was re-sentenced to life without parole after the Supreme Court declared the death penalty for juveniles unconstitutional. When LDF spoke to Roderick about his life since incarceration, he said: "This place is supposed to rehabilitate us, yet with life sentences, it's destroying us, taking the will to live from us. But I refuse to give in . . . ."

Although sometimes flawed, the plea bargain process is often critical because it can offer a juvenile offender in adult court the opportunity for a non-life sentence (such a sentence will be unavailable if the young person is convicted after trial). Indeed, statistics obtained from the Hinds County Records Department in October of 2006 indicate that since 1994, all of the teenagers who were charged with capital murder and accepted plea bargains avoided life without parole sentences. Specifically, of the 23 youths who were charged with capital murder, six pled guilty to manslaughter, one pled guilty to murder, four pled guilty to being accessories after the fact, and six cases were not prosecuted. Only the six that proceeded to trial were convicted of capital murder and sentenced to life without parole.

The family of one young man from Hinds County who was convicted after trial and sentenced to life without parole talked about how plea bargaining was used to leverage one minor against another in a capital case:

Paul and Joseph grew up in the same neighborhood, and were friends. Both were arrested after an afternoon of listening to music and smoking marijuana at the home of a friend led to an argument and the shooting death

of that friend. Paul's family recalled that after his arrest, Paul was "the first person they went to with a plea." The prosecutor's office "offered him a plea to 25-plus years, but he wouldn't accept it" because he said that he did not personally shoot the victim. Some time later, "they offered [Paul] a plea to 7 years [in exchange for] testify[ing] against Joseph, but he wouldn't [take it]. But when they took the plea to Joseph to testify against [Paul], he took it. [Paul] thought more of their friendship than Joseph did."<sup>45</sup>

The decision about whether to accept a plea bargain is one that has serious consequences in any case. This decision is of the utmost import for juveniles charged with capital murder and facing the possibility of life without parole. Because LDF's interviews illustrate that many young people presented with a plea bargain do not understand them, a life without parole sentence is an inappropriate outcome in any juvenile case.

## **F. The Dangers of Sending Children to Adult Prisons**

All incarcerated children are forced to deal with the harshness of a prison environment. However, juveniles sentenced to life without parole face the added burden of knowing that their condition of incarceration is permanent, and this fact significantly complicates the already challenging transition faced by incarcerated youth.

In Mississippi, juveniles sentenced to the Department of Corrections can serve time in an adult or youth-specific facility. According to a Bureau of Justice Statistics Report, as of the year 2000 Mississippi maintained just 60 beds in units specifically designated for youth.<sup>46</sup> In that same year, however, there were 164 incarcerated juveniles. This means that 104 teenagers were serving their time with adults, and facing very serious threats of mental and physical abuse.

In order to reduce the number of youth housed with adult offenders, in March 2001, Mississippi opened the privately run Walnut Grove Youth Correctional Facility—a 941-bed facility for boys ages 13-20. Because Walnut Grove focuses on rehabilitation, it offers the young men housed there the opportunity to get a GED, a job, and substance abuse, mental health, or anger management counseling.<sup>47</sup> In October 2007, the facility broke ground on a 500-bed expansion. As Department of Corrections Commissioner



Christopher Epps stated, referencing the possibility of young people being rehabilitated, “The expansion enhances the ability of the Mississippi Department of Corrections (MDOC) to segregate youthful offenders from older career offenders, preventing older offenders from further damaging salvageable lives.”<sup>48</sup>

Some of the juveniles serving life without parole were sent to Walnut Grove at the beginning of their sentences. They spoke positively of their experiences there—especially when compared to the time they have spent in adult prisons:

“Walnut Grove was one of the best places I’ve been. I got my GED and was the leader of a military recruitment program. [The guards] were very professional. They called the inmates “Sir” and everything. I wasn’t used to that. But here, it’s not like that. It’s Parchman, that’s all.”  
—Sean D.<sup>49</sup>

“First I went to Walnut Grove for 24 months: I got an education, got to work—had a job in the kitchen—got a trade in bricklaying. It was really nice down there—a good education and everything.” —Terrell B.

Life for children placed in adult facilities is very different from life at Walnut Grove. Problems of violence, rape, and intimidation—which affect all inmates—are compounded for very young people in adult prisons. As noted by a recent MacArthur Foundation study:

[Y]ouths placed in adult correctional settings reported significantly weaker correctional climates along four critical dimensions: fairness, counseling and therapeutic services, educational and job training services, and program structure, compared with matched groups of youths placed in juvenile facilities.<sup>50</sup>

James R., who was first sentenced to death and then later resentenced to life without parole, spoke about this issue, noting the lack of opportunity he had in prison: “I have been off [of death row] for little over a year now. And I am beginning to think, for me anyway, that life was more of a life on death row. The point system at my prison has kept me in lockdown since I received my life sentence. There is just nothing to do in lockdown.<sup>51</sup> No classes to take, no job to have, no opportunities at all. Lockdown 23 hours a day, 7 days a week, one man cell.<sup>52</sup> There doesn’t seem to be any hope of getting a chance to go out to population because I am under the point system. I have 10 points for my time, 10 points for my crime, and 2 points for my age. Right there I’m over the 21-point limit to go out to population, and that’s not counting the other points they dish out. It’s almost like they are punishing me for getting off death row.”

On the other hand, the MacArthur Foundation found that youth placed in youth-specific facilities,

... reported greater feelings of safety compared with youths placed in adult settings. This paradox may reflect the social networks that were dominant in the two different types of placements: older criminal offenders in more organized prison gangs were the dominant social group in the adult facilities, compared to the loosely organized groups of peers that populated the juvenile facilities.<sup>53</sup>

The experiences of youth in Mississippi echo these differences. One young man spoke about young people being preyed upon by older inmates, saying, “You got these older guys in here that say, I’m gonna make him my sex toy, put him in my gang.”

Richard S. explained, “It’s a jungle in here, and you can be a lion or an antelope. I’m not going to be an antelope. If you don’t have a name for yourself, you have to make one. It’s a mentality they bring from the street. It’s a struggle every day mentally and physically. You don’t have to be scared, but you have to be alert. If you slip, somebody gonna get you no matter what you are or what you do. I’ve been stabbed, and beat. It’s like, I do you, or they do me.”



“This life sentence is killing me, for real. I don’t take my medicine. I don’t care whether I live or die. I feel like sometimes that’s what I’d rather do, since no one’s giving me another chance. I got a life I want to live, and goals. But this is how it is now. This is how I’m gonna die. Just on my own.”—Jeremy P.

Sean D. echoed these sentiments: “There are stabbings all the time. Two guys got stabbed in January, but it’s just now in October that they’re dealing with it. Another guy got stabbed 3 or 4 times. They took him to the hospital, and he got stitches . . .but he hasn’t been back to the hospital ever since.”

Jeremy P. said, “I can’t get no sense of peace. They always say, ‘You’re in prison, where you think you at?’ When I first got here, they’d take you out of your cell and attach a dog leash here [gesturing to his handcuffs]. A dog leash.”

Combined with the normal stresses of the prison environment is the knowledge that life without parole means there is no second chance. For young offenders, the awareness of the permanence of the sentence often takes time to sink in. Dr. Michael Whelan, former Head of the Department of Psychology at the Mississippi State Penitentiary, told LDF that, “although an inmate’s ability to deal with being sentenced to life without parole is predominantly determined by his or her background and unique personality, it is obvious that a juvenile sentenced to life without parole would still have a more difficult time psychologically handling his or her sentence than an adult because he has fewer life experiences to hold on to.”<sup>54</sup>

This has proved true for several of Mississippi’s juveniles sentenced to life without parole, who spoke about the disbelief and depression that followed their understanding of their sentence:

“It took five years before I could accept it. They need to give us something to live for. Right now it’s hopeless. We have nothing to look forward to. I wanna be something, have things, accomplish things, get my GED, show that I’m trying to be somebody. You don’t have anything in here. I want to have hope, but hope will drive you crazy.”  
—Richard S.

“I didn’t understand what the sentence mean—I still don’t believe it’s going to be the rest of my life in prison.”  
—Terrell B.

“[After being incarcerated] I wanted to give up on life because they said I’d never go home. I just have to keep hoping. The only thing that keeps me going is my daughter—she turns six this month.”  
—Darnell T.

Life without the possibility of parole is the most serious criminal justice sanction a child in our society can face today. It is a sentence fundamentally different than any other sentence, including simple life, because when someone is sentenced to life without parole, he will **never** get out of jail. After the completion of the appeal process, he will never have a second chance.

Until it abolishes juvenile life without parole sentencing, Mississippi should ensure that its life without parole sentenced juveniles are afforded adequate mental health counseling, and other services to facilitate these young persons' adjustment to lifetime incarceration.

Mississippi should also build upon the important reform represented by the expansion of Walnut Grove, and take steps to ensure that all incarcerated juveniles are housed separate from adult offenders. Finally, Mississippi should expand efforts to provide juveniles with education, job opportunities, and other opportunities for development that support their rehabilitation, and help avoid hopelessness, and despair.

As this report went to press, another young man—Eric Lewis Williams—was sentenced to life without parole in Pike County, Mississippi, for the shooting death of 43-year-old Joe Serigny. Eric, who is African American, was 17 at the time of the crime. He was sentenced on January 23, 2008. The case of Eric's co-defendant, who was also 17 years old at the time Mr. Serigny was murdered, has not yet gone to trial. This brings the total number of juveniles sentenced to life without parole to 26, and the number of African-American juveniles to 20.<sup>55</sup>

## SECTION 6: CONCLUSIONS AND RECOMMENDATIONS



To be certain, murder is the most serious of crimes, and the criminal justice system has an obligation to protect the public and punish the offenders. However, the powerful influence of race, poverty, educational opportunity, family dynamics, the current understanding of the impact of adolescent brain development, and the vulnerability of youth to negative influences, render life without parole sentences inappropriate, and contrary to the long term societal interest in the possibility of rehabilitation and reform.

Thus, the State of Mississippi should:

- Eliminate the option of life without parole sentencing for any person who is convicted of a crime which s/he committed before the age of eighteen;
- Identify all individuals serving life without parole sentences for crimes committed as juveniles;
- Allow judicial review of the sentences of all individuals serving life without parole sentences for crimes committed as juveniles (regardless of the status of any prior appeal);
- Consider granting clemency to life-sentenced juveniles;
- Collect, maintain and make available accurate statistics about the race and ethnicity of all juveniles charged with and/or sentenced for life without parole-eligible offenses and/or sentenced to life without parole.
- Collect, maintain and make available accurate statistics about the race and ethnicity of the victims of such offenses;
- Remove all juveniles from the State's adult prisons;
- Grant greater sentencing discretion to judges adjudicating juveniles that are charged with violent crimes, transferred to adult court, and convicted in adult court.

## SECTION 7: ENDNOTES

<sup>1</sup>Except where descriptions are taken from news accounts or court records, pseudonyms are used throughout this report to protect the privacy of the juveniles being discussed.

<sup>2</sup>The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) interviewed David at the East Mississippi Correctional Facility on October 19, 2006.

<sup>3</sup>*Moody v. State*, 838 So. 2d 324, 327 (2002).

<sup>4</sup>Telephone interview with Sheriff Billy McGee, February 22, 2007.

<sup>5</sup>Alaska, Kansas, Kentucky, Maine, New Mexico, New York, West Virginia and the District of Columbia do not have life without parole sentences for juveniles.

<sup>6</sup>Statistics provided by Alison Parker of Human Rights Watch, October 31, 2007. Human Rights Watch compiles juvenile life without parole statistics from states, corrections departments, and juvenile advocates nationwide.

<sup>7</sup>*Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>8</sup>Two of these young men were sentenced to death before Mississippi had a sentence of life without the possibility of parole. However, when they were resentenced after *Roper*, both of these men nevertheless received sentences of life without parole. Although *Roper* was decided in 2005, as of the writing of this report one man remains on death row, still waiting to be resentenced. He has not been included in this report.

<sup>9</sup>One is Native American and five are white.

<sup>10</sup>Miss. Code Ann. § 47-7-3(e)-(f) (Supp. 1994). On July 1, 1995, Senate Bill 2175 went into effect. Senate Bill 2175 declared that no offender in Mississippi would be eligible for parole. Instead, an 85% rule was instituted. Pursuant to Miss. Code Ann. § 47-5-139(1)(a), an inmate sentenced to life imprisonment, except one sentenced for capital murder, who has reached the age of sixty-five (65) or older and who has served at least fifteen (15) years may petition the sentencing court for conditional release.

<sup>11</sup>Miss. Code Ann. § 47-7-3 (Supp. 1993).

<sup>12</sup>Miss. Code Ann. § 43-21-151(1)(a)-(b). Juveniles are no longer eligible to be sentenced to death under *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>13</sup>Miss. Code Ann. § 97-3-21; Miss. Code Ann. § 47-7-3(1)(f); Miss. Code Ann. § 47-7-3(1)(g).

<sup>14</sup>Mississippi Legislature, 2006 Regular Session, House Bill 1090, available at <http://billstatus.ls.state.ms.us/documents/2006/html/HB/1000-1099/HB1090IN.htm>; Mississippi Legislature, 2007 Regular Session, House Bill 0727, available at <http://index.ls.state.ms.us/isysnative/UzpcRG9jdW1lbnRzXDlwMDdcccGRmXGhiXDA3MDAtdMdc5OVxoYjA3Mjdpbi5wZGY=/hb0727in.pdf#xml=http://10.240.72.35/isysquery/irl45fb/2/hilite>.

<sup>15</sup>Mississippi Department of Human Services, Division of Youth Services, Annual Statistical Reports. Statistics were not available for 1996, 1997, 1998 and 2002.

<sup>16</sup>*Booker v. State*, 2006 Miss. App. LEXIS 635 (Miss. 2006).

<sup>17</sup>Miss. Code Ann. § 43-21-159(3)

<sup>18</sup>Miss. Code Ann. § 43-21-159(4)

<sup>19</sup>LDF knows of no data detailing the actual rate at which blacks and whites commit homicides in Mississippi. As such, there is no evidence to suggest that the rate at which African Americans are sentenced to life imprisonment without parole is consistent with the rate at which African Americans commit such crimes as capital murder.

<sup>20</sup>In two of these cases, two individual persons were sentenced as juveniles to serve life without parole for the death of the same victim, and in one case a young man is serving life without parole for the death of four victims.

<sup>21</sup>Bureau of Justice Statistics, State-level Homicide Characteristics, available at <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Homicide/State/StatebyState.cfm>.

<sup>22</sup>LDF found no data indicating that the rate at which African Americans are sentenced to life without parole for crimes involving white victims is consistent with the rate at which African Americans commit crimes against whites.

<sup>23</sup>According to data provided by the Hinds County Information Technology Department, October 2006, and the Mississippi Department of Corrections.

<sup>24</sup>U.S. Census Bureau – 2000 Census Data, available at <http://quickfacts.census.gov/qfd/index.html>.

<sup>25</sup>*Id.*

<sup>26</sup>Interview with Mary P., March 14, 2007.

<sup>27</sup>U.S. Census Bureau – 2000 Census Data.

<sup>28</sup>See Ching-Chi Hsieh & M. D. Pugh. "Poverty, Income Inequality, and Violent Crime: A Meta-Analysis of Recent Aggregate Data Studies" *Criminal Justice Review*, Vol. 18, No. 2, 182-202: © 1993 Georgia State University, College of Health and Human Sciences; Jeremy Travis, "Labor Markets, Employment, and Crime." *National Institute of Justice Research Preview*. © 1997: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice; Clyde A. Winters. "Learning Disabilities, Crime Delinquency, and Special Education Placement." *Adolescence*, Vol. 32, 1997

<sup>29</sup>Gary Bowen & Mimi Chapman, "Poverty, Neighborhood Danger, Social Support, and the Individual Adaptation Among At-Risk Youth in Urban Areas." *Journal of Family Issues*, Vol. 17, No. 5, 641-666: © 1996 SAGE Publications, University of North Carolina at Chapel Hill

<sup>30</sup>Interview with Jack A., Mississippi State Penitentiary, October 16, 2006.

<sup>31</sup>Interview with Brian A., Southern Mississippi Correctional Facility, January 9, 2007.

<sup>32</sup>Interview with mother and stepfather of Jack and Brian A., March 14, 2007.

<sup>33</sup>*Spare the Death Penalty, Spoil the Child: How the Execution of Juveniles Violates the Eighth Amendment's Ban on Cruel and Unusual Punishment*: Carrie Martin, 46 *S. Tex. L. Rev.* 695, 717 (2005).

<sup>34</sup>*Juvenile Competency Statutes: A Model for State Legislation*: Kellie M. Johnson, 81 *Ind. L.J.* 1067, 1080 (2006) citing Press Release, National Institute of Mental Health, Imaging Study shows Brain Maturity, (May 17, 2004).

<sup>35</sup>*Id.*

<sup>36</sup>*Roper v. Simmons*, 543 U.S. 551, 569-70 (2005).

<sup>37</sup>537 U.S. 968 (2002).



<sup>38</sup>U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: National Report Series (2006)*, available at <http://ojjdp.ncjrs.org/ojstatbb/nr2006/downloads/NR2006.pdf> at 65

<sup>39</sup>*Id.*

<sup>40</sup>*Id.*

<sup>41</sup>*Id.* at 66.

<sup>42</sup>See Jimmie E. Gates, “D.A.: Domino’s deliveryman killed on dare,” *The Clarion-Ledger*, July 6, 2006; Jimmie E. Gates, “Teen Gets Life Without Parole,” *The Clarion-Ledger* (July 27, 2006).

<sup>43</sup>Marty Beyer, “Immaturity, Culpability & Competency in Juveniles: A Study of 17 Cases,” *American Bar Association Criminal Justice Magazine* (Summer 2000).

<sup>44</sup>*Eskridge v. State*, 765 So. 2d 508 (Miss. Sup. Ct. 2000).

<sup>45</sup>Interview with family of Paul C., March 12, 2007.

<sup>46</sup>Bureau of Justice Statistics, *Juveniles in Adult Prisons and Jails 37*, Table 4, available at <http://www.ncjrs.gov/pdffiles1/bja/182503-1.pdf> (October 2000).

<sup>47</sup>Walnut Grove Youth Correctional Facility. <http://cornellcompanies.com.icglink.com/images/upload/Walnut%20Grove%208-04.pdf>.

<sup>48</sup>Mississippi Department of Corrections, “Walnut Grove Youth Correctional Facility. Groundbreaking Ceremony,” available at [http://www.mdoc.state.ms.us/PressReleases/2007NewsReleases/Walnut%20Grove%20Groundbreaking%2010\\_05\\_07.pdf](http://www.mdoc.state.ms.us/PressReleases/2007NewsReleases/Walnut%20Grove%20Groundbreaking%2010_05_07.pdf).

<sup>49</sup>The Mississippi State Penitentiary is also known as Parchman Farm.

<sup>50</sup>MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, “The Changing Border of Juvenile Justice: Transfer of Adolescents to the Adult Criminal Court.”

<sup>51</sup>Upon first entering the Mississippi Department of Corrections, all inmates are sent to the Central Mississippi Correctional Facility to be classified according to custody level, an incarceration program including work and educational needs, privileges and limitations, and assigned to an institution. According to the Department of Corrections, “[t]he Initial Classification assessment establishes an offender’s custody level upon his/her admission to the Mississippi Department of Corrections (MDOC). This custody level is scored on a numerical scale to identify the type and level of risk likely to be presented by the offender.” This numerical scale is colloquially referred to as the “point system.”

<sup>52</sup>James explained that “lockdown” means that an inmate must be in his cell 23 of 24 hours in a day.

<sup>53</sup>MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, “The Changing Border of Juvenile Justice: Transfer of Adolescents to the Adult Criminal Court.”

<sup>54</sup>Telephone interview with Dr. Michael Whelan, March 6, 2007.

<sup>55</sup>Ernest Herndon, “Life without parole: Teen sentenced in convenience store slaying,” *Enterprise-Journal*, January 24, 2008.

**ADDENDUM: JUVENILES SENTENCED TO LIFE WITHOUT PAROLE IN MISSISSIPPI**

Age at Time of Offense	Race of Youth Offender	Race of Victim	Offense	Date of Offense	Pled Guilty	Age of Others Involved	County
13	B	W	Robbery and death of pizza delivery person	2/24/2003		18	Hinds
14	W	W	Death of a 21-year-old woman (also found guilty as an accessory after the fact to capital murder in the death of her 27-year-old companion)	5/14/1995		20	Perry
14	B	A	Robbery and death of a store clerk	7/29/1997		unknown	Forrest
16	N	W, W, W, W	Death of mother, stepfather, stepsister and stepnephew	10/23/1994		14	Jackson
16	W	W	Home burglary and death of elderly woman	9/24/1996	X	17	Bolivar
16	W	W	Death of a deputy sheriff	3/2/98	X	n/a	Lee
16	B	H	Robbery and shooting of a man on his way to work	3/21/2000		unknown	Scott
16	B	A	Robbery and death of a store clerk	7/2/2001		unknown	Madison
16	B	W	Burglary of gun store, and death of 27-year-old store clerk	6/25/2002		17, 19	Hinds
16	B	unknown	Robbery and beating death of 52-year-old man	12/31/2002		16, 18	Jackson
16	B	W	Vehicle theft and death of a 57-year-old owner of a car lot	1/8/2004		21	Rankin
16	B	W	Death of a police chief while evading arrest	2/4/2005		unknown	Choctaw
17	B	W	Robbery and death of a store clerk	6/10/1989		15	Lowndes
17	B	B	Robbery, sexual battery, and death of 35-year-old woman	6/6/1992		unknown	Leflore
17	W	W	Home burglary and death of elderly woman	9/24/1996		16	Bolivar
17	B	unknown	Robbery and death of a store clerk	7/25/1997		unknown	Hinds
17	B	B	Robbery and death of 34-year-old woman	12/1/1997	X	19, 20, 21	Grenada
17	B	B	Death of a 30-year-old man during a robbery attempt	4/2/1998		unknown	Hinds
17	B	B	Home burglary and death of two children who were home sick from school	5/11/1998		19	Humphreys
17	B	B	Home burglary and death of an elderly woman	7/22/1999	X	20; 16	Coahoma
17	B	W	Robbery and death of a store clerk	11/3/1999		18	Tallahatchie
17	W	W	Death of father	3/22/2000		17, 18, 25	Jackson
17	B	B	Robbery and death of a friend during a dispute	10/27/2001		unknown	Hinds
17	B	B	Death of a man in an arson	6/18/2002	X	18	Lincoln
17	B	W	Burglary of gun store, and death of 27-year-old store clerk	6/25/2002		16, 19	Hinds

The NAACP Legal Defense and Educational Fund is America's legal counsel on issues of race. Through advocacy and litigation, LDF focuses on issues of education, voter protection, economic justice and criminal justice. We encourage students to embark on careers in the public interest through scholarship and internship programs. LDF pursues racial justice to move our nation toward a society that fulfills the promise of equality for all Americans.



**NO CHANCE TO MAKE IT RIGHT:**  
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a publication of  
**NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.**  
**99 Hudson Street, Suite 1600**  
**New York, NY 10013**  
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