

Garrett co-authors JustScience Lab report making case against sentencing juveniles to life without parole in North Carolina



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North Carolina should abolish the sentence of juvenile life without parole and replace it with a more humane and cost-effective sentence that allows for a review after a reasonable period of time, according to a report released Feb. 11 by the JustScience Lab at Duke University. L. Neil Williams, Jr. Professor of Law Brandon L. Garrett co-authored the report with Ben Finholt, a staff attorney with North Carolina Prisoner Legal Services, and Duke University graduate students Karima Modjadidi and Kristen Renberg.

The report, *Juvenile Life Without Parole in North Carolina*, examines the cases of 94 people in North Carolina who were sentenced as juveniles to life without parole, most of them in the 1990s. Of the cases, 52 are currently serving life without parole sentences. The rest have been resentenced to non-life without parole sentences.

On Monday, Garrett, a scholar of criminal justice outcomes, evidence, and constitutional rights, discussed the report's recommendations at an event hosted by the Duke Criminal Law Society. He was joined by Finholt, David Andrews of the North Carolina Office of the Appellate Defender, and State Rep. Pricey Harrison. Durham County District Attorney Satana Deberry '94 was in attendance.

Garrett said overly harsh sentences for juveniles are a legacy of the "super-predator" panic that took hold in the 1990s. This now-discredited theory predicted a surge in crime from so-called "super-predators" — a supposed new breed of amoral juveniles with a penchant for violence and little fear of consequences. Many states including North Carolina reacted by passing harsh sentencing laws for juveniles. Until 2012, as a result, any juvenile convicted of first-degree murder in North Carolina was automatically sentenced to life without parole.

In 2012, however, the Supreme Court ruled, in *Miller v. Alabama*, that mandatory sentences of life without parole for juveniles were unconstitutional, and directed judges to first consider the nature of the crime, the defendant's age, and any mitigating factors. After the *Miller* decision, North Carolina passed legislation removing juvenile life without parole for felony murder, where the offender was only an accomplice to a crime, but allowing the sentence for the most depraved cases of deliberate first-degree murder.

Today, 51 juvenile offenders are currently serving life without parole, and most of them have not yet gone through the required court hearings to determine whether their punishments should stand. Garrett noted that most of the sentences will likely be reversed in coming years, but the state will still have to bear the cost of hearings and appeals. In *State v. Seam*, one of the cases examined in the report, the defendant had two multi-day hearings and three appeals before he was resentenced to life with parole, Garrett said.

"Why burden our court system with a losing battle of defending 1990s-era sentences?" he asked, noting that the United States is the only country in the world that allows juveniles to be sentenced to life without

parole. "As long as these sentences remain on the books in North Carolina, their legacy will stay with us."

Finholt added that 32 of North Carolina's juvenile life without parole sentences, including the defendant in *Seam*, stemmed from a conviction of felony murder.

"The big picture of what I'd like to see for these defendants is more hope," he said. "I wish more of our legislators and judges and justices would keep in mind what this actually means to real, human people. The idea that we should be extending people the option, at least, to rehabilitate themselves is a very good idea."

Andrews, an assistant appellate defender, said the fact that so many juvenile life without parole cases have been reversed and resentenced proves there was something faulty about the way the original sentence was handed down in the trial courts.

"If we have so many of these in the Court of Appeals, where judges are making mistakes over and over again, that's an indication that the procedures we have in place aren't functioning as well as they should be," he said. "I'm encouraging legislators to go back to the drawing board. Let's rethink whether we want to sentence children to die in prison."

Harrison said she hopes the report will prod state legislators towards reform.

"When you're sending a kid to jail for life, knowing he'll never get out, there's no motivation to improve himself and it'll just lead to a worse life," she said, calling it "grossly unfair," in light of research on brain development that indicates juveniles are prone to act on impulse, be susceptible to peer pressure, and are not always able to consider the long-term consequences of their actions.

Pointing out that it costs approximately \$2.25 million to house a 16-year-old in jail for 50 years, while a rehabilitated individual could contribute to society, Harrison noted that reform also makes economic sense.

The report is the first from the new interdisciplinary JustScience Lab, that Garrett leads. Going forward, his research team, comprised of law students and postdoctoral research fellows, will collect and analyze local and state data and make evidence-based policy recommendations on a wide range of criminal justice policies and issues at the intersection of criminal justice and health. The project is supported by a \$320,000 grant from the Arlington, Va., based Charles Koch Foundation.