

Michigan judge condemns 16 year old to life sentence with no parole

Jerry White
18 March 1999

On March 12 a Wayne County Family Court judge ordered 16-year-old Gregory Petty to spend the rest of his life in jail, without the chance of parole. Last January Petty was convicted for the 1998 murder of a barber during a robbery in Highland Park, an impoverished working class suburb of Detroit. Prosecutors said Petty, 15 years old at the time, gave a gun to then- 12-year-old McKinley Moore and told him to shoot and rob the man.

Petty is believed to be the youngest person in Michigan history to be convicted as an adult for murder and sentenced to life imprisonment. Before sentencing the boy Judge Freddie Burton said the prospect of sending a minor to prison until he dies "takes your breath away." The judge then imposed the cruelest punishment possible under a new state law that sets no minimum age limit for children to be tried and sentenced as adults.

Burton had the option of sentencing Petty to juvenile rehabilitation until the age of 21 or imposing a "blended sentence," in which a prison term is suspended while the youth undergoes rehabilitation in a juvenile facility. In the previous case of McKinley Moore, the judge sentenced the 13-year-old boy to serve six years in a high-security juvenile facility. When he is 19 a final decision will be made on whether to release Moore, keep him in jail until he is 21 or send him to prison for life. The judge warned that if Moore were charged with a single violation during his term, or committed a new crime, he would be brought back to court and sentenced to life as an adult.

Assistant Wayne County Prosecutor Craig Yaldoo asked the judge to sentence Petty to adult prison for life. He said the boy could not be rehabilitated by the age of 21 and sought to prove this by saying Petty had already served 90 days in a Family Independence

Agency facility for delinquent boys for a previous offense--carrying a concealed weapon--and then had other run-ins with the police. Yaldoo rejected the argument that Petty was too young to be fully responsible for his actions, saying, he "put a 12-year-old up to kill that man to distance himself from the crime." This proved he knew right from wrong, the prosecutor asserted.

The judge ignored arguments by Petty's attorney that the boy had shown he could improve by qualifying for the honor roll at the school in the detention facility, despite years of failing grades in Highland Park schools. Nor did the judge take into account Petty's history of poverty and social neglect.

The youth grew up without his father, who was imprisoned for murder when the boy was three years old. Gregory's older brother was put away in the state juvenile justice system. He knew no other surroundings other than the destitution of Highland Park, the poorest city in Michigan, with a poverty rate approaching 40 percent.

A clinical social worker, arguing against a life sentence, told the judge that Petty had so many psychological problems he would need several years of intensive therapy to change course. "Without a structured program he is probably going to do the same thing or worse than what he's here for now," the specialist said.

The sentencing of Petty hardly rated a mention in the news media. Only one of Detroit's two daily newspapers reported the story and the national media ignored it. While the US Bill of Rights declared more than 200 years ago that citizens should not be subjected to cruel and unusual punishment, news commentators and the political establishment in America no longer consider such treatment of children either cruel or

unusual.

The US is one of the few countries in the world which has refused to sign the Convention on the Rights of the Child, an international treaty which prohibits the death penalty or life imprisonment without parole for persons who have committed an offense while younger than 18.

Michigan is not the only US state which jails children for life. In California there are currently 14 prisoners who were sentenced to life without parole at ages 16 or 17. There are no doubt scores of others in other states. Since 1995 state governments in the US have executed six prisoners for crimes committed when those convicted were minors, including two in 1998, and another 70 await their fate on death row.

According to Amnesty International more than 11,000 youth, including some as young as 13, are in US prisons and other long-term adult correctional facilities. Thirty-eight states permit the housing of children in the general population in adult facilities. Once inside, many are subjected to solitary confinement, physical and chemical restraints and sexual and other forms of abuse from adult prisoners.

Two days after the Wayne County judge condemned Petty, the Justice Department released a report showing that the number of jailed Americans has more than doubled over the past 12 years, and reached its highest level ever in 1998. More than 1.8 million people--approximately 1 in 150 residents--are incarcerated in the nation's federal and state prisons and local jails.

For an American born this year, the chance of living some part of life in a correctional facility is 1 in 20; for black Americans, it is 1 in 4. Within the next two years the US is expected to surpass Russia as the nation with the highest rate of imprisonment.

Prison construction has become a booming business with prisons being built at the rate of one a week. Private jail companies like Corrections Corporation of America have seen their stock value increase ten-fold since 1994. In state after state increases for correctional spending have far outstripped increases for public and higher education.

The US prison population continues to burgeon despite a fall in crime levels. Much of the increase is the result of the law and order campaign launched by the Democrats and Republicans in the 1980s, which

included mandatory minimum sentencing for first-time offenders and those caught with even small amounts of illegal substances.

Like Gregory Petty, the vast majority of those languishing in America's prisons and jails are poor, and disproportionately minority. An estimated 70 percent of the prison population is functionally illiterate and approximately 200,000 inmates suffer from serious mental illnesses.

The vindictive treatment of the most psychologically and physically vulnerable says a great deal about capitalist America. More than a century ago social reformers championed the humane conception that society could and should rehabilitate troubled children and help them lead constructive lives. Today's misanthropic politicians, prosecutors and judges reject any such notion and criminalize poor children as "super-predators," holding them responsible, along with their adult counterparts, for problems that are ultimately rooted in conditions of poverty and social inequality.

The powers-that-be have neither the will nor the ability to resolve these social problems, and incarceration has increasingly become the most aggressively pursued social policy in America.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact