

Thirteen-year-old in Pennsylvania could face life in prison

Hiram Lee
28 January 2011

A thirteen-year-old boy from Pennsylvania to be tried as an adult for a murder he is alleged to have committed when he was just 11 years old could be facing life in prison if his attorney does not win an appeal to move his case to the juvenile court system.

Should the young boy be convicted in the adult courts and receive the expected sentence of life without parole, it would make him the youngest person in US history to receive such a sentence and, according to Amnesty International, the youngest person known to be serving a life sentence without the possibility of parole in the entire world.

Jordan Brown was arrested on February 20, 2009, after authorities found the body of Kenzie Houk, the fiancée of the young boy's father, in the family's Lawrence County home. Prosecutors say the 11-year-old Brown shot Houk, who was eight-and-a-half months pregnant at the time, as she slept in her bedroom. After allegedly shooting Houk on the morning of February 20 with the shotgun given to him by his father for use on hunting trips, Brown is said to have left his home to catch the school bus that would take the 5th grader to his elementary school. Prosecutors claim the boy killed Houk out of jealousy.

Under Pennsylvania law, juveniles charged with murder are automatically tried as adults, and only a judge's order can move a defendant's case to juvenile court. In March 2010, Lawrence County Judge Dominick Motto refused to allow Brown's case to be moved to the juvenile court system.

In arriving at his decision, Motto relied in part on testimony by Dr. John O'Brien, a psychiatrist working on behalf of the prosecution, who claimed Brown was not a good candidate for rehabilitation as he neither expressed remorse nor accepted responsibility for Houk's death. The judge agreed and refused to send

Brown's case to the juvenile courts largely on these grounds. The Pennsylvania Attorney General's office has also said that if Brown would have admitted responsibility for Houk's death, they would have considered arguing for the case to be moved to juvenile court.

The judge's ruling, making the transfer of Brown's case to the juvenile courts dependent upon Brown confessing to the crime of which he is accused, is almost certainly unconstitutional as it would have violated Brown's Fifth Amendment right not to incriminate himself.

A three-judge panel of the Pennsylvania Superior Court is currently considering an appeal of Motto's decision brought by Brown's attorney. It could be weeks before the court rules on the appeal. In the meantime, the thirteen-year-old remains incarcerated.

Should Brown win the appeal and be tried and convicted as a juvenile, he would be released from custody at the age of 21, and his conviction would not appear on his permanent record. However, if he is tried and convicted as an adult, as ruled by Judge Motto, he could face life in prison without the possibility of parole.

The case of Jordan Brown lays bare the brutal character of the criminal justice system in the United States, and the brutal treatment of juvenile offenders in particular. The country holds tens of thousands of youth in a juvenile justice system, with rising numbers of children sentenced as adults. In many cases, those sentenced as adults were convicted of crimes that would not have warranted stiff sentences for adults, such as acting as accessories to crimes, including property, drug or other nonviolent crimes.

The US justice system is unparalleled in its brutal treatment of children. A Human Rights Watch/Amnesty

International survey of 154 countries outside of the US found only a dozen prisoners in only three countries who were serving out life sentences without parole for crimes committed while they were children.

In the United States, by contrast, Human Rights Watch reports that are currently 2,589 juvenile offenders serving a sentence of life without the possibility of parole. The US is joined only by Somalia in refusing to ratify the Convention on the Rights of the Child, which includes a provision prohibiting the incarceration of children with adults. One in three US children sentenced to life without parole enters into the adult prison system as minors, exposing them to the most heinous psychological and physical abuse.

Of children serving life without parole in the US, 450 of them are in Pennsylvania, where Jordan Brown is imprisoned, more than in any other state. As with many economically distressed regions of the country, the former industrial state is now dotted with lucrative prison complexes and a virtual conviction mill in the criminal courts.

Underscoring the corrupt and debased nature of the juvenile justice system in Pennsylvania is the case of two judges who pleaded guilty in 2009 to taking part in a kickback scheme in which they received millions of dollars in return for sending teenage offenders to for-profit juvenile detention centers. Judges Mark Ciavarella Jr. and Michael Conahan took in more than \$2.6 million over a seven-year period for their part in ushering juvenile defendants into privately owned and operated detention centers.

Together, Ciavarella and Conahan had the Luzerne County-run juvenile detention center shut down and had offenders sent to newly established for-profit detention centers controlled by PA Child Care in its place. From the time the kickback scheme was initiated in December 2002 through 2009, more than 5,000 juvenile offenders had been sentenced by Ciavarella. The ordeal has since become known as the “Kids for Cash” scandal.

In 2010, the US Supreme Court upheld the sentencing of juveniles convicted of murder to life in prison without parole, allowing this barbaric practice to continue, even as it ruled unconstitutional the same sentence for juvenile offenders whose crimes did not include murder.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact