

INNOCENT JUVENILE + JUST-US SYSTEM = CHILD ABUSE



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This past May, the U.S. Supreme Court used the above cited Graham case to strike down, as unconstitutional, the sentencing of children to Death-By-Incarceration (DBI) (legally and euphemistically termed Life [Without Parole] (LWOP) by the state of Pennsylvania. The Graham - decision only addressed non-homicide cases, but clearly applies, with equal force, to juveniles who have been convicted of homicide. The unavoidable focal point of analysis is: the not-fully developed mind of the child, not the crime. The former does not change regardless of what the latter is. Proof of this, is that the Court's foundation for the GRAHAM opinion was laid, by drawing heavily from its prior 2005 decision on matters of sentencing, concluded that, "the same characteristics that render juveniles' less

"But children, I submit, cannot be fooled. They can only be betrayed by adults..." -James Baldwin

"No... reason to reconsider the Court's observation in ROPER about the nature of a juvenile..."

"[D]evelopments in psychology and brain science continue to show a fundamental difference between juvenile and adult minds."

"It remains true that from a moral standpoint it would be misguided to equate the failing of a minor with those of an adult for a greater possibility exists that a minor's character deficiencies will be reformed"

"As compared to adults, juveniles have a 'lack of maturity and an undeveloped sense of responsibility'; they 'are more vulnerable or susceptible to negative influences and outside pressure, including peer pressure; and their characters are not as well formed.'" -GRAHAM V. FLORIDA, (2010)

culpable than adults suggest... that juveniles will be less susceptible to deterrence." Hence, the court banned the death penalty for children who committed murder before they became 18.

After reading countless studies/reports from professors and child mind experts, it took the Supreme Court until 2010 to comprehend what our grandmothers have been telling us for generations, "Children ain't got no never mind in grown folks bizness." Scores of legal, political and social pundits have waded into the national discussion the GRAHAM decision has created. While nearly all of them are echoing that the court's reasoning also applies to child homicide cases, the pundits are also conspicuously silent about what it means for children in prison who are actually innocent of any crime but who still were sentenced to Death-By-Incarceration, which is-- without doubt--the highest form of torture under the color of law!

As one such juvenile, with the evidence to prove my actual innocence, I can not help but notice the unified complicity of silence from the local purported child advocate agencies, lawyers and media on the issue of children sentenced to Death-By-Incarceration, who are innocent of committing any crimes; with the exception of a very few, most of them operate out of Philadelphia. I am not a lifer! I am a death (er); hence the need for accuracy with DBI. Which in this state, is a far more realistic death sentence than the traditional method of execution. See this writer's federal petition and pending state PCRA for proof. Because of the above, I bring a uniquely duel perspective to this issue, that the professionals who are silent, have tried, nonstop, to sweep under the rug of injustice.

Firstly, I speak as a juvenile sentenced to DBI, and secondly as a boy who was convicted for a crime, (homicide-robbery) he did not commit.

My personal court (nightmare) is only out-done by the front row seat I have been given to witness the fallout from countless children being abused once inside the judicial system. All of these particular abusers have been adults with titles like prosecutor, judge, defense attorney, police officer, child advocate, journalist and every element of the Pennsylvania Department of Corrections (DOC) - all profiting off of the exploitation of children they have either taken a legal, professional or social oath to protect. I discovered that I'm not the only juvenile who is actually innocent, but, also, many of those who are guilty, and have positively transformed their lives since being imprisoned, have never had a chance at life, or justice, from the word go. Most of the innocent I've met, are so stifled by what President Obama called "inarticulate rage;" they get overwhelmed by the destructive daily grind of the Just Us system (Continued on page 17. See Osagboro.).

They have long since imploded and stopped seeking the help of adults to be exonerated.

One such case is 17 year old Ivan Serrano, who was sentenced to death by incarceration (DBI) along with an adult codefendant, after being falsely convicted for a murder in North Philly. Ivan was exonerated after 18 years. When I asked Ivan, what was it like knowing you were innocent, after being in prison for so long and then hearing that you were going home, he replied, "Nobody would help me, so I was bidding hard, Wildin' out! Jalihouse dug-in [institutionalized] so when they called me and said you're going home in a few days, I was scared 'cause I thought I was going to die in prison. I didn't know nuffin' 'bout that legal (expletive). All I knew is that I was innocent but nobody would listen"

For nearly three decades I've watched these adults; like vultures feeding off of the misery of juveniles as if they are dead carrion; financially profiting in every conceivable way possible, while simultaneously projecting to the public that they are deeply concerned with the rights of a child. They have more disdain for us than the legislators who drafted the laws in the mid-70's that created DBI for juveniles.

The U.S. is the only country on earth that has not outlawed DBI according to the report, **SENTENCING OUR CHILDREN TO DIE IN PRISON: Global Law Practice.**

This report was one of several used by the Court to render its decision. It was written by stellar California law professors, Connie De La Vega and Michelle Leighton, who are leading the charge to abolish DBI for children in our nation. These two professors are the pre eminent scholars on this issue and their vanguard leadership brings with it an integrity rarely found among Philadelphia professionals. Our western Pennsylvania advocates are progressive and caring supporters in their own right, but on this issue, it is the west coast dynamic duo of De La Vega and Leighton, that was central on the scholarly front, in getting us to this tipping point for change.

America leads the world with 2484 youth sentenced to DBI and the rest of the globe has zero. PA leads the country with 473, and-Philadelphia leads the state with approximately 70% of those. Thus, the cradle of American so-called justice and democratic rights is now the epicenter for legal torture of children.

These are multiple layers of injustice rooted in the silence of these adults who ramble on endlessly, about the guilty, but won't speak a single word about those who are innocent. Firstly, children sentenced to DBI is driven by unapologetic white supremacy. Please do not misconstrue the anatomy of white supremacy; it is about a system not a people, which is why some of its most dutiful advocates are black and of color. And some of those daring to deconstruct it are white. The Washington Afro-American, reported that at a forum on criminal justice in July 2009 in which former federal prosecutor,

Paul Butler, confessed what it was like to be a hit man for the Just-Us system. "As a prosecutor, I used my power to put Black people in prison. I now see how that was wrong."

Butler, now a law professor, goes even further in his book, *Let's Get Free: A Hip Hop Theory of Justice*; "The biggest threat to freedom in the United States comes not from some foreign or terrorist threat but rather from our dysfunctional criminal justice system. It is out of control." pg. 26

◦ In a recent editorial, the Philadelphia Daily news reported that locally "about 70 percent of the state's juveniles [sentenced to DBI] are African-American." If you add Hispanics, Native Americans, and Asians you get nearly 80%.

Law professor Brandon L. Garrett, published in the *Columbia Law Review*, a study entitled "JUDGING INNOCENCE." In order to get a hard look at what the innocent in prison looks like, he examined exonerated men and women from all over the country and discovered that "11% of them were juveniles." If adults can not handle the state's sophisticated disregard for their rights, it stands to reason that children are doubly over-matched by the tide of unlawful prosecutions.

Professor Butler, a Yale and Harvard graduate, continues in his book, "A very good prosecutor has the skill to convict some innocent people-not every single person, but some." (Continued on page 19. See Osagboro.)

JUDGING INNOCENCE concluded that out of all those exonerated nation wide, over "62% were Black, 29% were White, 9% Hispanic and 1% Asian."

° When you lock juveniles up, they commit suicide and the alarming rate at which this is happening is a threat to our national health and safety. According to a new study by the DOJ's Office of Juvenile Justice and Delinquency Prevention, CHARACTERISTICS OF JUVENILES SUICIDE IN CONFINEMENT. (Feb 2009), "...110 juvenile suicides occurred between 1995 and 1999." It continues, "The primary goal of this effort was to determine the extant and distribution of juvenile suicide in confinement."

Black youth represent "11% and [Hispanic] 6% of the victims in this study." [White] and American Indian youth... [makeup] 68% and 11% of the victims in this study". The large numbers for White and American Indian are highly suspect, and may be from using the facilities that imprison mostly White youth whereas, those that hold those of color were not included as much in the study. In spite of this fact, the study also points out, "One previous study found that [White] youth held in detention attempted suicide at a rate approximately 3.5 times that of African American youth."

Youth suicide is a national tragedy and major public health problem. The findings reported in these pages present serious challenges for health-care and correctional professionals who work with confined youth and for administrators charged with ensuring the security and safety of youth in detention," the study proclaimed.

Here's where the B.S. gets laid on extra thick. "Preventing juvenile suicide in confinement is a critical responsibility. The information provided in this Bulletin is intended to inform such endeavors." Then, I ask, why did President Bush withhold this study from the public for five years? In other words, the DOJ, under Bush, knew that by putting children in prison, the government was perpetuating a threat to national health and safety. It wasn't released to the public until the Obama Administration took over the White House. See it at www.ojp.usdoj.gov.

"More teenagers die from suicide than from cancer, heart disease, AIDS, birth defects, stroke, pneumonia and influenza and chronic lung disease combined." The study focused on juvenile prisons but left out two shocking facts: 1. More juveniles commit suicide in jail than they do in free society, and 2. When these children are transferred from juvenile prisons to adult prisons, the rate of suicide increases exponentially.

Lastly, the Court pointed out in GRAHAM that nationally most states don't have a rehabilitative prison mechanism for children sentenced to a sentence of life imprisonment without parole; however, this cannot be justified by the goal of rehabilitation." As one amicus notes, defendants serving life without parole are often denied access to vocational training and other rehabilitative services that are available to other inmates... For juvenile offenders, who are most in need of and receptive to rehabilitation,... the absence of rehabilitative opportunities or treatment makes the disproportionality of the sentence all the more evident."

PA is one of the states that doesn't have a rehabilitative function within it, for the guilty. So be for certain its even worst for the INNOCENT.

Yet the silence continues. These silent adults come from a very pale place in-our society - one that fears speaking out about actually INNOCENT juveniles because it will indict and destroy the PA judicial system in general, and Philadelphia county specifically. But in truth, such an indictment will build and heal by spurring on discussion and investigation of this issue, making the courts live up to its legal axiom. "It is far worse to convict an innocent man than to let a guilty man go free." See IN RE WINSHIP. After 29 years, 6 months, 5 days, 20 hours, 9 minutes and 22 seconds of false imprisonment, I have found these lofty words to be hollow, immoral and indicative of a court system that is corrupt to its core. Such practice can not be said to be anything but unacknowledged child abuse. Speaking out will only expose these adults child abusers and educate the people on how not to be fooled by their shameless hypocrisy.

How much worst is it for an INNOCENT child? Obviously, the logic does not follow because we haven't heard a peep out of those who profess to have the best interest of children at heart. In fact, all of those who have gone on record locally have intentionally ignored and misrepresented to the public the element of INNOCENT juveniles sentenced to Death-By-Incarceration. I will name names in part two of this five part series. L.O.V.E. and Service. *See Graham V. Florida, 130 & Ct. 2011 (2010)

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