

# Bill redeems model inmates locked up as kids

## A proposed law advocates a chance at parole.

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Published January 2, 2008

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In Florida prisons, 122 inmates are serving life sentences for crimes they committed before the age of 16. Some of these kids murdered someone. Some weren't even holding a weapon.

They have something in common: They will never get out.

Kenneth Young is one of these inmates. At 14, he was part of a three-week binge of armed robberies around Tampa Bay. But at 22 he is not the same person that he was when he went to prison.

"I know it sounds crazy," Young said, "but growing up in prison actually made me a better person."

Which raises the question that a team at Florida State University Law School is asking: Shouldn't someone like Kenneth Young be eligible for parole?

This month, the Children in Prison Rehabilitation Act, written by the law students, will be filed in the Legislature. It begins, "Children are different from adults because they have a greater capacity for rehabilitation."

The proposed legislation runs counter to a decadelong trend of stiffer sentences, but it is buttressed by a growing body of scientific research, human rights literature and a 2005 U.S. Supreme Court case that prohibited the execution of juveniles because they "have a greater claim than adults to be forgiven for failing to escape negative influences."

Law professor Paolo Annino said his team wrote the bill because "being a teenager is all about copying. We want Florida law to acknowledge this and help get some of these young people get back on track."

Kenneth Young said he was headed for trouble at age 12. His crack-addicted mother had abandoned him and his 16-year-old sister. His father died before he was born. Young lived by shoplifting from convenience stores.

For years, he had watched a crack dealer named Jacques Bethea cruise the neighborhood in a new Buick Regal with gold rims, rap music blaring.

"I wanted to be just like him," Young said.

In the summer of 2000, Bethea approached the teen about a job. Young thought he would be a lookout. His boss had other plans.

With Young by his side, Bethea robbed four motels and one office in St. Petersburg and Tampa in June 2000.

Young's job was to get the tapes from security cameras and grab the cash while Bethea held a gun to the night clerks' heads and barked orders. For his part in the robberies, the teen got \$50, a pair of Air Jordans and a six-pack of Heineken.

"The older guy was clearly running the show," said Michael Traupmann, one of the robbery victims.

No shots were fired, and no one had lasting physical injuries, but victims were pushed and kicked.

"It was horrible, but not so horrible that I didn't recover," Traupmann said.

Young and Bethea were arrested July 1, 2000, in southern Georgia, right after Young turned 15.

"I was actually relieved to be caught," Young said. "I got put in a youth facility with some guidance."

At Young's trials, the prosecutor repeatedly told the jury: "If the defendant helped ... he must be treated as if he did all the things the other person did."

He asked the judge to give Young life without parole in an adult prison. The assistant public defender argued his client was a child, with no prior record except for a shoplifting arrest. He asked that Young be sent to a juvenile facility for 10 years.

Judge J. Rogers Padgett agreed with the prosecutor: "Mr. Young, we're going to take you out of circulation ... for the remainder of your natural life."

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Donna Duncan, 37, a third-year law student on Annino's team, knows firsthand about kids with life sentences.

For years, Duncan was a correctional officer at some of the toughest prisons in the state. She saw kids come through, "some tough as nails, some scared to death." Her conclusion: "Some should stay right where they are, but others can be rehabilitated."

A year ago, Duncan met Kenneth Young.

Duncan recalls that Young asked her to repeat words and spell them so he could look them up in his dictionary.

"I was struck by how desperately he wanted to grow," she said.

Duncan checked Young's six-year prison record and discovered he had been a model prisoner. He had cared for elderly and disabled inmates and taken educational programs. He regularly volunteered to do laundry. Corrections employees described Young as "quiet and helpful."

"You see inmates like Kenneth Young, who come in as children, and you know the adult prisoners eat them alive," Duncan said. "But they manage - miraculously - to develop into sincere, decent people. This bill is for them."

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The Florida Parole Commission sees the bill as a way to "help deserving inmates on the front end and save taxpayers money," communications director Jane Tillman said.

But state Rep. Dan Gelber, D-Miami Beach, cautions that legislators are reluctant to appear soft on crime in election years.

"We err on the side of locking them up and throwing away the key," Gelber said.

To be eligible for parole under the bill, an inmate has to have been 16 or younger at the time of the offense, spent at least eight years in prison, and have a sentence of at least 10 years without parole. Inmates cannot be considered if adjudicated as habitual offenders or sexual offenders prior to the offense or if they committed a crime after going to prison.

The bill favors inmates who "acted under the domination of another, have shown remorse and have aided inmates suffering from mental or physical conditions." These inmates must have completed educational programs and be free of disciplinary violations for at least two years.

"People need to remember that this new bill makes some inmates eligible for parole. It doesn't mean they'll get it," said state Sen. Steven Geller, D-Hallandale Beach.

But Geller knows the bill needs the backing of Sen. Victor Crist, R-Tampa, who opposed earlier, more lenient versions.

"If you could pull a trigger at 12, you could pull it at 20 or 30," Crist said. "Once a murderer, always a murderer."

However, Crist said he would consider more restrictive legislation this session: "If an accessory was under 17, and was not holding the gun, I might have some flexibility about supporting it."

Annino estimates that Crist's possible flexibility could affect about 20 inmates, including Kenneth Young.

But Young's prosecutor, Curtis Allen, who is now a corporate lawyer, said he is against the bill in any form and stands by the original sentence.

"I would tell anyone that I think Mr. Young is very, very dangerous," he said.

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Young's mother, Stephanie Young, who has been drug free for more than two years, goes every weekend to see her son with Kenneth's aunt, his sister and her two children.

The family sits on metal stools in the visitor's park, talking, reading and praying with Kenneth. They eat sausage sandwiches and drink apple juice from the vending machines and try not to talk about a legislative bill that may not pass.

But sometimes Stephanie forgets and describes all of them in church together, then having a big, home-cooked meal. Kenneth usually reminds her not to get her hopes up.

"All we can do, inside or out," he said, "is be kind and get along."

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