**Locked Away Forever by *Adam Liptak***

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[One](http://d.7769domain.com/r/rd.html?#http%3A%2F%2F7769domain.com%2FAd%2FGoIEx%2FcFJtUy9jMjNEYVNNdy93T2JkanowWXErQzBKWFNoTFoyeUQ3N3h2WkZIZGVSWkkyaHZyWXpEdVRqV0hjWlljUGZsUVdYMGpDRWlwOXUyNnR0NExRcjhzZ3N0T3UvaTczL1pNSWx1cHlLajhXbGlTVzA1azF1cGQ0bjFkZEU1MFpKd1dHQVAydWxUYlJpVVNjVEtEOVl3MmJVUDNzeEpPaFQvV0t5THVFcUlNPQ2) night when she was just 15, Rebecca Falcon got drunk and made the decision that derailed her life. Now, she is serving a life sentence without parole at the Lowell Correctional Institution in Ocala, Fla. Looking back, Falcon faults her choice of friends. "I was like a magnet for the wrong crowd," she says.

At the time, Falcon was living with her grandmother in Panama City, Fla. On Nov. 19, 1997, upset over an ex-boyfriend, she downed a large amount of whiskey and hailed a cab with an 18-year-old friend. He had a gun and, within minutes, the [cab driver](http://teacher.scholastic.com/scholasticnews/indepth/upfront/features/index.asp?article=f0130a) was shot in the head. The driver, Richard Todd Phillips, 25, died several days later. Each of the teenagers later said the other had done the shooting.

Falcon's jury found her guilty of murder, though it never did sort out precisely what happened. "It [broke my heart](http://teacher.scholastic.com/scholasticnews/indepth/upfront/features/index.asp?article=f0130a)," says Steven Sharp, the jury's foreman. "As tough as it is, based on the crime, I think it's appropriate. It's terrible to put a 15-year-old behind bars forever."

The U.S. is one of the few countries that does that. About 9,700 American prisoners are serving life sentences for crimes they committed before age 18. More than a fifth have no chance for parole. Life without parole is [available](http://d.7769domain.com/r/rd.html?#http%3A%2F%2F7769domain.com%2FAd%2FGoIEx%2FcFJtUy9jMjNEYVNNdy93T2JkanowWXErQzBKWFNoTFoyeUQ3N3h2WkZIZVc0OXR5K1psQWFHekM0ZGUvaXpiM1F5OHpiWk9WbzRmeUFuTy9VQzluZkppcHRIRkh4clRWM0p5VEFqN0pGaU1QYUxEaXEvUER2dHhDVEV0b0gxMWxNTGNjYUdWZEtjYk5WTlZuUEhOdWx5bGltR3Z1RTZ4ZFgwY251UTl6bGV4aGRSN0Vqc1ZqR0s0K1dzYzRTZTlk0) for juvenile criminals in about a dozen countries, but a recent report by Human Rights Watch and Amnesty International found only 12 juveniles—in Israel, South Africa, and Tanzania—serving such sentences. In the U.S., more than 2,200 people are serving life without parole for crimes they committed before turning 18. More than 350 are 15 or younger.

**Cruel & Unusual?**

Juvenile [criminals](http://d.7769domain.com/r/rd.html?#http%3A%2F%2F7769domain.com%2FAd%2FGoIEx%2FUWJCTWg2MUJaSGJ6Y0VoV1NGOWhXWDJ1SGcyU1JkWmF6QzJhSGc0SWp6U2JlcVpvYmdwUlpsWWhncS9JcWEwSXQzaEl5VjkwN2dxNDB6RDN2eWhuMXlMbEdkTE1yNUJYZC9zQ1BUaHI2UnMzaGFKWkdKSHQwb3BZdjViVFNQMjBBUkxvK2lDdjQ5RS8zNnpIdFJwZE1mMXNIa0NOYnlVQ0JIM3NmS0hKNzFZZFlwTlpPRS8zYWdhUHcva1hiVFNt0) are serving life terms (with or without the possibility of parole) in at least 48 states, according to a survey by *The New York Times*, and their numbers have increased sharply in the past decade. Of those imprisoned in 2001, 95 percent were male and 55 percent were black.

Is such punishment fair for juvenile offenders? In March 2005, the Supreme [Court](http://d.7769domain.com/r/rd.html?#http%3A%2F%2F7769domain.com%2FAd%2FGoIEx%2FUWJCTWg2MUJaSGJ6Y0VoV1NGOWhXWDJ1SGcyU1JkWmF6QzJhSGc0SWp6UkdQeW5rM3dMbE02RnVDT1UrQmlqNmVmWXNnMUN2TzVpNk1EUjlqcytySkRRclNBelg3bDc3STdxb1cwM0t5UE5SK3lWVWRkR0M2MmwxZjcwM1lESmRRRW5naXV2OEZ3VVJyVmNNL09qaEQ3QkJXdHg5OGdwYWxSZjZSclkycGJjPQ2) ruled that the death penalty for crimes committed by people under 18 violates the Eighth Amendment to the Constitution, which prohibits "cruel and unusual punishments." That might have surprised the people who ratified the Amendment in 1791, many of whom found such executions neither cruel nor unusual. But the Court said that the meaning of the Amendment changes with "evolving standards of decency." Their decision has convinced prosecutors and activists that the next legal battleground in the U.S. will be over life sentences for juveniles.

**'Unformed' Personalities**

The Supreme Court ruled that youths under 18 who commit terrible crimes are less blameworthy than adults, at least for purposes of the death penalty: They are less mature, more susceptible to [peer pressure](http://teacher.scholastic.com/scholasticnews/indepth/upfront/features/index.asp?article=f0130a), and their personalities are unformed. "Even a heinous crime committed by a juvenile," Justice Anthony M. Kennedy concluded, is not "evidence of irretrievably depraved character."

Most of those youthful qualities were evident in Falcon, who had trouble fitting in at school. She is in prison for [felony](http://d.7769domain.com/r/rd.html?#http%3A%2F%2F7769domain.com%2FAd%2FGoIEx%2FUWJCTWg2MUJaSGJ6Y0VoV1NGOWhXWDJ1SGcyU1JkWmF6QzJhSGc0SWp6UXY2aVI0ZmM4OENmTXdKN1RJcmVJRFpZY0hGd1U5L3Y1VUNORk5vQVFSem8zckRhc3hYNFZiazBhaXNXVnFnUHRXYnRrYVVvckZVZ29DVHlyZVZncjdEYzVRQUJqSTBYSG1vNThWRXdmcHRhamxuVHpoZGJnNU02UjNKOHZBelJzPQ2) murder, meaning she participated in a crime that led to a killing but was not proved to have killed anyone.

Jim Appleman, Falcon's prosecutor, says she does not ever deserve to be [free](http://d.7769domain.com/r/rd.html?#http%3A%2F%2F7769domain.com%2FAd%2FGoIEx%2FdndxQWlEZC9YbU9NS09ZTXRWUGlzMjhjYXJEYUp2OUlEVlQxWjMzWXhQUkR4ckxxaHZrZCtySmJ0VXI1RUZxTUVLK1BQOU5WeFNSdzZXVTZPd21lalhOaXhxRUp6VnNpbmkzY0FKODNjbVNwYnQ5MzN0TDhTYzdZenZLdHdwTEYrVTRQZW9Ib0x6VS96NEtPcTVxOWVQTmRrOWIvYnp4a2N0NnJUZEFBRCtRPQ2). He is convinced that she shot Phillips. "If she were a 29-year-old or a 22-year-old," he says, "I have no doubt she would have gotten the death penalty."

Although Falcon believes her sentence is unfair, she says her eight years in prison have changed her. "A certain amount of time being incarcerated was what I needed," she says. "But the law I fell under is for people who have no hope of being rehabilitated, that are just career criminals and habitually break the law, and there's just no hope for them in society. I'm a completely different case."

**'This can be hard'**

The case of another Florida teenager, Timothy Kane, shows how youths can be sent away for life, even when they were not central figures in a crime. (Florida is among the states with the most juvenile offenders—about 600—serving life sentences, about 270 without parole.)

On Jan. 26, 1992, Kane, then 14, was [playing video games](http://teacher.scholastic.com/scholasticnews/indepth/upfront/features/index.asp?article=f0130a) at a friend's house in Hudson, Fla., while some older boys planned a burglary. That night, five youths rode their bikes over to a neighbor's home. Two backed out, but Kane followed Alvin Morton, 19, and Bobby Garner, 17, into the house. He did not want to be called a scaredy-cat, he recalls. "This is the decision that shaped my life since," says Kane.

He says he thought the house would be empty. But Madeline Weisser, 75, and her son, John Bowers, 55, were home. While Kane hid behind a dining-room table, Morton shot and killed Bowers. He then stabbed Weisser in the neck; Garner stepped on the knife, nearly decapitating her.

Morton was sentenced to death. Garner, like Kane, a juvenile offender, was given a life sentence with no possibility of parole for 50 years. Kane was also sentenced to life, but he will become eligible for parole after serving 25 years. He doubts that the parole board will ever let him out.

Kane grows emotional when talking about that January night. "I witnessed two people die," he says. "I regret that every day of my life, being any part of that and seeing that." He does not dispute that he deserved punishment but says his sentence is harsh. His days at Sumter Correctional Institution in Bushnell, Fla., are spent in the prison print shop making 55 cents an hour. "You have no hope of getting out," Kane says. "You have no family. You have no moral support here. This can be hard."

**Will the court intervene?**

In deciding whether "evolving standards" have turned against a particular punishment, the Supreme Court looks at what the states are doing. Life without parole for juvenile offenders is widely used, and only three states specifically ban it. If this form of punishment is to be banned by virtue of its violating the Eighth Amendment, it will likely happen only when a [majority](http://teacher.scholastic.com/scholasticnews/indepth/upfront/features/index.asp?article=f0130a) of the states first outlaw it.

Robert W. Attridge, the prosecutor in Kane's case, says he feels sorry for him. "But he had options," Attridge says. "He had a way out. The other boys decided to leave.

"Could Tim Kane be your kid, being in the wrong place at the wrong time?" the prosecutor asks. "I think he could. It takes one night of bad judgment and, man, [your life](http://teacher.scholastic.com/scholasticnews/indepth/upfront/features/index.asp?article=f0130a) can be ruined."