

# The Maryland Restorative Justice Initiative

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*“A bedrock principle of our criminal law is that offenders are punished in proportion to their level of responsibility for their behavior. Under the law, for example, people are punished less harshly when their behavior is impulsive or coerced by others, or when their actions had potential consequences that they could not have anticipated. But brain science tells us that adolescents are inherently less able than adults to control themselves, to resist peer pressure, or to think ahead. In a legal system like ours, which punishes in proportion to an offender's responsibility for his actions, juvenile offenders should not be punished as harshly as we punish mature adults, even when they have committed comparable crimes. The U.S. Supreme Court followed this logic a few years ago when it abolished the juvenile death penalty. Our harshest penalties, the Court ruled, should be reserved for the ‘worst of the worst.’ Individuals who are not fully responsible for what they do surely are not in this category. Furthermore, the parole commissioners, by statute, have skills relevant to the task; they are experienced at assessing risk; and they already are making recommendations for this group of people now. There is still accountability since the Commission is appointed by the Governor, but the Governor doesn't bear the sole burden of decision-making.”*

—Statement of Dr. Laurence Steinberg, Ph.D., on HR 2289, the Juvenile Justice Accountability and Improvement Act of 2009 (June 9, 2009.)



We have all made mistakes, especially as children and teenagers. Those of us who are parents or grandparents know how impulsive children can be, their desire for approval from their friends, and how they mimic the people they look up to without questioning whether they are good role models. We are able to forgive them because we ourselves were forgiven for our misdeeds. Most of us were able to develop into mature and responsible adults. Some individuals were not so fortunate as to be forgiven—even though their mistakes, too, were the product of normal youthful impulses. Because their

mistakes were serious, we presumed they could not be corrected. But we know more now – we know that we, too, were wrong to condemn them to life in prison as mere teenagers. A new body of research on brain development has showed us that the brain does not fully develop until the early twenties. In light of this new evidence, justice demands that we take another look at these people who were sent to prison as children and teenagers decades ago.

Such action is especially needed because Maryland is among the worst of the worst states when it comes to the rate of young people serving life sentences: statistics show that Maryland is third in the nation in the percentage of our lifer population who committed their offenses as teenagers under the age of 18 (11.6%). Only Nevada and Nebraska have higher rates of individuals sent to prison as teenagers. Even more troubling is that Maryland is second in the nation in the percentage of our juvenile lifer population who is African-American; 84% of our juvenile lifer population is black. We are second only to Alabama, where that percentage is 84.3%.

The Maryland Restorative Justice Initiative (MRJI) has collected profiles of men and women who made mistakes as teenagers, have now redeemed themselves, and yet still remain behind bars at taxpayer expense because our laws have not caught up with the science of brain development. By all accounts, they have gone as far as they can possibly go in prison to redeem themselves, earning countless certificates of achievement, educational degrees, working in prison industries, mentoring young people, and demonstrating impeccable behavioral records. In many instances, they have earned the respect not only of other prisoners, but also of the correctional officers and wardens who supervise them. At this point, keeping them behind bars is not only unjust, but also a waste of taxpayer money and human life.

In recognition of this principle, Maryland law offers judges the option of sentencing individuals to life with the possibility of parole (as well as life without parole). The Maryland Parole Commission, using an intense and rigorous process, evaluates individuals to determine whether they can safely be returned to the community, considering both the seriousness of the offense and the demonstration of rehabilitation. But, due to politics, under Maryland's current practice, all life sentences are functionally "life without parole," regardless of whether that was the judge's intent at the time of sentencing.

As of March 2010, only 59 out of over 2,500 "lifers" made it through the intensely rigorous process of the Parole Commission and had their applications approved by the Commission and sent on to the Governor's office for final approval. But, so far, not a single one of these carefully-screened, repentant individuals has been permitted to become a productive member of society, despite the Parole Commission's recommendation, because the Governor has denied the application of every case he has acted upon up to now: 53 cases. Six cases remain.

Last year, the Maryland Assembly passed legislation that limited the time in which the Governor can deny a lifer's parole to a period of 180 days after Commission approval.

But, in light of his actions to date, several bills are currently moving through the Assembly to take the decision to parole out of the governor's hands whatsoever for certain people. One bill, SB 584, would address the issue of those who were juveniles at the time they were sentenced. The other bill, SB 492, looks at those who themselves didn't commit a murder but who were in some way involved in a crime during which someone died. If passed, these bills would allow the Parole Commission to have final authority over these two groups of "lifers." The majority of those serving life sentences, however, would not be affected.

The individuals profiled in this pamphlet, and many other individuals sentenced as juveniles, have progressed since their incarceration, and have matured and developed into responsible people. They have sought out education and taken full advantage of the programming available to them in the prisons system. They are a human reflection of the research demonstrating that the vast majority of individuals who commit mistakes as youth – however serious those mistakes – will be less and less likely to be involved with the criminal justice system as they mature.

To help people understand the detrimental effects of our existing policies, MRJI developed two short videos (less than five minutes) that lay out the facts, the injustice, and the need for a smarter solution:

[http://www.youtube.com/watch?v=Qkbz-T6ep\\_I&feature=youtu.be](http://www.youtube.com/watch?v=Qkbz-T6ep_I&feature=youtu.be)

<http://www.youtube.com/watch?v=eZCJpnwoRCc>

**The MRJI has partnered with the Justice Policy Institute, and the ACLU of Maryland to advocate for a change in the current policy.**

## **Key Points:**

1. As of December 4, 2010, 2,657 people were serving life with the possibility of parole sentences in Maryland; 267 were teenagers when sentenced, and, although precise data is not available, a significant additional number were individuals who themselves didn't commit a murder but who were in some way involved in a crime during which someone died. The proposed legislation would remove both these subgroups from the highly-politicized decision-making of the Governor, relying instead on the expertise of the Maryland Parole Commission.
2. A new body of research on brain development has showed us that the brain does not fully develop until the early twenties. In light of this new evidence, justice demands that we take another look at these people who were sent to prison as children and teenagers decades ago.
3. Action is especially needed because Maryland is among the worst of the worst states when it comes to the rate of young people serving life sentences: statistics show that Maryland is third in the nation in the percentage of our lifer population who committed their offenses as teenagers under the age of 18 (11.6%). Only Nevada and Nebraska have higher rates of individuals sent to prison as teenagers. Even more troubling is that Maryland is second in the nation in the percentage of our juvenile lifer population who is African-American; 84% of our juvenile lifer population is black. We are second only to Alabama, where that percentage is 84.3%. Yet less than 30% of Maryland's adult population is African-American.
4. For all practical purposes, Maryland juveniles sentenced to parole-eligible life sentences are now treated as though they received 'juvenile-life-without-parole' sentences, something almost all countries reject as harsh and inhumane punishment, and which has become the subject of scrutiny at the U.S. Supreme Court.
5. By following the science, Maryland would save taxpayers dollars during this time of economic crisis without compromising public safety.
6. Nothing about the legislation would change parole requirements. Individuals would still need to have a parole-eligible life sentence, otherwise meet all the parole criteria, have a good behavior record, and demonstrate their ability to live successfully and crime-free in the community, before the Parole Commission would consider them for parole. But, with this legislation, that consideration would now be meaningful.
7. MJRI believes that juveniles and those convicted under the felony murder statute should be held responsible for their behavior, punished for their offenses, and treated in a way that protects the community. But we have the capacity to do this without locking them up for life and wasting taxpayers' dollars unnecessarily.

## Profiles:

**Mark Farley Grant** was arrested in 1983 at the very young age of 14, accused of the death of another teenager. Mark has been incarcerated for nearly thirty years. He has always maintained his innocence, and the innocence project at the University of Maryland has in fact uncovered persuasive evidence of his innocence. The Maryland Parole Commission has recommended Mark for parole numerous times. Yet he remains in prison because of an ill-conceived, political determination in 1995 that Maryland's parole policy would be that "life means life," regardless of the intention of the judge at the time of sentencing. Mark has not had a single infraction for more than a decade—since 1999. He earned his GED in 1991, and completed several vocational shops: office automation; mechanical drafting; carpentry; basis electricity; basic welding; plumbing; and welding safety. He also participates in various programs in order to improve himself and give back to the community: Levels 1 and 2 of Alternatives to Violence; walk-a-thon programs; serving as a mentor to young men who were involved with the Patuxent youth program; and the Lifers group. His current assignment is with the meat cutting shop MCE Enterprises. Mark's family continues to support his quest for freedom and *Baltimore Sun* columnist Dan Rodrick, has written extensively on his case, urging his release.



**Brian Tate** was arrested in 1992 at the age of 16 for a homicide resulting from a fight over a girlfriend. He is now 36 years old. At the time, Brian was a high school student with a B average who worked part time as a Little League football referee. He had never been in trouble with the law. Brian accepted a plea of life in prison with the possibility of parole under the belief that he would be a strong candidate for parole when he was eligible. But the change in gubernatorial policy on individuals with parole-eligible life sentences changed that.

During his first year of incarceration, Brian completed his GED and graduated valedictorian of his class with the highest score ever recorded. He worked as a teachers' aide, has completed courses in mechanical shop, plumbing, and welding, and a college-level correspondence course in composition through Penn State University. He is taking IT classes provided by Hagerstown Community College. While in prison, Brian has taught himself to play guitar, paint, and to read and speak Italian. He has earned prizes for his art, and donated artwork to charities and has organized walk-a-thons for various charities. Brian has never had a violent incident or drug-alcohol violation in prison, and has held numerous positions of significant trust and responsibility, including in the prison clothing room, as a member of the Residential Outreach Committee, photographer, locksmith's assistant, and library aide.

Brian realizes he cannot restore his victim's life or adequately compensate his family for their loss. He is very remorseful for the pain and loss he caused during that one night as a teenager. He wishes he could change things. He has the strong support of his family, and

especially his parents, Art and Rita, who are profiled in the documentary “Blocking the Exit.”



**William A. Gardner** was arrested in 1968 at the age of 16 in a homicide case. Now 59 years old, William has spent nearly three-quarters of his life – 44 years – in prison. He has been infraction-free for more than 25 years. Two different Wardens recommended his release. It should also be noted that he was in the work-release and family leave programs until they were discontinued in 1995. While in the program he met his wife and fathered three sons, now 22, 25, and 28, who all continue to visit and support his release.

William earned his GED, and obtained college credits before that program was discontinued. He has become skilled at Auto Mechanics, Meat Cutting, Welding, Masonry, Fork Lift Operator, and Carpentry. For the last fifteen years, he has worked in the Graphics Art Shop for Maryland Correctional Enterprise. He participates in self-help programs and also gives back to the community: he is a mentor for group called M.E.N. FOR L.I.F.E., is a board member of A.M.E., and was the chairman of the Inmate Advisory Council for 15 years.



**Robert Martin** was 15 years old when he was sent to prison in 1976 in a homicide case. Now 50 years old, Robert has been incarcerated for 35 years. Robert has taken advantage of every program available to him while at Patuxent and in the institution in which he is currently housed. We first heard about Robert’s case a few years ago, and were struck not only by his impeccable record and lengthy set of accomplishments in prison, but also by the compelling evidence that Robert has been incarcerated for his entire adult life for his desperate teenage attempt to protect his baby sister and grandmother from an abusive family member.

In a years-old letter to former Governor William Donald Schaefer, Robert’s cousin writes that Robert and his infant sister were left to the care of his grandparents after his mother died when he was three years old and his father abandoned the children. She explains in her letter:

*“Bobby’s grandmother, (my aunt) took over the care of those minor children. While it would appear that this care situation would be in the best interest of both children, there appears to be serious doubt now that all of the occupants of that household were safe. Bobby was convicted for the murder of his grandfather. --- There is information in his file to show that not only was his grandmother the victim of physical abuse by an alcoholic husband, but that Bobby and his younger sister, (whom he adored and referred to as “Baby”) were also the victims of physical and mental abuse. I can remember numerous occasions when my uncle would come in at all hours of the morning, waking everybody up, cursing, corralling everybody into one room, smacking my aunt, and on one*

*occasion threatening to shoot us with the gun he kept in the kitchen cabinet.”*

There is much to her letter, and even more to Bobby’s story as a youngster. We ask that you consider taking another look at his case, and give him another chance to live his life a free man.



**Gary Lee Miller** was arrested at the age of 16 in 1967 for homicide. Now 61 years old, Gary has spent nearly half a century in prison for a crime that occurred when he was a teenager. Since his incarceration, Gary has taken full advantage of any and all available programming offered by the Department of Corrections. He has earned his G.E.D. and also a college degree. He has completed courses in basic and advanced electronics, received certification in the welding program, certification for electrical wiring for residential dwelling, and a Stationary Engineer License for operating steam equipment.

Gary was recommended for the work release program twenty years ago, in 1992, by the parole commission. But, sadly, the program was suspended before he could participate.

Gary’s involvement in self-help programs includes consistent membership and participation in: Jaycees, Seven Steps, Colts Corral, Music/Band and Prisoners Against Teen Tragedies (P.A.T.T.), where he has spoken to hundreds of at-risk teens from Maryland high schools and juvenile offender programs located in Maryland and surrounding states. He also appeared on television’s A&E network in connection with the P.A.T.T. program.

Gary’s last parole hearing was attended by members of the victim’s family, who extended their forgiveness to him. In his file, the parole commission wrote that Gary *“has been able to maintain a good adjustment, continues working and keeps a positive attitude. The victim impact and forgiveness of family are very powerful in helping to attempt partial closure of a tragic and senseless event.”* Gary’s family and friends provide him with love and support in the hopes that he will one day be released so he can continue to counsel teens to avoid the pitfalls that destroyed his life and caused others to lose a loved one.



**Wayne Brewton** was arrested in 1979 at the age of 17 in a homicide case. He is now 50 years old, having spent 33 of those 50 years in prison. Wayne earned his GED and accumulated credits toward a college degree. In spite of the change in parole policy Wayne continues to progress. He has developed his skills in upholstery, masonry, and woodshop. He tutors as a teacher’s aide, edited a prison newsletter, and worked on the camera project. He has been and continues to be involved in a wide range of programming directed towards self-improvement and giving back to the community, including as membership director of the Jaycees, a member of Lifestyles, a facilitator for the Alternatives to Violence program, and a facilitator of Youth and Gang Emancipation. Wayne also leads a Poetry discussion group. He has the full support of his family

members and friends, who visit him regularly and will provide a support system when he is released.



**Alonzo E. Turner-Bey**, who was arrested 1989 at the age of 17 in a homicide case, has been incarcerated for 23 of his 40 years. Since 1990, Alonzo has been a member of the Moorish Science Temple of America. He has earned his GED and numerous credits toward his college degree. He has amassed a wealth of certificates and recommendations from his involvement in academic and vocational programming. He has more than 20 letters from correctional officers and staff written on his behalf. One such letter, written by a correctional officer, describes his courageous actions in saving her from rape and possibly murder. Alonzo's actions on behalf of that correctional officer exemplify the very best of humanity. They demonstrate that he is now a mature, responsible and courageous person who stood up to protect another human being in her moment of need. Alonzo's support system of family members and friends visit him and will be able to provide the resources necessary for his successful reentry back into society.



**Towanda Jones** was sent to prison for a homicide case she was involved in at the age of 15. Towanda has spent 24 of her 39 years behind bars. When she entered prison she was terrified, and was so young that she had to be separated from the other prisoners because of her age. But she immediately began improving herself. The first change she made was to enroll in the educational program and receive her GED. Towanda then proceeded to computer technology and office practice, and then earned her A.A. degree in Business Management. Towanda attended Essex Community College, Baltimore Community College, and Catonsville Community College, where she obtained her Human Service Certificate in 2000. She also gives back to the community by training seeing-eye dogs for the blind, which she has done since 1999.

She says:

*"I do regret what happened, and am deeply sorry for what I did. I've always taken responsibility for my actions, and never once have I denied my part in the confrontation. If I could change the past, I would. I made a bad decision, which has changed my life. If only, I keep telling myself. I had to learn that violence isn't the answer for any solution. I had to realize that there is a better and more productive way to handle situations without being violent. ... I'm not that 15 year old teenage who enjoyed fighting in the streets, I am now a 39 year old mature adult, moving forward to better myself, as well as my future. ... I'm hoping to one day be given the chance to prove to society that I have changed, and ask that I am allowed a second chance."*

Towanda's family members and friends, as well as members of the community, continue to support efforts toward her eventual release from prison.



**Karl D. Brown** was arrested in 1976 at the age of 17, in a homicide case. He has been incarcerated 35 years, and is currently 52 years old. When he entered the Maryland penitentiary he admits that he was not a model prisoner, still angry at society. But it was the possibility of release that motivated him to turn his behavior and life around; a friend of his brother showed Karl that if he did not change his behavior he would spend the rest of his life in prison. He set upon a quest to not only face and accept responsibility for his actions, but to better himself in all ways possible. And his record truly bears out that Karl has fulfilled that promise: In 1979 he completed a Basic Electronics Course, joined the Jaycees, and completed an individual development course (AACC). By 1985 Karl had earned his GED, and by 1989 he had earned a place on the National Deans List at Coppin State College. Also in 1989 he completed a course in Continuing Education and Workforce Development (AACC). Karl was 12 credits away from receiving his Bachelor of Science in Sociology when the Pell Grants were discontinued. He participates in a variety of self-help programs and gives back to the community through programs like Scared Straight, Project Turnaround, Project Choice Counsel, and Alternative to Violence, among many others. Karl has a wealth of certificates for his continued involvement in positive projects in the institution.



**Shawnte Perry** was 15 when, in 1995 she was sent to prison for homicide. Shawnte has spent more than half of her life, 17 years, in prison. She is currently 32 years old. Shawnte describes the path she was on as a youngster:

*“I was raised by my mother in a single parent home. I made excellent grades in school and I had dreams for some day becoming a psychiatrist. I was helping to raise my baby brother and take care of my grandmother who had Alzheimer’s disease.”* As a young teen, however, Shawnte says that she started *“loving someone who introduced me to the gang life and that’s how I even became involved with the crime. I wish that I could take it all back and live the life that I always dreamed of living. I am still very regretful for ever meeting certain people in my life at that time, but I also wish that I was strong enough at the time to have made better judgment calls and decisions in my life. I have suffered and matured since my incarceration, and am very remorseful for the harm I have caused.”*

Since her incarceration Shawnte has done many things to strengthen herself and mature. She has completed many groups, such as Thinking and Deciding for a Change, Communication and Relationships, and P.U.S.H., a group that speaks to youth about straightening up their lives so they do not end up in prison. Shawnte is currently working toward her A.A. degree in the college program funded by Judge Murray. She continues to utilize her time to improve herself and improve her capacity to help others. She says, *“I now have a true desire to reach out to youths that are heading in the wrong direction. My*

*biggest dream right now is that I will someday be released so that I can do what I can in life to truly make a difference.” We hope that Shawnte will soon have that opportunity.*



**John A. Jones** was arrested in 1983 at the age of 17 in a homicide case. He is now 45 years old. During the 28 years he has been in prison, has taken advantage of all the programs available to him. He earned his GED, and a Bachelor of Science in social science. John continues to work on self-improvement and giving back to the community in a variety of capacities; his experiences include serving as Co-Chair for the Drug Awareness Video (D.A.V.), President of Old Town Jaycees, Md. Pen., Facilitator for the Alternative to Violence program, President of Jessup Jaycees, a member of Narcotics Anonymous, a member of Left Bank Jazz Society, a member of Developmental Efforts Towards Effective Restoration (D.E.T.E.R.), and a participant of the NAACP Youth Group. Clearly, John has many certificates and achievements, but most importantly John has the support of a loving wife and a host of family members and friends ready to welcome and help him transition him back into the community.



Unfortunately, the MRJI has not been able to identify or profile every individual incarcerated as a juvenile, but we would like to acknowledge the following people who, like those profiled above, we know deserve a second chance:

Michael Evens, 16 when incarcerated in 1978, has been incarcerated 33 years, will be 50 February 2012.  
Neal T. Cohen, 16 when incarcerated in 1978, has been incarcerated 33 years, is currently 50 years old  
John A. Jones, 17 when incarcerated, 1983, has been incarcerated 28 years is currently 45 years old.  
Robert Martin, 15 when incarcerated in 1976, has been incarcerated 35 years, and is currently 50 years old.  
Michael Ringgold, 15 when incarcerated in 1993, has been incarcerated 18 years, and is currently 33 years old.  
Donald Young, 16 when incarcerated in 1983, has been incarcerated 28 years, and is currently 44 years old.  
Donald Braxton, 16 when incarcerated, has been incarcerated 29 years, is currently 45 years old.  
Baron Brock, 16 when incarcerated in 1992, has been incarcerated 19 years, is currently 35 years old.  
Norman A. Ayers, 15 when incarcerated 1970, has been incarcerated 41 years is currently 57 years old.  
Glenn Jones, 15 when incarcerated 1981, has been incarcerated 30 years, is currently 46 years old.  
Donald E. Scaggs, 17 when incarcerated 1987, has been incarcerated 25 years, is currently 42 years old.  
Erin P. Timmons 17 when incarcerated 1993, has been incarcerated 20 years, is currently 37 years old  
Robert Boyd 16 when incarcerated 1982, has been incarcerated 30 years, is currently 46 years old.  
Michael Crawson 16 when incarcerated 1993, has been incarcerated 17 years, is currently 33 years old.  
John H. Ristick 15 when incarcerated 1985, has been incarcerated 27 years, is currently 42 years old.  
Gordon Pack 15 when incarcerated 1979, has been incarcerated 32 years, is currently 48 years old  
Arthur Miles 16 when incarcerated 1990, Hs been incarcerated 22 years, is currently 38 years old

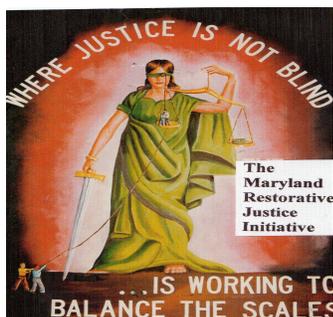
*We adhere to the strong belief that in America, a second chance for a youthful, first-time offender should still be possible. Our son has spent most of his youth and all his adult life in prison. He accepted responsibility for his action, along with the punishment for his crime. We pray state legislators will take a compassionate look at Brian's case and the cases of other juveniles in similar situations and see fit to change the existing law.*

—Art and Rita Tate, on behalf of their son, Brian



The individuals profiled in this pamphlet, and many other individuals sentenced as juveniles, have progressed since their incarceration, and have matured and developed into responsible people. They have sought out education and taken full advantage of the programming available to them in the prisons system. They are a human reflection of the research demonstrating that the vast majority of individuals who commit mistakes as youth – however serious those mistakes – will be less and less likely to be involved with the criminal justice system as they mature.

Please join MJRI in advocating for the fair and effective administration of justice, including support for the passage of SB 584 and SB 492.



*To learn more and to support the work of the Maryland Restorative Justice Initiative, please contact Walter Lomax, Executive Director at any of the following:*

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