



Natural Life

Michigan Law

Before 1988

Charges against children under 17 had to be filed in juvenile court. However, prosecutors could ask a judge to waive 15- and 16-year olds to adult court. The judge was required to consider several factors to waive juvenile jurisdiction. Once waived and convicted in adult court, a judge had no discretion but to sentence the youth to LWOP.

1988 - 1996

The law changed to eliminate the judicial waiver hearings in favor of automatic waivers. This allowed prosecutors to charge 15- and 16-year-olds directly as adults without a judge ever considering anything. If convicted in adult court, the judge only had two options in sentencing. The judge could send the youth to a juvenile facility until the age of 19, or sentence him to LWOP.

Since 1996

The automatic waivers from the 1988 change in the law were expanded to include 14-year-olds for homicide offenses. Once convicted in adult court of first-degree murder, the judge has no discretion but to sentence the youth to LWOP.

Race of Prisoner

1409	Black
626	White
212	Latino
52	Other
20	Asian
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2319	Total

US Supreme Court Decisions

2005 Roper v. Simmons

Abolished the death penalty for children who committed their crime under the age of 18.

2010 Graham v. Florida

Made juvenile life without parole unconstitutional for those convicted of non-homicide offenses.

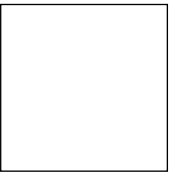
2012 Miller v. Alabama

Made mandatory juvenile life without parole sentences unconstitutional. Non-mandatory life sentencing is, however, still legal.

Age of Prisoner

1149	Seventeen
804	Sixteen
305	Fifteen
77	Fourteen
12	Thirteen
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2347	Total

*Official Data provided by each state Department of Corrections, 2011/2012



Dear Governor Snyder:

Governor Rick Snyder
P.O. Box 30013
Lansing, Michigan 48909

Michigan continues to be an outlier in the manner it punishes our children who come in conflict with the law. For example:

- Michigan has the second highest number of children serving life without possibility of parole sentences and continues to enforce a sentence that the United States Supreme Court has deemed cruel and unusual punishment of youth.
- Michigan is one of only a handful of states that excludes all 17 year olds from the juvenile justice system and punishes them as if they were adults, even for minor acts.
- Michigan is one of the few states that places its youth in adult prisons and the only one who puts youth as young as 13 directly into adult prison.

As a citizen of Michigan, I am writing with two requests. Earlier this year, a diverse group that included over 100 of our State’s former prosecutors, judges, a former governor, state bar presidents and law schools, and law enforcement and correctional organizations, children’s groups, human rights advocates and victim’s family members, all joined together to urge the abolition of mandatory life without parole sentences for Michigan youth. The willingness of the State to continue to impose the harshest punishment existing for any crime committed by an adult in this State, even after the United States Supreme Court has ruled it to be cruel and unusual, reflects the failure of this State to recognize our responsibility to rehabilitate youth who come into conflict with the law. Both national and statewide organizations of mental and medical health added their voices to religious and faith leaders of all denominations, to recognize the difference between children and adults, our moral and social obligations to these youth, and the need for reform.

A federal Judge in our state has already ruled that a Michigan law, that denies youth who are convicted of homicide crimes a meaningful opportunity for parole, is unconstitutional. I urge you, as a Defendant in this case, to stop the appeal of these rulings and focus the state’s energy on giving those children an opportunity for parole upon demonstration of their rehabilitation. It is morally, legally and fiscally the right choice.

Second, the US Supreme Court is now deciding the question of whether the case of Miller v. Alabama (which found the sentencing of youth to life without parole without consideration of their youthful status to be unconstitutional) should require resentencing of all youth serving this punishment. I ask that you encourage our State to join the majority of states who have voluntarily supported resentencing of its youth – and allow all Michigan youth previously imprisoned for life, to be resentenced taking into consideration their youth, their involvement in the crime and their capacity for change. Continuing to enforce a punishment, already deemed cruel and unusual by the U.S. Supreme Court, against over 350 Michigan youth is “an intolerable miscarriage of justice,” (Hill v. Snyder, Case No. 10-cv-14568 (E.D. Mich. January 30, 2013) at 4).

The youth who are incarcerated in our prisons are overwhelmingly youth of color, youth who have been economically and educationally disadvantaged. I urge our State under your Governorship to become a leader for youth justice and provide a hope and future for all of Michigan’s children by instituting these reforms.

Signature

Name

Date



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Interviewees:
Mark Bilkovic, Lynn Boyd, Lessie Brown, Andrew Burch, Paul J. Ciolino, Bernardine Dohrn, Robyn Frankel, Nolan Gottschall, Elizabeth Hernandez, Hon. David B. Herrington, Hans R. Koppenhoefer, Hans R. Koppenhoefer Jr., Velia Koppenhoefer, William Kucyk, Deborah LaBelle, Donald Logan, Inge L. Longpre, Thomas L. Morneau, John C. Polasky, Denny W. Pruitt, Jason Pruitt, Mitchell Ribitwer, Ron Roberts, Tammi Smith, Edith Marie Stone, Andrea Waple, Pamela K. Withrow

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