

KIDS GROW UP FAST THESE DAYS; 8 YR. OLD BOY CHARGED AS ADULT WITH MURDER

 Some of you have undoubtedly already seen news that an eight year old boy in Arizona is suspected of killing his father and another man renting a room in their home last Wednesday, November 5, 2008.

By all accounts, he was a good boy. No problems in school. No disruptions in his religious education classes at St. Johns Catholic Church, where he was to mark his First Communion this year.

So the police and neighbors in the 8-year-old's small eastern Arizona community are at a loss to explain why he would have used a .22-caliber rifle to kill his father and another man at their home.

"That child, I don't think he knows what he did, and it was brutal," said the family priest, the Very Reverend John Paul Sauter.

The police said the boy killed his father, Vincent Romero, 29, and another man, Timothy Romans, 39, on Wednesday. The men worked together, and Romans had been renting a room at the house, prosecutors said.

While not unheard of in criminal justice, this type of homicide by children, especially those under age 14, is pretty rare. Which makes the following the real story in this case.

The boy, who faces two counts of premeditated murder, did not act on the spur of the moment, St. Johns Police

Chief Roy Melnick said ... He just doesn't decide one day that he's going to shoot his father and shoot his father's friend for no reason. Something led up to this." ... On Friday, a judge ordered a psychological evaluation of the boy. Under Arizona law, charges can be filed against anyone 8 or older.

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In a sign of the emotional and legal complexities of the case, the police are pushing to have the boy tried as an adult even as they investigate possible abuse, Melnick said. If convicted as a minor, the boy could be sent to juvenile detention until he turns 18.

The reason that there exists in US criminal justice a bifurcated system with minors handled in the juvenile system and adults in the traditional system is the time honored belief that minors do not possess the brain development, both physical and psychological, to allow them to form the requisite intent and properly understand the consequences of their actions. Thus minors charged with crimes, even serious and violent felonies, have traditionally been tried and processed as juveniles, which provides the ability to incarcerate and rehabilitate the defendant up until they reach the age of majority, 18 years old.

Part of the rationale is moral, we just don't as a society want to see ourselves as treating children with the harshness of the full criminal justice system and we want to believe that, even bad juvenile malefactors can be rehabilitated. And part of the rationale is practical. Conviction and sentencing as an adult also means incarceration in prisons and jails designed and run for not particularly savory hardened and violent adults; these are no place for children. It would be unconscionable to put them in the general population, and the segregated population is most often even worse, and where the sex offenders usually are. Where juveniles

under the age of 14-16 are sentenced to big boys prison, there is standardly set up a completely separate structure and process for them; an incredibly expensive and inefficient use of scarce corrections funding. There are no available rehabilitation programs. Basically, if the minor survives at all, you have done nothing but create a hardened, institutionalized, indoctrinated career criminal, and a very violent one at that.

The county attorney, who is not mentioned in the linked article, nor others I looked at, but who makes the charging decisions on felonies in their jurisdiction, is the one who has decided not only to charge this 8 year old kid, but, most significantly, to charge him as an adult. The foregoing concerns are exactly why the eight year old Romero boy in St. Johns Arizona almost certainly should not be tried as an adult. I have some experience with the Apache County County Attorney, Chris Candelaria, that has jurisdiction of the St. Johns area of Arizona. He is a good and decent chap, but this decision does not appear sound.

There is a group known as "The 2009 Criminal Justice Transition Coalition" that has promulgated a comprehensive set of reform proposals for the American criminal justice system designed as a template for the new Obama Administration. It is, as said, quite comprehensive, and is also, on the whole, quite good. The report is entitled *Smart on Crime: Recommendations for the Next Administration and Congress* and is worth some time reading and evaluating by one and all.

One thing the transition proposal/report does not specifically address is the increasingly alarming frequency with which state prosecutors are charging and convicting juveniles, even very young ones, as full adults. I would suggest that maybe this is a topic that should be added to the mix.