

OPINION

Commentary: Give young offenders a path to redemption

People who received long prison sentences for crimes committed when they were teens or young adults deserve a shot at resentencing.

By **Allison Haupt**
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Archie Price's voice is warm and lilting but cracks with appreciation every time he calls from prison. He has now served nearly 25 years of a 40-to-life sentence, and it is hard to imagine the 17-year-old child who committed the crimes that led to his incarceration all those years ago.

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Back then, he was selling drugs to put clothes on his back and food in his mouth, having lived his short existence in such chaos that his friends "ain't never seen anybody grow up like" him. His kitchen table was littered with crack; his home was filled with people trading sex for their next fix; his neighborhood was consumed by drugs and violence. He succumbed to the same.

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But the man that I know is far from that scared, rash child who reacted to the chaos by creating his own. Archie may have entered prison “lonely, lost and uneducated,” but the Archie I know is introspective and searching — in college, through programming, in his renewed relationships with family — for purpose in the face of a sentence that could otherwise feel like death. I honestly believe that if I were he, I would have crumbled, and at times he did. But he also rose to the occasion, finding art, embracing his faith and building confidence in the grown adult he’s fought so hard to become.

Archie’s trajectory is remarkable, but he’s not unlike others sentenced to almost assuredly die in prison for crimes committed as children or young adults. That’s despite brain science, social science and everyday common sense informing us that young people, even those who have made grave mistakes, have incredible capacity for change.

Across the country, [more than 8,600 people](#) are serving sentences of 50 years or more, including life without the possibility of parole, for crimes committed when they were under 18. In New York, there are nearly 250 people, like Archie, who are serving sentences carrying a minimum of 30 years or more for crimes committed before they turned 21. Their judges deemed them unworthy and incapable of change: Archie’s sentencing judge said he was “concern[ed] to place [him] back out in society” any earlier than 40 years, according to his sentencing minutes.

As a lawyer dedicated to achieving resentencings for young clients sentenced to life in prison, my case files are replete with similar and far worse invectives. Sentencing minutes recorded judges telling teenagers, “You are just lucky the death penalty wasn’t available” and “You make me sick. ... You will never be ... rehabilitated.”

Yet time and again, we’ve learned that in sentencing our young clients to death-by-incarceration, judges never knew the years of neglect, abuse and peer pressure that preceded their crimes and surely contributed to them. They did not know about the electrical cords and hot spatulas that were used for beatings; the tuna cans that had to be stolen to feed their baby brothers, the Nikes and Timberlands — the *attention* — that were offered in exchange for carrying drugs. These details were all readily accessible — even decades later we are able to access child welfare, education, medical and family court records that reveal years of misery or harm — but too often our clients’ lawyers failed to investigate, failed to talk (or listen) to our clients and their families, and failed to offer reason to believe they could mature beyond the mistakes of their youth.

These are the very details our law requires courts to consider when sentencing anyone to prison, but especially a young person. They are relevant because of “the belief, long held by society” and recognized by the Supreme Court in [Penry v. Lynaugh](#), “that defendants who commit criminal acts that are attributable to a disadvantaged background, or to emotional and mental

problems may be less culpable,” but also because we know, as the court said in [Miller v. Alabama](#), that young people have great capacity to thrive if given the chance to escape “the horrific, crime-producing settings” of their childhoods.

None of our clients share this information as an excuse. In fact, the process of gathering their life stories is often painful, though usually healing. They readily admit the harm they have caused, not just expressing deep remorse but also hoping to help others avoid their own misguided path. They are the most credible messengers of change because they know what makes the street life so alluring, what makes toughness or acceptance so desirable that one loses sight of right and wrong.

What I’ve learned the most through my work is that life is so much more complicated than it may seem. I cannot expect a victim’s family to forgive, but by the same token, I cannot judge someone who has lived a life so foreign from my own. Nor can I cast stones when I have not had to overcome the sheer magnitude of what each of my clients has faced. But I can embrace someone who has grown and changed, someone who has put in the work to be better. Each time I have done that, I have seen a better side of humanity.

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Despite these truths, there are too many clients like Archie wasting away in prison after decades without the hope of a second chance.

But the law gives space to offer our clients resentencing. Lawyers are obligated [“to conduct a thorough investigation of the defendant’s background,”](#) making the failure to investigate and present the often-harrowing details of our clients’ lives a defect rendering their sentences illegal under federal and state law, especially for young clients facing a period of incarceration longer than they had been alive at the time of the crime.

Not surprisingly, there’s much debate about just how inadequate that investigation must be to render a sentence illegal, but I’ll put this to you: I wouldn’t accept an incomplete, half-hearted presentation if it were my child being sentenced, and our society should not approve of such representation for everyone else’s children.

Instead, we should embrace the ways in which our laws can undo the damage of these Draconian sentences.

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Archie's beloved uncle died in 2014, his older sister in 2019, and his father just this past year. His mother overcame her addiction many years ago, proving, like her son, how dramatically a person's life can change course with time and hard work. But she is growing older even as Archie must wait another 16 years to see the parole board. What would it look like if mother and son could both be free to bask in their hard-fought transformations? What would our communities look like if we recognized and rewarded people's deep capacity for change?

Allison Haupt is an attorney at the Center for Appellate Litigation, where she is co-director of the [Youth and Emergent Adult Resentencing \(YEARS\) Project](#).



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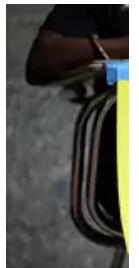
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