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Juveniles facing adult court get help from lawyers' program

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One in an occasional series.

At age 17, Monyatta Dunson was just a kid who made a bad decision. She also was an adult who committed an adult crime.

That was the determination of Philadelphia Common Pleas Court - and an example of the mind-bending logic that can ensue when the muddle that is adolescence intersects with Pennsylvania's criminal-justice system.

So, one day in June, Dunson was brought from the juvenile facility where she was placed, after pleading guilty to simple assault, to Philadelphia's Criminal Justice Center to be sentenced as an adult on related charges.

Dunson did have one thing going for her: support from attorneys Lauren Fine and Joanna Visser Adjoian, cofounders of the Youth Sentencing and Reentry Project. The nonprofit, created last year, is dedicated to improving the outlook for youths in the adult criminal-justice system and advocating for alternatives to prison.



Lauren Fine (left) and Joanna Visser Adjoian help defense attorneys with representing juveniles in adult trials. (BEN MIKESELL / Staff Photographer)

The Centers for Disease Control and Prevention has found that juveniles who go through the adult courts are 34 percent more likely to be arrested again than those kept on juvenile tracks.

In 2012, 375 juveniles, ages 11 to 17, were sentenced as adults in Pennsylvania. The state has more juvenile lifers than any other state - about 20 percent of the nation's total.

Michelle Mason, assistant chief of the Defender Association of Philadelphia's juvenile special defense unit, said she sees a fundamental difference in her clients who end up in prison and those in juvenile placements.

"There's a level of hopelessness when you get out of adult jail, whereas in the juvenile system, there's a treatment mentality. The idea is, we're building skills for you to go out into the world and to make it," she said. "That hopefulness alone is a huge factor for these kids."

This dual system goes back 20 years, to when high levels of youth violence inspired criminologists to advance a theory of a new breed of "juvenile superpredators." Legislators responded with tough-on-crime laws. Now, 29 states allow juveniles to be charged automatically in adult court.

Later, as juvenile crime declined, the same criminologists who had described the superpredators - feral, remorseless, and impulsive delinquents - retracted the theory. But the laws remained.

In Pennsylvania, Act 33 of 1995 enables prosecutors to "direct-file" charges like aggravated assault, robbery, and indecent assault in adult court if the defendant is 15 to 17. All homicide charges are filed in adult court.

From there, a juvenile can cut a deal to have his or her case decertified to Juvenile Court, or go before a judge for a decertification hearing.

Getting a case moved to Juvenile Court can change the course of a teen's life - but lawyers may not have the capacity or knowledge to give the process the attention that Fine and Visser Adjoian say it requires.

The two were working together at the Juvenile Law Center when they learned of the need. Children and their families believed they didn't have a chance to explain their circumstances. And lawyers unfamiliar with this specialized corner of the law didn't know how to advocate for them.

So Fine and Visser Adjoian developed a multipronged approach, including casework, policy advocacy, training, and referral services. They quit their jobs to work on this full-time, with grant funds, donated office space, and help from volunteers.

They're not acting as lawyers, but are providing help to court-appointed and privately retained counsel and public defenders, with the hope of mitigating sentences.

And they're helping young people plan for reentry earlier, even before sentencing. (If there is a sound plan in place, it could give the judge the confidence to impose a more favorable sentence.)

Lawyers from around the state and country are grappling with how to approach these cases. Mason, whose unit at the Defender Association handles about 200 direct-file cases each year, receives daily calls from lawyers asking for advice. But many can't match her resources; in her unit, each case is assigned a lawyer, social worker, and investigator.

So far, YSRP has taken on nine cases and consulted on five more. By interviewing parents, teachers, coaches, and neighbors; pulling records on schooling, medical history, and incarcerated family members; and spending time with the teens, they've been able to highlight education needs, addiction, homelessness, abuse.

"There's such a tendency in the criminal justice system to have this dichotomous victim-offender relationship," Visser Adjoian said. "But it's not that clear-cut. These families can carry both labels, 'victim' and 'offender.'"

One client had been a victim of sexual and domestic abuse, and was in foster care last October at the time of her arrest at age 17 on a gun charge. She also was pregnant.

YSRP compiled a 65-page report documenting her history, and offering options that would keep her with her child. It included two letters of acceptance into inpatient mother-child drug-treatment programs YSRP located. Her case remains in adult court, but there's hope the judge will draw on the work in sentencing.

"It's humanizing," Fine said. "That's the essence of what we're trying to do."

They also are acting as the dogged advocates these teens often lack.

For example, one client was arrested and held in adult jail for four months before the charges were withdrawn. But by then, he was 18, and his school was refusing to reenroll him. YSRP negotiated to get him back in class.

Judge Benjamin Lerner, who presides over decertification hearings in Philadelphia, said psychiatric evaluations tend to be his most important tool. But the YSRP reports have been helpful, he said.

Lerner said most decertification cases are easy to call. "But there are a significant number of cases in the middle that are really close," he said. "Those are the hardest decisions I've ever had to make as a judge. Sometimes, additional information would make it easier."

According to the District Attorney's Office, 305 juvenile cases were charged in adult court in 2014; 111 continued there and 141 were moved to Juvenile Court.

For Dunson, who pleaded guilty to beating up her cousin with a group of teenage girls, her case was kept in adult court. But YSRP helped track down school records so she could enroll in classes while in juvenile placement. Staffers have visited her and her family, and held monthly video calls.

For Dunson's sentencing hearing before Lerner, YSRP helped her compose a letter to read aloud.

"I know how to control my anger," she read. She's been journaling. "Instead of fighting, I'm crying, talking, and writing."

Dunson had been struggling at home and at school, her mother, Ronda, said. Her father has been in and out of her life, in and out of prison.

Now, Dunson has goals: "I want to be recognized as a positive citizen."

The judge gave four years' adult probation.

Mingo Stroeber, Dunson's lawyer, told Dunson's mother it was good news. But it wasn't the outcome Stroeber hoped for.

Keeping Dunson in adult court, she said in an interview, will have enduring consequences. For one thing, Dunson's record can't be expunged.

"This young woman is starting out her life as a convicted felon," she said. "She'll never be able to ...serve on a jury, to get financial aid. It's really tragic."

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