



# A chance for juvenile justice to be more just

BY [JOLINE GUTIERREZ KRUEGER](#) / JOURNAL  
STAFF WRITER

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I spent time inside the prison cell of a convicted killer 15 years ago, admiring his creative use of limited space.

Michael Brown, then 29, had covered the walls with his inked artwork and photos of family, bands and women. He had fashioned hangers for his pressed prison scrubs out of tightly rolled paper.

Brown had already served about a dozen years in small spaces when I visited him in

2006 at the Western New Mexico Correctional Facility near Grants. He had been moved from prison to prison across the state and Texas since 1994, when he was 16 and one of three teens convicted of butchering his grandparents with kitchen knives in their Rio Rancho home, though he had not inflicted a single stab wound himself.

Which is to say he was a kid when he was sentenced in 1995 to life plus 41½ years for the murders of Marie and Ed Brown, both 80. He would be, I estimated then, nearly their age before he was eligible for parole, if he lived that long.

But Brown didn't measure time in increments longer than a day, he told me. He didn't like to think that freedom would never come.

"If you give up on the outside world, you lose hope," he told me.

Standing in that cell, it was hard to imagine the outside world, hard to believe eternal warehousing in small spaces was the best way to deal with juvenile offenders. Then, and now, that's an unpopular point of view. Then, and now, I believe science, humanity and constitutional rights demand it.

Brown became one of the first teens in New Mexico to be punished as an adult at a time when the public was clamoring for incarcerating youthful offenders and throwing away the key – which is essentially what was done to Brown and co-defendants Bernadette Setser, then 16, and Jeremy Rose, then 17.

I had reached out to Brown for a project I was researching on juvenile justice in New Mexico. I stayed in touch with him and his younger sister, Shannon Fleeson, through his habeas petition in 2009, which at the time appeared to be his last chance at freedom. His petition was denied.

But things were already changing.

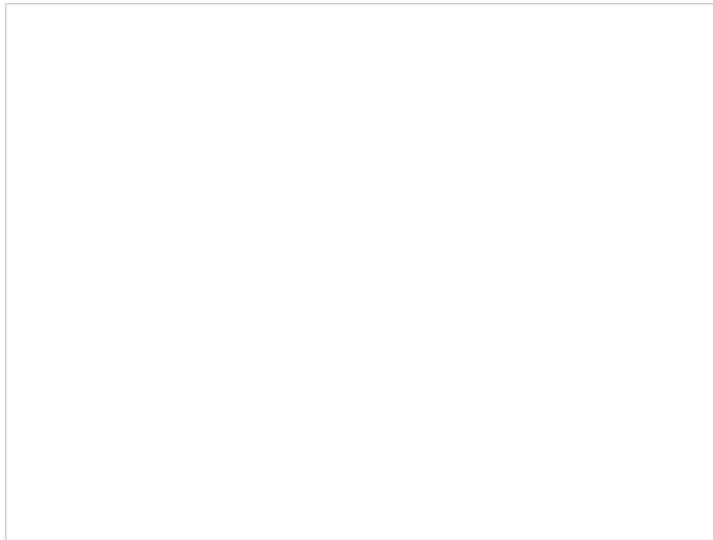
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Last week, I spotted Brown's familiar mug shot in the Journal. He was finally getting a second chance. As my colleague Olivier Uyttebrouck reported Dec. 28, Brown's sentence was amended in November, making him eligible for parole in February 2024.

The amended sentence – issued by 13th

Judicial District Court Judge Christopher Perez, a University of New Mexico law student the year Brown went to prison – came as a result of a revised petition that sought to comport Brown’s sentencing with newer U.S. Supreme Court rulings on juvenile justice.

Now, Brown’s two life sentences run concurrently rather than consecutively, making him eligible for parole after 30 years.



Among attorneys who fought for Brown is Denali Wilson, who became interested in his case when she was a law student. She has since dedicated herself to helping others like Brown who are serving lengthy sentences for crimes committed as children. Like me, Wilson questions whether leaving juvenile offenders to rot in prison for

decades is good policy because it fails to consider a juvenile's ability to be rehabilitated and ignores science of the adolescent brain as an unfinished product that renders its owner immature, impulsive, foolish.

Right now, 75 inmates, including Brown, are serving long adult prison sentences for crimes they committed as children, Wilson estimates.

She and others are hoping to convince Gov. Michelle Lujan Grisham to include in her call for the upcoming 2022 regular legislative session the "Second Chance" bill, which would make juveniles sentenced as adults eligible for parole after serving 15 years.

Juvenile offenders would not be automatically released under the bill, and the wishes of victims' families would be considered.

In Brown's case, his sister and father support the bill – and Brown's release.

"He has grown up a lot," Fleeson told me over lunch in 2008. "He has matured. It gave me the feeling he deserves a second chance."

Fleeson was 5 when her grandparents were

murdered – her grandfather stabbed 58 times, her grandmother six times. She was the one who found their bloody bodies the next day.

The night before – Feb. 3, 1994 – Brown, Rose and Setser had been drinking. Brown consumed nine to 10 beers and three-fourths of a fifth of gin, when his grandmother ordered Rose and Setser to leave.

Prosecutors say Brown later let his friends sneak back into the house, showed them where the kitchen knives were kept and instructed them to kill his grandparents.

But Brown said he never meant for his grandparents to be harmed, never expected his friends to take his bitter words seriously.

“I panicked,” he told me. “I was 16, and I was drunk out of my mind.”

Brown said he was often drunk out of his mind back then, his alcohol problem beginning when he was 13 and a sensitive, stubborn boy flitting between the houses of his divorced parents and his grandparents.

In prison, he grew up. He obtained his GED, took college classes, learned to play music, weld, fix a car, create art. He is a peer educator through UNM Project ECHO, an

inmate observer who watches over suicidal inmates, a prison barber, a husband.

He is ready to leave his small space.

I've said before that rethinking how we mete out juvenile justice is not a matter of being soft on crime or falling for excuses but knowing the difference between consequence and condemnation, between the juvenile who commits a horrendous act with the folly of an unmade mind and the rarer juvenile whose mind and heart and soul have already been irreparably damaged.

I haven't lost hope that we've learned the difference for Brown.

*UpFront is a front-page news and opinion column.*

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