



Advocates press to give juveniles a 'Second Chance'

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A 2008 photo of Michael Brown. He was convicted as an adult in 1995 on two counts of first-degree murder of his grandparents when he was 16. (Source: New Mexico Corrections Department)

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Michael Brown, 44, has spent two-thirds of

his life in prison for the stabbing deaths of his grandparents when he was 16.

Until last month, it seemed likely that Brown would die in prison.

He was tried as an adult in 1995 and convicted by a jury on two counts of first-degree murder and other charges. A judge sentenced him as a violent youthful offender to life plus 41 years, ensuring he would spend at least 71 years in prison.

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Michael Brown, now 44, listens to his guilty verdicts. He has been in prison for two-thirds of his life. (Pamela Angell/Associated Press)

Then, in November, a 13th Judicial District Court judge amended Brown's sentence making him eligible for parole in February 2024 after he has served 30 years in prison.

"Michael went to prison around the time that I was born," said Brown's attorney,

Denali Wilson, 28. “That’s the way we’re handling these cases in New Mexico, and that can’t be the way we respond to harm caused by children.”

Wilson and other advocates for youthful offenders are pressing for state legislation that would abolish life without parole for juveniles sentenced as adults.

The proposed “Second Chance” bill also would make juveniles sentenced as adults eligible for parole after serving 15 years in prison. If parole is denied, the request would be reconsidered by the parole board every five years.

“Children are more capable than adults of reform and rehabilitation,” said Wilson, a staff attorney for the American Civil Liberties Union of New Mexico. “Children need to be given a meaningful opportunity for relief after they have matured and developed. That’s exactly what the Second Chance bill would do.”

Brown is one of 75 people in New Mexico serving long adult prison sentences for crimes they committed as children, Wilson estimated.

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The proposed bill is similar to Senate Bill 247, which the state Senate passed 28-11 in March 2021. The bill received a do-pass recommendation by the House Judiciary Committee but the session ended before the House could consider the bill.



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Sen. Antoinette Sedillo
Lopez

The bill's co-sponsor, Sen. Antoinette Sedillo Lopez, an Albuquerque Democrat, has asked Gov. Michelle Lujan Grisham to include the measure in her call for the 2022 regular session.

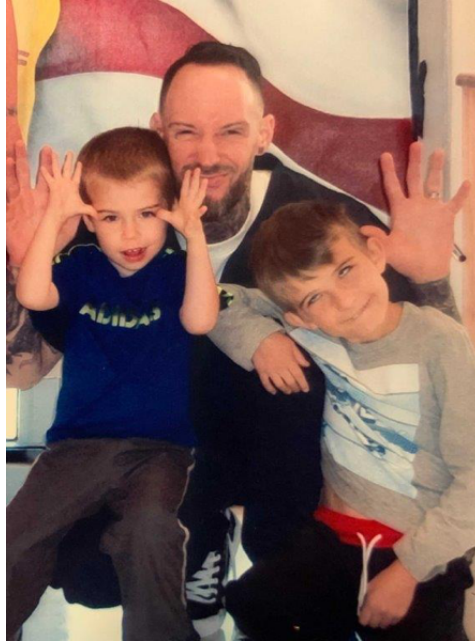
Lujan Grisham spokeswoman Nora Meyers Sackett said that discussions are ongoing about the agenda for the upcoming session and no decision had been made about whether to include the Second Chance bill.

The New Mexico Attorney General's Office

voiced opposition earlier this year to some portions of the bill, citing an outcry from crime victims.

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Jerri Mares,
a



Michael Brown photographed during a visit with young family members. Brown was sentenced to life plus 41 years for the deaths of his grandparents in 1995. A recent court ruling will make Brown eligible for parole in February 2024. (Courtesy of Denali Wilson)

spokeswoman for the Attorney General's Office, said Thursday that victims and their families should be included in any discussions about the Second Chance bill.

“We support humane reforms to the juvenile justice system, however heinous crimes are not appropriate for a reduced

sentence,” Mares said in a written statement.

Sedillo Lopez said a state law is needed to provide consistency to the way state judges handle serious crimes committed by juveniles.

“The bill addresses the issue of inconsistent sentences that judges give,” she said. “They are all over the map. Some children are tried as juveniles, others as adults, and the range of sentences is vast.”

The bill is not a “get out of jail free card” for criminal offenders, she said. The decision to release would rest with a parole board.

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“It is not a bill that would automatically let them go free after 15 years,” she said. “It’s a bill that would give them a parole hearing after 15 years. It gives them the possibility to demonstrate that they have changed.”

The measure would also provide young offenders with incentive to change, demonstrate good behavior in prison, and reform their lives, she said.

“I believe children have an enormous capacity for change,” Sedillo Lopez said.

“There is consistent evidence that

children's brains don't develop fully until into their 20s. I believe that reform is possible with everyone, but particularly with children.”

Editor's note: *The Second Chance bill would make a juvenile sentenced as an adult eligible for parole after 15 years in prison, and every five years subsequently. An earlier version of this article listed the wrong time interval between parole hearings.*

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