

Testimony in Support of Reconsideration of Juvenile Sentences

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My name is Michael Luther and I am 27 years old. I have been incarcerated since the age of 15, and I am serving a sentence of 30 years suspended after 20. My charges also carried with them mandatory minimum sentencing requirements. I am one of the Connecticut juvenile offenders who received a substantial prison sentence after being tried and convicted as an adult. I respectfully wish to offer my testimony regarding recently considered legislation.

I must begin by acknowledging the victims of my crime and make clear it is not my intent by writing this to in any way disturb their peace. I wish them and all victims of crime healing and recovery.

I entered the prison system a broken 15 year old following a suicide attempt and hospitalization. I was cast before a juvenile judge long enough to state my name and was then immediately transferred to adult court for prosecution.

Despite my age, my name was leaked to the media and my picture and case were heavily displayed on the news. At the juvenile facility, I became a frequent target of both inmates and prison staff.

I became so overwhelmed with everything that I began acting out and harming myself. I was compulsively cutting myself as a coping mechanism to deal with the emotions that I bottled up and couldn't express. I was frequently placed on suicide watch and in solitary confinement, sometimes for weeks at a time. While still a juvenile, I was occasionally transferred to an adult mental health prison for suicide watch. While there, I saw horrible things happening to people and I was terrified. My family felt powerless as they struggled with the system to obtain basic information about my status and the dozen or so medications I was placed on over the years. I just shut down and felt like no one cared what happened to me.

At the juvenile facility, I was not allowed to participate in school because I was designated a high-security inmate solely by the high bond placed by the court. I would literally sit in my cell alone up to 23 hours a day and simply exist. It wasn't until my parents initiated a 504 state hearing that I was finally offered tutoring services and limited schooling. Despite the overall chaos, I took my GED in 2004 and placed Honors.

The day after I turned 18, I was transferred to an adult prison. Within 3 days I received death threats from a correctional officer and was transferred to another prison. I was completely unprepared to transition from a juvenile to adult inmate population. I had to quickly learn how to read the motives of individuals because older men tried to take advantage of me. I learned how to stuff my emotions and hide my fear so not to appear vulnerable. My new doctors placed me on even heavier medications, and I continued losing touch with reality. A correctional officer posted newspaper articles about me throughout the facility and over a period of months encouraged me to kill myself. I took his advice one night as he was working in the segregation unit and hung myself from an air vent.

I do not remember a lot about going to court, just snapshots and only vague details. I was on a lot of medication and had no idea what was going on legally. Because I was underage, the court marshals frequently placed me in some kind of storage closet in the basement of the court to keep me separate from the adults. I remember it was empty except for a drain in the corner, which I used to urinate. I would sleep on the floor until I was summoned to the courtroom. Standing before the judge, it was very disorienting, and I just did what my attorney said.

I became a legal adult while my case was still ongoing in court, which made it more difficult for my parents to make legal decisions for me. I remember hearing a few times the possibility of a 10 year sentence. All I really remember about being sentenced is being told to say "Guilty under the Alfred Doctrine" and repeating this whenever my attorney nodded at me.

Occasionally at my facility I would express an interest in participating in programs but was frequently told I had too much time left on my sentence and was therefore not a priority. I found this very discouraging and felt there was no point of trying.

In 2008, at the age of 21, I was so beat down and tired that I knew I needed a change. I turned my frustration and despair into motivation and began transforming my life. I insisted I wanted off my medications. I stopped taking all of them and started slowly emerging from the dense fog I had been trapped in for nearly 6 years. I began thinking clearly and it was like coming back from a long, strange journey. Part of this was difficult because I found myself still emotionally a 15 year old. It became evident to me the medications had actually been holding me delayed and stagnant for some time. I began building myself from scratch and Mental Health eventually lowered my needs score and told me it was no longer necessary for me to see them. It was also in 2008 I was allowed my first contact visit and the opportunity to finally hug my parents after so many years. I could feel that things were changing within me and I had hope.

My parents enrolled me in college correspondence courses and I began literally begging to be placed in facility programs. I took my first vocational program and also sought out self-help correspondence programs. To date, I have over 30 certificates and maintained a 3.89 GPA in my college courses until my parents could no longer afford to offer me more. A short story I authored for one of my English classes was published on the New York Times website in 2009 as part of a larger article. I ended my last course electing to write my thesis on the complications of prosecuting juveniles for the type of crime I committed.

Since I could no longer afford to continue my own education, I tutored lower level and special education students in the prison school to help others reach their educational goals for nearly 2 years. This one-on-one contact taught me a lot of patience and allowed me to see my fellow inmates as individuals. After 2 years of tutoring I was promoted to the position of School Clerk where I assist both school and facility staff with a variety of support and preparation activities.

I also volunteer in an inmate-facilitated program that strives to reduce violence in and outside of prison, and I actively participate in two other programs. My schedule is busy but I would have it no other way.

This past year I was the guest speaker at an Anti-Bullying and Suicide Awareness assembly put together by two Osborn teachers. I spoke before several hundred inmates and staff about my personal struggles with mental health, attempted suicides, and growing up in the prison

system and how I pulled through it. At the time, I didn't realize the extent of the impact this had. Within the next few days, several inmates found the courage to speak with counselors about their own struggles. I was approached throughout the facility by inmates asking for advice and thanking me. I even received an envelope full of thank you letters. Word got around quickly, and I was asked to sign release papers for DOC Central Office to be video recorded giving my speech, which was copied onto DVD format and distributed to all the state's facilities to be shown to inmates. I am currently preparing to give another speech at a similar assembly in a few weeks. It is a little overwhelming but it feels good to help.

My parents have been the only constant factor throughout my incarceration. I don't remember much of when I was medicated years ago, but I do know my parents got me out of it alive. We have a strong relationship today and I hope to be with them someday soon.

I did an unforgivable thing that hurt many people. This is a responsibility I did not fully understand for many years. I am now at a point in my life where I can understand and own it. I absolutely deserve punishment, but I am also not the 15 year-old kid I was when I entered this system. I am 27 years old and fundamentally a different person. I want the opportunity to prove it to the community. I have made enormous progress and I want to continue growing, but I am finding the barriers of prison increasingly oppressive in my efforts. I am ineligible for a Pell Grant as long as I am behind bars, and I am also ineligible to participate in a federally funded college program at my facility because individuals with my charges are excluded. My incarceration is now directly in the way of my goals.

I personally believe that to charge a child as an adult under any circumstances imposes on them a status they do not developmentally or legally possess in any other arena. To prosecute and punish a child according to the same standards as a fully mature adult is to say there is no difference between the two. It therefore blocks the child's access to juvenile courts set up specifically because there is a difference, regardless of the crime. Overall efforts to be tough on crime should not negate science and deny this legally vulnerable group their categorical condition of youth.

This cannot be an easy subject for the legislature. Victims deserve justice and yet the defendants are so young. I do not want victims feeling let down by the system, but I also do not want that for the defendants either. For so long I felt "kids" like me were invisible in here and that nothing we did mattered. We need to know there is still hope of one day redeeming our lives through a second chance. It is difficult to have hope in a system that regards you as cattle. I don't want more kids growing up in cages feeling like the world has forgotten about them. Kids are not built for this place. Please believe me when I say this. I just pray that respective members on both sides of this issue can find some common ground and lessen the pain for everyone involved.

Respectfully submitted,

Michael Luther
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