

FIX JUVENILE JUSTICE - Oregonian, The (Portland, OR) - December 3, 1993 - page D12

December 3, 1993 | Oregonian, The (Portland, OR) | Editorial | Page D12

Summary: A judge's order protects defendants -- maybe even society -- but what does it say to the victim?

Circuit Judge Linda L. Bergman's decision to forbid adult trials for two Portland teen-agers who beat a man so badly that he suffered permanent brain damage is hard to comprehend.

Her stated reason was that Nathaniel Martin, 16, and Nathaniel ``Sharay" Wilson, 15, would get better attention under the juvenile justice system and be ``more mature and less volatile" after undergoing treatment at MacLaren School.

What her orders didn't say was that both youths could receive identical treatment, also at MacLaren, if tried as adults. The major difference is that if convicted as adults, they would stay at MacLaren only if they cooperated with treatment there. Otherwise they would go on to adult prison.

District Attorney Michael D. Schrunk's office wanted the two tried as adults, and for good reason.

Young people increasingly are committing violent crimes against others -- rapes, aggravated assaults and murders. And the public perception, all too frequently justified, is that victims of violent crime sometimes get shorter shrift from the criminal justice system than accused criminals do.

Tim Hawley, 22, the victim in this case, might be excused if he felt that way. But the brain damage he suffered Sept. 10 near Lloyd Center has left him with no recollection of the attack.

Both **Wilson** and Martin have long histories of trouble.

Bergman cautiously wrote that Martin has ``some history of fighting in school." In fact he's been suspended for fighting from every school he ever attended -- one elementary, one middle and three high schools.

As for **Wilson**, he got probation from Bergman last Jan. 8 after raping a 4-year-old girl -- another crime of violence that may have damaged a life forever. A condition of probation was that **Wilson** undergo sex-offender treatment. He never did. That was partly because of an overburdened treatment program and partly because of deaths in his family, but mostly because **Wilson** never fully acknowledged his behavior nor sought the court-ordered treatment.

So his reward for violating probation is another juvenile proceeding, for a violent crime committed nine months after sentencing for the earlier violent crime.

As Bergman noted in her orders, the 1993 Legislature failed to pass a bill backed by Attorney General Ted Kulongoski and the Oregon District Attorneys Association that would have made adult trials mandatory for juvenile crimes of violence. Bergman wrote that the Legislature was ``not ready to adopt such a radical departure from historic Oregon law."

Well, sort of. The bill passed the House 51-7. It died in the Senate Judiciary Committee after Bergman and others persuaded Chairman Dick Springer, D-Portland, to sit on it.

Looking toward the 1995 session, a House task force will begin work next week on possible revisions to the juvenile justice system. Kulongoski will be forming an executive task force on the same subject.

As both groups know going in, protecting the rights of defendants and rehabilitating young thugs to protect society from repeat offenses are worthy aims. But so is meting out punishment that pays more than lip service to the lives of their victims.

CITATION (MLA STYLE)

"FIX JUVENILE JUSTICE ." *Oregonian, The (Portland, OR)*, FOURTH ed., sec. EDITORIAL, 3 Dec. 1993, p. D12. *NewsBank*, infoweb.newsbank.com/apps/news/document-view?p=AMNEWS&docref=news/0EB0882C81944C15. Accessed 27 Apr. 2019.

Copyright (c) 1993 Oregonian Publishing Co.