

URGENT ACTION

13-YEAR-OLD BOY TO BE TRIED IN JUVENILE COURT

On 23 August, a Pennsylvania trial court ordered the immediate transfer of Jordan Brown's case to a juvenile court for trial. This decision removes the risk of 13-year-old Jordan Brown being sentenced to life imprisonment without the possibility of parole. Such a sentence, when imposed on anyone under 18 years old at the time of the crime, violates international law.

In its decision on 23 August, the trial court concluded that "the transfer of this case to the Juvenile Division of this Court will serve the public interest... The Court specially finds that the defendant is amenable to treatment, supervision, and rehabilitation as a juvenile after considering his age, mental capacity, maturity, whether he can be rehabilitated prior to the expiration of juvenile court jurisdiction."

On 29 March 2010, the same trial court had denied a petition filed by **Jordan Brown's** lawyers for transfer of the trial to juvenile court. Testimony from the prosecution's psychiatric expert had concluded that "since [Jordan Brown] would not take responsibility for his action, the prospects of rehabilitation within the juvenile court jurisdiction was not likely to be successful". This opinion was "pivotal and found to be highly persuasive" by the trial court, which then ruled that the boy should be tried in adult court.

This decision was reversed by the Pennsylvania Superior Court, ruling that the manner in which the trial court had applied the law had violated Jordan Brown's right not to incriminate himself. The trial court, it concluded, had effectively required the boy to admit guilt or accept responsibility for the crime with which he has been charged in order to show that he was capable of rehabilitation.

Following a new transfer hearing held on 5 August 2011, the trial court granted Jordan Brown's petition for transfer of his case from adult criminal court to juvenile court. Evidence from the previous hearing was reintroduced with the exception of the prosecution's psychiatric expert testimony. The prosecution did not present new expert testimony. The only additional evidence introduced at the new hearing was a stipulation by his lawyers that Jordan Brown continues to respond well at the juvenile centre where he has been held since shortly after his arrest.

Jordan Brown's lawyers have sent the following message to Amnesty International members: "On behalf of Jordan Brown we want to thank all the many people, who in connection with Amnesty International, have worked so hard and so diligently to raise people's awareness of this situation and to encourage our public officials to send this matter to Juvenile Court."

Aged 11 at the time of the crime, Jordan Brown had been automatically charged for trial in an adult court, as required by Pennsylvania law for cases involving murder. He has been charged with two counts of homicide, because the victim, Kenzie Houk, was eight-and-a-half months pregnant and her unborn child also died. If tried in adult court and convicted of first-degree murder, Jordan Brown would have been automatically sentenced to life imprisonment with no possibility of parole. He will remain in juvenile detention pending further proceedings. The juvenile justice system would have jurisdiction over him until he reaches the age of 21.

Many thanks to all who sent appeals. No further action is required.

This is the fifth update of UA 97/10. Further information: <http://amnesty.org/en/library/info/AMR51/062/2011/en>

Name: Jordan Brown

Gender m/f: Male

Further information on UA: 97/10 Index: AMR 51/073/2011 Issue Date: 25 August 2011