



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Life sentence for Odgren is not justice

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Today's conviction of John Odgren on the charge of first degree murder for the January 19, 2007 stabbing death of 15-year-old James Alenson, is quite a shocker. Odgren's insanity plea was surely a long shot, given the reluctance of most jurors to return a verdict that they believe is soft on crime. Still, many of us who listened to the testimony over the past 2 weeks felt fairly confident that the jurors would, in consideration of the defendant's profound and long-standing mental health issues, reduce the conviction to second degree murder. Although one could make the case, as the prosecution apparently did very successfully, that Odgren planned the murder, much about his behavior and state of mind would seemingly have interfered with his capacity to think clearly and premeditate on that tragic day.

It is telling that the jury deliberated for several days before returning its decision. The question of guilt or innocence was never in play, only the defendant's mental state and the extent to which it limited his criminal responsibility. The jurors likely were divided on the issue, yet in the end those among the 7 women and 5 men who could not see past their desire for justice won out.

It is indisputable that Odgren needs to be locked up for an extended period of time--years, decades perhaps, but not life.

Frankly, the thought of John Odgren, a boy who was bullied and ostracized repeatedly in high school, spending the remainder of his years in a prison setting is absolutely chilling. His well-documented fears and paranoid view of his world will undoubtedly become acute once he lives amongst a population of hardened criminals.

Perhaps the Massachusetts Supreme Judicial Court, which by law must review all first degree murder convictions in the Commonwealth, will find a way to temper this sentence. After all, many states around the country have abolished life without parole for all juvenile murderers, not just those who suffer from severe maladies like Odgren.

Or perhaps the United States Supreme Court, before which currently stands a challenge of the constitutionality of juvenile life without parole, will recycle the logic it used five years ago in *Roper v. Simmons*, when, by a 5-4 majority, it struck down the death penalty for offenders under age 18:

"The reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed."

Whether it is the highest court of the state or the highest court of the land, someone needs to do something to undo the harshness of this mandatory life sentence. I doubt that the Massachusetts Legislature had someone like Odgren in mind when it passed a 1996 law imposing automatic life without parole for anyone over the age of 14 who is convicted of first degree murder.

Life without parole makes sense for 25-year-old cold-blooded killers, but not for someone as immature and emotionally disturbed as John Odgren.