

# What's Justice for Kids Who Kill?

## Kahton Anderson and the raging raise-the-age debate.

By Dana Goldstein. Posted on Thursday, June 18, 2015 at 6:00 a.m.

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On June 23, New York governor Andrew Cuomo announced that his proposal to raise the age of adult criminal responsibility died for the second time this year. As an alternative, Cuomo plans to issue an executive order to remove 16 and 17-year olds from adult prisons, and house them in facilities managed jointly by the Department of Corrections and Office of Children and Family Services. There will be no immediate changes for juvenile offenders like Kahton Anderson, those aged 13 to 16 who are prosecuted as adults for violent felonies.

### Original Story

**I**n 2012, Kahton Anderson found a gun.

The .357 Magnum, a revolver with a silver barrel, was hidden inside the radiator in the kitchen of the apartment Kahton shared with his mother and two siblings in the Bedford-Stuyvesant neighborhood of Brooklyn. Kahton said he had watched his older brother, Lakim, hide the gun there.

At first, Kahton, who was 12 at the time, only looked at the gun in its hiding place. But he quickly got to know the weapon better, removing it from the radiator, toying with it, and taking pictures of himself holding it. “If I could get some bullets for this mag, we would clear a lot of shit out,” he boasted to a friend on Facebook. By March 2013, Kahton was writing, “When beef come, we ready!”

A year later, this boy, with this gun, would take an innocent man’s life on a New York City bus. The case was easy fodder for the tabloids, which quickly dubbed Kahton a “fiend” and “thug.” It also raised some of the most difficult and pressing questions in criminal justice: What is the right venue for trying a teenager accused of murder? And is there a way to acknowledge a young defendant’s immaturity and potential to change while simultaneously holding him accountable for a terrible act? Fear of crimes like Kahton’s threatens to derail efforts in New York and other states to revise laws that treat teenagers as adults in criminal court. But a closer look at the circumstances that led to his offense illustrates the need for a system that acknowledges the gray space between adulthood and childhood—and that offers more than just adult prison sentences as the response to youthful violence.

Guns were a potent commodity in Kahton’s world, a stretch of central Brooklyn with one of the city’s highest violent crime rates. His social media posts featured a second gun, too: a 9 mm handgun. In the year Kahton first talked about guns on Facebook, there were 196 homicides in Bed-Stuy and surrounding neighborhoods, even as brownstone prices in the area pushed toward seven figures. Kahton’s family wasn’t part of the neighborhood’s new burst of affluence. They had been in Bed-Stuy for three generations. His grandmother lived in the Sumner Houses, a public

housing development where she had raised Kahton's mother, Monique Jackson. Over the years, Jackson, a postal worker, occasionally brought her three children back to live in their grandmother's Sumner apartment.

By middle school, Kahton no longer lived in public housing. But most of his friends did, and his social life still revolved around the projects. All of the students at his middle school received free lunch because their families were poor. Like Kahton, more than 70 percent of the students were black; only 1 percent were white. The police department set up a "safe corridor" after school, patrolling to make sure that teenage street crews representing the various housing projects didn't disturb other students' walk home. There are hundreds of such crews in New York City. Kahton was the youngest member of the Stack Money Goonz, based in the Sumner and Tompkins Houses. One of their rivals was Twan Family, from the Marcy Houses. The housing developments are less than a mile from one another.

Unlike traditional gangs like the Bloods and Crips, these crews don't have clear leaders, hierarchies, or rules for behavior, and they don't fight to control a drug market. They instead spar over "beef"—slights and threats rooted in micro-geographic turf wars. Confrontations are sparked by the hair-trigger pride of adolescent males, and are documented in social media posts rife with gunfire emojis and references to #Stuyraq (a mashup of Bed-Stuy and Iraq). A single incident can lead to months or even years of retaliation.

Kahton became part of these conflicts. He was arrested as a juvenile in 2011 (the record of that incident is sealed). Then, in seventh grade, he received a "safety transfer" to a new school to avoid a group of high school boys who'd been waiting for him after school, eager to fight. At the end of the school year, his mother sent him to Rochester to live with his father, whom he hadn't seen since his parents had separated three years earlier. She thought the change would be good for him. The .357 Magnum stayed in the Bed-Stuy apartment with Lakim.

In February 2014, Kahton's maternal grandfather died. Kahton returned to Brooklyn to mourn with his family, and he asked his mother to let him stay, his lawyers said later. She agreed. While Kahton had been in Rochester, his brother Lakim had moved down South, leaving the gun behind. Scared his mother would find the weapon—and now considering himself its guardian—Kahton said he removed the gun from the radiator and entrusted it to a friend, who would subsequently pass the gun on to other friends. But first, Kahton snapped a selfie, smiling slightly as he pointed the loaded revolver straight toward the camera.

He sent the picture to a girl he liked.

When Kahton didn't see the gun again, he would later say at trial, until March 20, 2014. That morning, his mother left the apartment at 4 a.m. to report to work for her 5 a.m.-1:30 p.m. shift. Around 7:30 a.m., she called home, as she always did, to make sure Kahton was awake and heading to school. She hung up believing that the eighth-grader was on his way to Elijah Stroud Middle School.

Instead, Kahton took the B15 bus to the Sumner Houses, and spent the early morning hours hanging out there with friends. He did go to school at 10 a.m., but he didn't feel like being there, he said, and left at noon. He saw a few more friends, some of them Stack Money Goonz members, and, at some point, was stopped and questioned by a truancy officer. Kahton returned to the Sumner Houses around 3 p.m., and visited his grandmother's apartment. They talked



KAHTON ANDERSON IN A SELFIE, HOLDING THE .357 MAGNUM HE USED ON MARCH 20, 2014.

**K** and ate a snack.

According to Kahton, the trouble started when he left his grandmother's. As he walked toward the B15 bus stop to return home, he said he saw five or six kids from Twan Fam headed toward him. Kahton quickly backed away. That's when he saw one of the boys—he didn't know his name—remove a gun from his pocket. As Kahton turned and ran, several shots rang out, one whizzing by his face and clanging into a fence, he said in

his testimony. He ran into what he said was the nearest building in the projects where he knew someone: 991 Myrtle Avenue, the home of an older boy known to be a Stack Money Goonz ally. Kahton knocked on the apartment door, and the boy's grandmother let him in.

Neighbors had heard gunshots and called the police. At trial, the prosecution would contend that Kahton might have been the shooter at Sumner, not the target. But Officer Mark Xylas, who investigated the report of gunfire, saw Twan Fam members leaving the scene—a possible indication, he testified, that they had been up to something, since they were outside their own territory. He stopped and frisked several of them and recovered no weapons, though one boy, Tyrese Blackman, got away without being checked.

Meanwhile, Kahton stayed in his friend's apartment for an hour, terrified, he said, of coming out and facing the Twan kids. When he left, he had something in his backpack that he said hadn't been there before: the .357 Magnum, which he claimed had been in his friend's room.

Walking back toward the B15 bus, Kahton met up with two more friends, Jayquan and Roy. When the bus arrived, the boys boarded and sat in the very back row, which is on an elevated platform. About five minutes later, the bus approached the corner of Marcus Garvey Boulevard and Lafayette Avenue, near a laundromat known as a Twan Fam hangout. Eight surveillance cameras from the bus and inside the laundromat captured what happened next.

A group of about 10 kids rushed toward the bus in seeming coordination. One had been following the bus on a bicycle. The rest were on foot, some pouring out of the laundromat. When the bus stopped, kids clustered outside at both the front and back doors. Two girls were the first to board, through the front door. They took a quick look around and then exited, seemingly reporting what they had seen to the group of boys outside. One boy then used his arm to prevent the bus driver from closing the front door, as three Twan Fam members climbed onto the bus in quick succession. At least two of them—including Tyrese Blackman—were part of the group Kahton had seen an hour earlier at Sumner, where he said he was shot at.

As the Twan Fam boys lurched toward the back of the bus, Kahton reached into his book bag. He stood up suddenly and sprang forward, firing a single bullet from the .357. But he missed his target. It was Angel Rojas, a 39-year-old husband and father of two, who slumped forward in his seat. Rojas was on his way home from a 7 a.m.–6 p.m. shift working at a fruit market; he, his wife, and their two young children had emigrated from the Dominican Republic five

years earlier. Just moments before the bullet passed through Rojas' brain, killing him, he had been on his cellphone, calling his mother in the Dominican Republic. She heard him say "hello," and then nothing more.

Kahton did not notice what had happened to Rojas. The Twan Fam kids turned and ran off the bus as passengers shouted and crouched in fear. Kahton leapt over a cowering man. Once on the street, he shot several more rounds in the direction the Twan Fam boys had run. He was apprehended several blocks away by two officers from the 79th precinct who had heard the gunshots and driven toward them. Officer Lukasz Organistka jumped out of the squad car, pushed Kahton to the ground, and cuffed him. The .357 Magnum tumbled out of the kangaroo pocket of Kahton's hoodie, still smelling of smoke.

Kahton was driven back to the 79th precinct, where he was brought to a "juvenile room" used to detain suspects under the age of 16. He was placed on a chair, his wrists cuffed to a rail. Two officers sat in the room with him. As Kahton waited for his mother to arrive at the precinct, he began to speak before he had been read his Miranda rights. His onslaught of anxious words were written down by one of the officers and later introduced as evidence in court over the objections of his lawyers.

"Who did I hit? Was it a rival or an innocent? Why didn't I just go home? They came at me on the bus and I was scared. Yo, am I gonna do life for this? It was my brother's gun." Still waiting for his mother, Kahton continued, "I shouldda stayed upstate. I was away from this shit. I fucked up. I fucked up. Can you help me, sir? You gotta understand where I'm coming from. It's war out here, niggas gotta carry guns. I fucked up, man. Every time I'm with Jayquan, man."

The following day, Kahton Anderson was charged with murder. He has since been incarcerated at the Horizon Juvenile Center in the Bronx. New York is one of only two states—the other is North Carolina—that automatically charges all 16- and 17-year-olds as adults in adult criminal court, regardless of their alleged crimes. What is less well known is that for many crimes—including homicide and rape, as well as certain burglaries, robberies, arsons, and assaults—children as young as 13, 14, and 15 must also be automatically charged as adults. The policy is known as the "juvenile offender" statute. It dates back to 1978, when 15-year-old Willie Bosket, the son of a convicted murderer, killed two men, and shot a third, on Manhattan subways. The tabloids dubbed Bosket a "Baby-Faced Butcher," and Mayor Ed Koch called him "a mad dog." At the time, every juvenile in New York was prosecuted in family court, regardless of the offense. Bosket was given the maximum juvenile sentence of five years, which lawmakers deemed far too lenient. The resulting Juvenile Offender Act changed that, anticipating a slew of similar get-tough state laws passed during the 1980s and 1990s.

Today, approximately 250,000 Americans under the age of 18 are charged as adults each year. Thirteen states allow children of *any* age to be charged as adults. But generally, the decision to do so is made only after a hearing in front of a family-court judge who has experience working with juveniles and can order educational and therapeutic services aimed at rehabilitation. In New York, under the 1978 Juvenile Offender Act, nearly 500 defendants like Kahton are instead sent straight to adult criminal court.

Homicides make up only 2 percent of these juvenile offender cases; more than half of 13- to 15-year-olds treated as adults by New York courts face robbery charges. But as a kid from a poor, urban neighborhood involved with a group that broke the law together, Kahton represents the demographics of juveniles charged as adults statewide, about 90 percent of whom are black or Latino. The system makes only two concessions to their youth. About 80 percent of those convicted have their records sealed, meaning they do not have to identify as felons on future academic, job, and

housing applications. They are also subject to reduced sentencing guidelines, although for more serious crimes—like murder, kidnapping, and arson—they can still be sentenced to life in prison.

For the murder charge, Kahton faced a maximum sentence of 15 years to life and a minimum sentence of 7½ years to life. If convicted, he would graduate from a juvenile facility, operated by the state’s Office of Children and Family Services, to a state prison, at age 21. He would be in adult prison without ever having been an adult in the world.

**T**he combination of Kahton’s extremely young age and the nature of Rojas’ death—killed during rush hour on an ordinary New York City public bus—made the case a media sensation, much as the Bosket case had been. The *Daily News* referred to the defendant as “a 14-year-old fiend” and “punk killer.” To the *New York Post*, Kahton was “a young thug.” Heather Mac Donald, writing at the *National Review*, argued that Kahton was “an emblem of the pathological urban culture that is manifested both in the black crime rate and in classroom misbehavior.”

The youth homicide rate has declined by more than one-third since the early 1990s, alongside similar reductions in adult crime. Yet according to the most recent National Youth Gang Center survey, conducted by the U.S. Department of Justice, gang-related killings in large cities actually increased by 35 percent between 2007 and 2012. Today, most gang members, like Kahton, are between the ages of 12 and 24 and have only tenuous connections, if any, to organized crime.

## **“We want to talk about the kid who stole the Snickers bar and ended up confined. It’s an easier reform conversation.”**

In New York City, overall crime rates remain low, but shootings have increased over the past two years. Police say an estimated 40 percent of homicides are related to teen street crews like Stack Money Goonz and the Twan Family. In 2012, NYPD Commissioner William Bratton announced Operation CrewCut. The department’s gang unit doubled in size from 150 to 300 officers, and over the next two years, more than 400 crew members were indicted on charges ranging from drug and weapons possession to assault and murder. Some detectives spent the majority of their working hours combing through teenagers’ social media posts for tips and evidence. In the 79th precinct, where Kahton lived, more than 250 Facebook accounts are monitored at any one time.

This crackdown coincided with a movement to make juvenile justice more humane. Just a few weeks after Kahton shot Angel Rojas, New York Gov. Andrew Cuomo created the Commission on Youth, Public Safety, and Justice. “Our juvenile justice laws are outdated,” Cuomo said in his 2014 State of the State address, promising to “raise the age” of criminal responsibility to 18. Cuomo was joining a national trend. In light of data showing that juveniles sentenced as adults are more likely to be re-arrested and incarcerated than those sentenced in family court regardless of the severity of their crime, Illinois, Massachusetts, New Hampshire, Mississippi, and Connecticut have raised the age of

adult criminal responsibility in recent years, though all those states excluded at least some violent felonies, especially murder, from being processed in family courts. New Jersey is currently considering barring all 14-year-old defendants, including those like Kahton who are accused of murder, from being charged as adults.

When Cuomo's commission released its recommendations in January 2015, they reflected careful compromise between advocates for juveniles and prosecutors. The incarceration of minors in adult facilities would end. For teenagers accused of misdemeanor crimes, like trespassing, shoplifting, and less serious assaults, the age of adult responsibility would be raised from 16 to 18. Juveniles accused of second-degree robbery, or robbery in a group, would now be sent to family, not criminal, court. But other "juvenile offenders" like Kahton—those ages 13 to 18 accused of violent felonies—would still be automatically charged as adults and would face life sentences in some cases.



ANDERSON BEING ESCORTED TO HIS ARRAIGNMENT ON MARCH 21, 2014. PAUL MARTINKA/SPLASH NEWS

"These are often the kids we don't want to talk about," said Krista Larson, director of the Center for Youth Justice at the Vera Institute, a nonprofit that helped staff Cuomo's commission. "We want to talk about the kid who stole the Snickers bar and ended up confined. It's an easier reform conversation. But these kids"—those accused of armed robberies, assaults, and homicides—"are kids too. They

have whole lives in front of them. That said, these are real crimes, with real victims."

The recommendations of Cuomo's juvenile justice commission were written into the governor's 2015-16 budget bill, with plenty of concessions to the tough-on-crime crowd. The final language lengthened the percentage of the sentences that juvenile offenders as young as 13 would have to serve before being considered for parole and eliminated defense lawyers' right to request that these cases be moved from adult to family court. Some juvenile offenders with sealed records would have those records unsealed and considered during sentencing if they committed a new offense.

Nevertheless, Erie County District Attorney Frank Sedita, head of the state prosecutors association, called the Raise the Age legislation "frightening." In a letter to the state Senate and to Gov. Cuomo's deputy secretary for public safety, Sedita wrote that it was "unpleasant but well-known" that "some of the most dangerous, violent, and sociopathic criminals are under the age of 18."

Groups like the New York Civil Liberties Union, the NAACP, and the Legal Aid Society (a public defense service) supported Raise the Age. But two statewide organizations representing criminal defense attorneys, who should have been natural allies for reform, ended up opposing the legislation. The New York State Defenders Association warned of potential "serious damage" to those kids who would continue to be charged as adults. Although there are fewer than 1,000 juveniles arrested each year in New York for the violent crimes covered by the 1978 juvenile offender law, this small group of teenagers played a big role in raising opposition to Cuomo's Raise the Age plan on the left.

Meanwhile, state legislators from both parties complained that they had not had enough time to consider the complex group of proposals. The entire package of juvenile justice reforms was stripped from the budget bill, though \$135 million were set aside for potential future costs of raising the age.

The politics of Raise the Age have proven difficult elsewhere, too. In Texas in May, a bill to raise the age from 17 to 18 failed, with legislators citing concerns about the additional costs of processing teenagers through the juvenile system, where more expensive rehabilitative services are available. Last year in Wisconsin, a bill to raise the age only for misdemeanor offenses failed for similar reasons. In North Carolina, the state House of Representatives approved raising the age from 16 to 18 for misdemeanors, but the Senate declined to schedule a hearing. And this year, a separate New York state reform proposal to reduce sentences excluded violent offenders, like Kahton.

Does it make sense to treat young women and men like Kahton differently? Because youth homicide is rare, there is little quality research on it. One widely cited study published last year, looking at more than 1,000 serious juvenile offenders in Philadelphia and Phoenix, found that the 18 charged with murder were similar to teens who had robbed or burgled. The homicide offenders were no more likely to have young mothers, to be in a gang, or to have been suspended from school. They were, however, more likely to have access to guns and to live in “disordered” neighborhoods. They also had been exposed to more violence around them as children.

The idea of young homicide offenders as especially depraved “superpredators” is generally a myth, the authors concluded. It is probable, they wrote, “that murders are assaults and fights gone bad, more situationally and emotionally driven than they are a product of deficient personalities, compromised family situations, and the like.”

**K**ahton Anderson was tried as an adult. Yet his youth shaded every phase of his prosecution. His trial took place in the courtroom of Judge Sheryl Parker, a former prosecutor who, until her June retirement, presided over the Brooklyn “youth part,” a special kind of courtroom with judges dedicated to the cases of juveniles charged as adults. Four of the five New York City boroughs now have these courts, modeled on the one Judge Michael Corriero established in Manhattan in 1992. His goal was to consider the ability of each juvenile to be rehabilitated, even while upholding the mandate to treat them as legal adults. “I tried to find the spaces in the law to do what I felt was right,” he said in an interview.

Corriero, who retired in 2009, cultivated unusually close relationships with his defendants, speaking to them about his own tough, immigrant upbringing in Manhattan’s Little Italy. He occasionally sent young murderers to prison, sometimes for decades. But he was known for bringing prosecutors, defense attorneys, victims, defendants, and parents together in conferences to reach sentencing compromises.

Each of the *ad hoc* juvenile offender courts founded in Corriero’s wake has its own culture. In Brooklyn, Judge Parker’s two observable concessions to Kahton’s young age were barring press photography from the trial and allowing him “courtroom visits” with his mother. Although juvenile offenders charged as adults do not have the right to legal advice from their parents, Parker allowed Monique Jackson to huddle with her son during breaks in the proceedings. They would exchange smiles, and speak softly so as not to be overheard. “Love you,” she’d call out as he was led away. (Judge Parker turned down several interview requests.)

The prosecution was led by Nicole Chavis, the formidable chief of the Brooklyn DA’s gang crimes unit. During jury selection, she looked to screen out anyone who seemed like they would consider Kahton’s age as a mitigating factor. Two women told the court they believed Kahton was too young to go to prison; they were dismissed. So was a young

black man who'd served time at Rikers Island for criminal possession of a weapon. "I would not waste jail on nobody," he said. (Through a spokesperson, Chavis declined an interview on the case.)

Chavis's opening statement sought to preempt sympathy for Kahton's youth by highlighting the depraved nature of the crime. She introduced the concept of "beef" among rival gangs and noted, "There were babies aboard that bus. Men and women aboard that bus. But that didn't matter to him. ... It's because of that beef, and how Kahton Anderson chose to handle that beef, that he's earned a spot at that table, despite the fact that he was 14 years old at the time."

Kahton's lead defense attorneys, Frederic Pratt and Jamal Johnson of Legal Aid, planned to portray the shooting as self-defense. In his opening, Pratt depicted Kahton as the victim of a bad neighborhood riven by multigenerational rivalries between housing projects. "The young men involved in this trial were born into this situation," he said. Kahton might have "acted tough" on Facebook, but really, Pratt said, he was scared. He carried the .357 Magnum aboard the B15 bus "for protection" as he trekked home through "treacherous Twan territory ... still rattled by the recent attempt on his life" at the Sumner Houses. "This is a case of self-defense with tragic and unintended consequences."

Testimony seemed to support the idea that Kahton was threatened by Twan Fam. Prosecution witness Yoreel Fraser Trumpet, a public health administrator who was seated behind Rojas on the B15 bus—and eventually splattered with his blood—said, "It seemed like the bus was being held hostage" as the Twan Fam kids rushed onto it, preventing the driver from closing the doors. It emerged that two of those three Twan members are now incarcerated. But the defense had to do more than just convince the jury that Kahton feared for his life. The prosecution relied on a legal statute called "combat by agreement." It holds that individuals who volunteer to engage in violence, such as gang members, essentially forfeit their right to claim self-defense. If the jury was convinced that Stack Money Goonz was an organized gang, as opposed to a group of troublemaking young friends, and that Kahton had agreed in advance to fight, then Kahton could not have been justified in firing his gun, even if his own death was imminent.

Chavis called as witnesses police officers who described the SMG/Twan rivalry, the bus driver, the medical examiner, bus passengers who witnessed Rojas' death, and even a Facebook worker whose job is to provide posts, like Kahton's messages about the gun, to law enforcement. Her goal was to show that Kahton's actions on March 20, 2014 were preceded by years of intent to engage in violence.

The defense's case was briefer and focused on the idea that Kahton was only protecting himself, and had certainly never agreed to be "ambushed" by Twan Family members on the B15 bus. They called Jackson, who testified that the family was close and that she had been waiting for her son to come home for dinner that evening. Then they called Kahton. He had been reluctant to testify, according to his mother and attorneys. But they hoped he could convince the jury of the fear he felt that day, and persuaded him to take the stand. As he walked to the witness box, the jury could see, for the first time, his height: Kahton is over 6-feet tall. He spoke in a deep, yet quiet voice, and was prompted throughout his testimony to speak up and come closer to the microphone. As Kahton began telling his version of events, Angel Rojas' widow, Maria Lopez, ran crying from the courtroom.

"Stack Money Goonz is a crew," Kahton told Pratt. "We all grew up in the Sumner projects and were all close and our families are close. It really started when I was 12. And I was the youngest. My friend came up with the name." Pratt led his client through the events of March 20, 2014, culminating in the bus ride. "I seen somebody slide onto the bus," Kahton said—a boy he recognized from the group of Twan Fam members who he said shot at him earlier that



afternoon. “I thought maybe they were coming to kill me.”

**“If the defendant is man enough to get on that bus and fire those shots, then he’s man enough to live with the consequences of those actions.”**

On the morning of closing arguments, the courtroom filled with journalists, attorneys, court staff, and social workers. Kahton, as usual, was wearing a suit and tie. After the court officer removed his handcuffs, defense attorney Jamal Johnson leaned toward his client, and appeared to direct Kahton to remove his suit jacket and place it on the back of a chair. Wearing only his button-down shirt, which fit loosely on his narrow frame, Kahton seemed younger.

Johnson’s closing referenced Kahton’s age 20 times. “This is a child,” he said. “This vicious, violent gang is coming at you inside the bus, and you also have to worry about what’s happening outside the bus? Can you imagine? Even for an adult?”

Even if March 20, 2014 went down exactly as Kahton had said it had, Chavis countered in her summation, Kahton could have made any one of a number of choices that day other than taking a gun on a bus and firing it. After he was allegedly shot at earlier in the afternoon, he could have called the police, his mother, or his grandmother for help, instead of running to the apartment of a friend who possessed a gun. He could have decided not to ride on the B15 bus through Twan Fam territory. Once on the bus, he could have held the gun up and shouted “Get back!” at the Twan members, instead of shooting.

“Fear, particularly for a 14-year-old boy, would direct you to your mother, would direct you to your grandmother. Fear would direct you to your family,” Chavis said. “Revenge would direct you toward your crew. ... If the defendant is man enough to get on that bus and fire those shots, then he’s man enough to live with the consequences of those actions.”

**A**s the jury began deliberations, the defense faced an obstacle. The way the law is written, a person can only be considered justified in killing another in self-defense if any “reasonable person”—meaning a reasonable adult—would have acted the same way under the same circumstances. Pratt asked Judge Parker to remind the jury that in considering the “reasonableness” charge, they also consider the defendant’s age and lack of maturity. She declined to do so.

A large body of research shows that until about age 25, adolescents and young adults lack a fully developed brain. When the Supreme Court ended the juvenile death penalty in 2005 and limited juvenile life without parole in 2012, it cited this science, creating a new legal framework for understanding even older teenagers as fundamentally less culpable than adults.

Teens are less able to balance risk and reward, and are uniquely attuned to the approval of other young people. In one

recent study conducted by psychologists at Temple University, both teenagers and adults drove a remote-controlled car around a track, once alone, and once while observed by their real-world friends. While alone, teens and adults were equally good drivers. But when the teens were in front of their peers, they were more likely to crash their vehicles, and the parts of their brains that anticipate pleasure and approval lit up. This only suggests the obvious—that although teenagers are old enough to distinguish between right and wrong, even smart adolescents are likely to act “stupid” (Kahton’s word for some of his own actions) when in a group. That may be doubly true in neighborhoods where violence and access to guns are the norm.

In Kahton’s case, the jury was clearly taking the self-defense argument seriously. They deliberated for 5½ days and returned to the court room multiple times to ask Parker to re-read the law on justified killings. Several times they sent word of a deadlock, but Parker asked them to continue deliberating. On Thursday April 30, the jury delivered a note reporting a partial verdict, meaning they agreed on only some of the 10 charges Kahton faced, ranging from murder and manslaughter to assault and reckless endangerment.

At 9 p.m. that night, Parker, the prosecution, and the defense reluctantly agreed to allow the jury to read their partial verdict and cease deliberations. Kahton was found guilty of just two of the charges against him: criminal possession of a weapon and reckless endangerment of the pedestrians outside the B15 bus. According to the defense team, which interviewed several jurors after the verdict was read, at least two jurors were convinced Kahton acted in self-defense, and did not believe he had participated in combat by agreement.

In a way, Kahton has been fortunate. His attorneys were creative and aggressive; Frederic Pratt is a 28-year veteran of Legal Aid who specializes in the cases of adolescents. He and Johnson forced the jury to consider their client’s youth, and for the moment, at least, Kahton has avoided a murder conviction. Not every juvenile offender charged as an adult benefits from such a focused defense. For every teen whose lawyers manage to temper an adult court’s bias toward adult justice, there are many more who lack access to effective representation or judges focused on rehabilitation, leaving young men and women to serve out excessively long punishments.

For these reasons, some advocates for juveniles hope to entirely end the practice of charging kids in criminal court. There is nothing about committing a violent crime, they say, that turns a child into an adult. While family courts are built, at least theoretically, to rehabilitate children, the adult criminal justice system is designed to do something else: to offer retribution, and some semblance of closure, to people like Maria Lopez, Angel Rojas’ widow, and Rojas’ two children. (Lopez declined an interview request.)

For now, Kahton has avoided a long prison sentence. But even if his lawyers carry the day in a second trial, it’s not clear that this is an ideal outcome for Kahton, who could remain a risk to himself and his community. If he is acquitted at a second trial, the judge would have no power to continue to intervene in his life or monitor his behavior. He’d be free to return to his home on Gates Avenue, back to the B15 bus, and the schools where he’d gotten into trouble, and the battleground between SMG and Twan. There are programs in New York City, like Save Our Streets, that use former gang members, counseling, and jobs training to steer kids away from crews. But they are nascent and underfunded, currently able to reach only a handful of kids in neighborhoods like Bed-Stuy.

There may be a third way, one that allows a kid like Kahton to avoid decades in prison, but also addresses the issues underlying his present condition. Carla Barrett is a professor at John Jay College of Criminal Justice and an expert on the special New York City courts that handle teenagers charged as adults. “I get frustrated when people think either we try them as adults and send them away to prison forever, or we pat them on the head and say *oh you poor little*

*thing,*” she said. “There’s a tremendous amount of space between these two.”

Michael Corriero, the retired judge who founded the special courts for youth charged as adults, believes young crew members should be removed from their neighborhoods, at least for a time—something a term of incarceration accomplishes, albeit harshly. “You need a safe house, a respite place, where you can be given the tools to deal effectively with peer pressure,” he said. “I grew up on Mulberry Street. If I walked to the left, I’d be in trouble. If I walked to the right, I’d be in trouble. These kids have to make these decisions in just a pinpoint in time. And when that kid goes home from court, he has to pass through that neighborhood.”

Corriero established the juvenile offender court to provide a middle ground between treating serious teen lawbreakers as social work cases and treating them as hardened adults. That, at least, was the idea. In reality, these courts sometimes function, essentially, like any other criminal court. There is no special training required for the judges who take these positions, and the judges lack the rehabilitative funding and discretion available to family court judges.

Several of the Raise the Age proposals circulating in Albany, including Gov. Cuomo’s, would strengthen these special courts for juveniles charged as adults. One version of the legislation, sponsored by Democrats Joe Lentol and Velmanette Montgomery, both of Brooklyn, would require every county in New York State to establish a juvenile offender court. The state would pay to train the judges who work in these courts in adolescent development, and those judges would be given the discretion—after hearing from both the prosecution and defense—to move cases to family court or to order therapeutic services for juveniles and their families. Some defendants as old as 20 would have the opportunity to have their criminal records sealed. For juveniles charged as adults and sentenced to long prison terms, they would not be transferred to adult facilities until the age of 23.

If it became law, this bill would make New York the first state in the nation, experts believe, to institutionalize a third way for handling the cases of the most serious teenage offenders, treating them not as children or as adults, but as something in between, in a venue deliberately constructed for adolescents. But as the legislative session ends this week, the two parties remain far apart on these issues. A competing plan introduced by state senator Jack Martins, a Republican, would continue to initiate the cases of 16 and 17-year olds charged with misdemeanors in the adult system, and would not establish special courts for felony offenders 13 to 18 charged as adults. It would move 16 and 17-year olds out of adult prisons, but instead of housing them in facilities managed by the Office of Children and Family Services, would create a new prison for teenagers. Negotiations are ongoing, and there is no guarantee any bill will pass.

As recently as 1996, states like Massachusetts initiated all juvenile cases, even murders, in the family court, and often kept them there; currently, there is no state in the country that would have been likely to try Kahton Anderson as a juvenile. If Kahton’s case had originated in a juvenile court, the judge, looking at the severity of the crime, would have likely transferred him to adult court. Even Canada and England reserve the right to try teenagers accused of homicide as adults and sentence them to life in prison. (In the U.K., the typical person convicted of murder spends 16 years in prison, compared to 24 years in New York State.)

Then there’s the fact that in the United States, being charged as a juvenile does not guarantee a lenient sentence under current laws. In Dallas in May, a 15-year-old girl charged as a juvenile in family court received a 40-year sentence for deliberately drowning a 2-year-old whom the older girl’s mother was supposed to be babysitting; the mother had left the house.

Will juvenile courts in New York, with their rehabilitative mandate, ever handle cases like Kahton's, as they did in Willie Bosket's time? "It's a hard question," said Corriero. "Ideally, someday we might have the capacity to do it. But maybe it doesn't matter where the case is heard, on one side of the street or the other. The question is, can the kid get the services he needs? The problem of the youth part [court], right now, is that it's not institutionalized."

Kahton Anderson continues to be incarcerated at the Horizon Center as he awaits his second trial, scheduled for October. The Brooklyn DA's office would not comment on whether plea negotiations are occurring, but a plea of guilty on the manslaughter charge would mean a maximum sentence of 10 years, as opposed to 15 years to life for murder. Judge Parker is retiring, and a new judge, Dineen Riviezzo, will preside over Kahton's retrial, in another courtroom dedicated to the cases of juveniles charged as adults. In the meantime, New York state policymakers continue to debate whether every defendant like Kahton should have access to special courts, and to judges with the training and discretion to consider the peculiarities of the adolescent condition.

*An earlier version of this story misstated the age proposed in a raise-the-age bill in Texas.*

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