

Young killer at prison system crossroad

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By SHEILA BURKE

Staff Writer

Terrence McLaurine — believed to be the youngest killer ever convicted as an adult in Tennessee — will turn 18 in August and is set to leave a juvenile detention center for eight years at the state penitentiary.

Advocates for McLaurine, including some relatives of the man he gunned down at age 12, say neither McLaurine nor the citizens of Tennessee will be served if he's sent to the adult prison system. Another family member, however, thinks McLaurine belongs behind prison bars.

McLaurine was convicted in the Jan. 16, 1997, shooting death of 40-year-old Larry Huber, a west Nashville electrician, during a drug deal.

The prosecutor who fought to get McLaurine locked up said the case illustrated the failure of the state to handle its most violent juvenile offenders. Instead of turning troubled lives around, Assistant District Attorney Jim Todd said, the existing system sets up youthful offenders for a life of crime. These young violent offenders haven't been equipped to deal with life outside the system and are in danger of being hardened into a more accomplished criminal if they go to prison, Todd said.

Todd said he was in no position to say whether McLaurine had been rehabilitated.

But everyone should be concerned about the fate of young men like McLaurine, he said, "because ultimately, unless they're sent away on a murder for something like life (in prison), all these people eventually get out."

And then, citizens will either encounter a reformed juvenile offender or an adult criminal hardened by the prison system, Todd said.

"So when you're walking down the street some night after going to TPAC, which one are you going to wanna run into?"

Todd thinks the juvenile system, which is run by the Department of Children's Services, fails to punish, rehabilitate and prepare young offenders adequately to lead clean lives when they leave youth detention centers.

He said that became apparent when his office conducted a study and found high recidivism rates in the juvenile justice system. The study, conducted in 2000, showed that 72% of children born in 1980 who were arrested in Metro as juveniles wound up in the adult criminal justice system.

DCS does not track the number of juveniles in youth detention centers who wind up in the adult prison system but is developing a way to do it, DCS spokeswoman Carla Aaron said. Aaron said

41% of those sent to youth detention centers would get in trouble again and return to the DCS system. That's lower than the 47% national average, she said.

A good option for these juveniles, Todd said, would be a system of blended sentencing, something that he and others tried unsuccessfully to get the General Assembly to adopt in 2000.

Under blended sentencing, the most violent offenders, such as McLaurine, would be housed separately and would remain in the juvenile justice system until they are 21 or 22. These violent teens would be forced to get a high school diploma or its equivalent and learn a marketable trade, such as masonry or carpentry, he said.

That way, instead of having no option but to return to the negative environments that fostered their criminal acts, he said, they would be able to build new lives and support themselves on their own.

Todd also said once these young adults were released, they would have "a hammer over their heads." If they would get into the slightest trouble, he said, they would have to go to prison.

"The problem is that the juvenile system really is not equipped to deal with someone who commits a very serious crime like this," Nashville legal scholar David Raybin said. "We're sort of in a twilight zone where Juvenile Court doesn't have the appropriate degree of punishment and the adult courts have the harshest punishments available, and there has to be something in between."

McLaurine, who was sentenced to 15 years in prison after pleading guilty to second-degree murder for the 1997 slaying, is supposed to serve his sentence in both the adult prison and the DCS systems.

During McLaurine's trial, witnesses testified that he was riding with 17-year-old Rico Mallard in a stolen Cadillac when Mallard approached Huber in the parking lot of Skyview Apartments on Susannah Court in west Nashville and offered to sell him cocaine.

Mallard and Huber argued, and Mallard shot the older man through the car because Huber was trying to drive off without paying, witnesses testified.

Mallard pulled Huber, who was still alive, out of the vehicle and McLaurine shot the victim several more times, a witness testified. McLaurine now says he shot Huber about five times. McLaurine, who was arrested the next day, later told a psychologist that he had been smoking cocaine and drinking on the night of the murder. Mallard is serving a life sentence in prison.

State law forbids anyone under the age of 16 — even if he or she is convicted as an adult — from serving time in prison, Todd said. Instead, these young offenders must stay in a DCS youth detention facility until at least the age of 16. At that time, DCS can recommend keeping the teens until their 18th birthday, when they will be transferred to prison to serve out the remainder of their sentences. Anyone convicted of an adult crime at the age of 16 or 17 will go to a DCS

facility unless ordered by a court to go straight to prison. If the juveniles go to prison, they must be segregated from adult inmates.

Court records show that prosecutors agreed to let McLaurine stay in DCS detention until his 18th birthday.

When McLaurine turns 18 on Aug. 14, he will be moved to the state prison system, where he is scheduled to stay until October 2010, Department of Correction spokesman Steve Hayes said.

However, some members of the victim's family are trying to make sure that doesn't happen. They don't want to see McLaurine spend a single night behind prison bars.

"We just don't want to see him go there," said Joe Huber, the victim's father. Huber, 83, a local Church of Christ leader, said he had forgiven the teen and thought McLaurine had changed since he was locked up.

"He's made wonderful progress since he's been incarcerated," said Anita Lewis, the victim's sister. Lewis says she feels the loss of her brother every day, but thinks all the progress that McLaurine has made while serving in youth detention will be undone if he goes to prison.

Huber, his wife and his three daughters want McLaurine to stay in juvenile detention until his 19th birthday and then reside in a halfway house for a couple of years so he can be integrated back into society. Lewis said the young man could continue receiving help and avoid returning to the environment that he came from. She also said he would be released knowing that if he made a mistake, he would be sent to prison.

The family said they were confident that he would not be in trouble again.

"I believe he's changed," Huber said. Huber and his daughters met with McLaurine late last year, and the teen apologized to the family for killing Larry Huber.

Bill Huber, the victim's brother, thinks that the teen should finish his sentence in the adult system, Lewis said.

The family also is working with Rural Legal Services of Tennessee in Oak Ridge to keep McLaurine away from prison when he turns 18. (The agency serves as the ombudsman for Taft Youth Detention Center in Pikeville, where McLaurine has served some of his sentence.)

Neil McBride, director of Rural Legal Services, said it would not be appropriate to discuss the legal options his office was pursuing.

"You can say that we are working on Terrence on the options that he faces in the future," McBride said.

Nashville lawyer David Raybin said, at this point, the only option McLaurine has is to ask Gov. Don Sundquist to ameliorate his sentence. The governor's press office has said that no one has

filed a clemency petition with the governor. Donna Blackburn of the state Board of Probation and Parole said her office had sent out a clemency application, but it had not been returned to the board yet.