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McLean Connection ● Camps & Schools

Langley Seniors Try as Adults

Photos by Louise Krafft/Connection

At Case Day, students in mock court argue cases of juveniles locked up for life.

By Mike DiCicco
The Connection

“It’s always kind of hard to argue to keep a 13-year-old in jail for the rest of his life,” Langley High School senior Kevin O’Connor said, after he had just spent about 15 minutes making the case to do just that.

“When they first gave me my side, I was like, ‘Oh my God, I don’t believe in this,’” classmate Jane Yurechko said. However, she said, as she researched the case of *Graham v. Florida* in preparation for the school’s 18th annual Case Day, she came to see the argument more in the light of states’ rights, as opposed to only individual rights.

Participating seniors had spent much of the fall preparing for the event, held Friday, Nov. 6, during which students tried both sides of two pending Supreme Court cases before a court of nine justices, two of whom were also students and several of whom were professional attorneys. The day also included guest speakers, student debates and presentations regarding juveniles and the justice system.

The U.S. Supreme Court was scheduled to hear the cases of *Graham v. Florida* and *Sullivan v. Florida* in conjunction on the following Monday, Nov. 10. Both *Graham* and *Sullivan* were sentenced in Florida as minors to life in prison without parole.

AP GOVERNMENT teacher Jim Catlette, who retired last year, started Case Day after receiving a fellowship in 1991. The all-day event has become a highlight of the school year at Langley, packing the library with stu-

dents, staff and parents, while much of the school watches the proceedings on closed-circuit television. The lineup of “justices” changes somewhat from year to year but continues to draw high-profile residents of the community including law partners, School Board members and college professors, some of whom have been involved for many years. Dozens of local businesses and families have helped to sponsor Case Day.

The program is essentially student-run. While the senior government students who will take the stand spend weeks researching the case in question and the workings of the U.S. Supreme Court, other students are in charge of organizing the event, locating and inviting guest speakers, and conducting media outreach.

Yurechko said the participating students had initially been selected based on five-minute tryouts in front of three-person panels, based in part on whether they would crack under pressure. The pressure was on during Case Day, as the nine justices bargained the student litigators with questions, often interrupting them and each other.

ON THE STAND, O’Connor’s opponent, Katherine DaRocha, laid out the case that Joe Sullivan should not, at age 13, have been sentenced to life without possibility of parole by the state of Florida for rape, burglary and various lesser charges. In 2005, she said, the Supreme Court had determined in the case of *Roper v. Simmons* that imposing the death penalty on a minor was unconstitutional, affirming that minors had “significantly lower culpability than their adult counterparts.” DaRocha said the state of Florida did not have the right to deprive a child of the chance to come to an adult understanding of his own humanity, effectively sentencing him to death in prison.

Justice John Scalia, an attorney at the Greenberg Traurig law firm, pointed out that life in prison was different than a death sentence and that DaRocha was asking the court to extend the *Roper* decision beyond its parameters.

DaRocha pointed out that

Sullivan had received the harshest sentence available, although he had not committed the harshest crime.

“Sullivan did rape a woman,” said Justice Chris Tharrington, a retired Naval lieutenant commander. “It is a very heinous crime, is it not?”

“There was not a death and therefore it’s considered a non-homicide crime,” DaRocha shot back. She said the original sentence constituted cruel and unusual punishment.

Justice Frank Shaw said a sentence had to be “grossly disproportionate” in order to fall under that category.

Sullivan’s young age and the nature of his crimes, DaRocha said, made life without parole grossly disproportionate. She noted that the average punishment for Sullivan’s crime was less than six years.

If Florida wants to reserve the sentence of life without parole for the most heinous offenders, Scalia asked why the Supreme Court should remove that option.

When O’Connor’s turn came to respond to DaRocha, he pointed out that *Roper v. Simmons*, in which Simmons’s death sentence for murder was altered to life without parole, established that in the instance of a juvenile committing a heinous crime, basic liberties could be withdrawn. Asked whether he thought 13 was old enough to be tried as an adult, O’Connor said there were no such established guidelines. But he noted that even at 13, Sullivan was a recidivist with a lengthy record.

If recidivism was to be considered, Justice Cary Greenberg, a partner at Greenberg Costle PC, wondered why the perpetrator’s psychological development shouldn’t also be taken into account. “Please speak to the fact that he’s 13 years old,” he said.

O’Connor acknowledged that Sullivan’s age meant he was judged differently than an adult, and Greenberg pointed out that Sullivan had received the same sentence as an adult.

Justice Kayne Miller, a history and civics



Ariana Gover-Chamlou argues as the petitioner in *Graham v. Florida*. Seated at the bench are Justices: Chris Tharrington, Matthew Ragone, Bethy Dereje, Frank Shaw Sr., John Scalia, Stu Mendelsohn, Cary S. Greenberg, Kayne Miller and Matthew Weyback.

teacher at Longfellow Middle School, noted that a 13-year-old was not deemed old enough to drive, marry or have a variety of other privileges.

“If this was a first offense would you have come out differently?” asked Justice Stu Mendelsohn, a partner at Holland & Knight and former Dranesville District Supervisor.

O’Connor said that if it were his first offense, Sullivan would not have tallied up so many points within the system that he could be sentenced to life without parole.

Miller asked whether Sullivan had proven at age 13 that he could not be rehabilitated, and O’Connor said he had assaulted someone while in a rehabilitative program. Shaw noted that the assault had actually been a slap on the buttocks, but O’Connor said it was still an aggravating factor.

On the basis of the rape alone, Sullivan was eligible for life without parole, O’Connor said, and his prior record was then taken into account. This, he said, was the state’s right.

TAKING UP THE CASE of *Graham v. Florida*, Ariana Gover-Chamlou said the sentence of life without parole for Terrence Graham, who was convicted of armed burglary and assault at age 16 and then violated his probation a little more than a year later

by committing another armed home invasion and robbery, shared one characteristic with the death sentence overturned in *Roper v. Simmons*. That was its finality. There was no possibility of rehabilitation, Gover-Chamlou said.

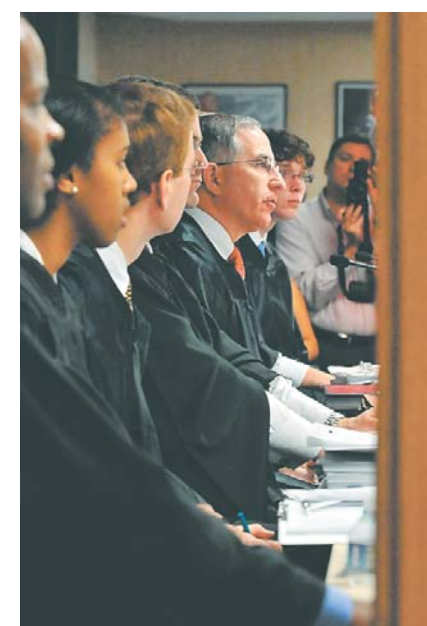
Scalia said anyone sentenced to life could still carry out activities in prison and become a better person. Mendelsohn noted that Graham had committed a number of crimes after being released from prison and was caught when he was almost 18. “If he had been 17 years, 364 days old, would it be different?” he asked.

“The age line must be established somewhere,” Gover-Chamlou said. She said Graham had been handed the harshest sentence possible for his age, disproportionate to his crime.

“There’s a difference between a homicide and a non-homicide crime,” Gover-Chamlou said. She pointed out that across the country, only 109 non-homicidal juvenile offenders were serving life sentences without the possibility of parole.

Tharrington asked Gover-Chamlou whether she thought other, similar cases should be vacated. Gover-Chamlou acknowledged that more than 2,000 cases could be affected but she said she thought other cases should be revisited.

Justice Matthew Weyback, a Langley senior, noted that this would reverse Florida’s trend toward stricter punishments, but Gover-Chamlou said there should be a limit to how harsh the punishment for a non-homicidal minor could be.



Justice Stu Mendelsohn



Jane Yurechko responds to the *Graham v. Florida* case.



Katherine DaRocha argues as the petitioner in *Sullivan v. Florida*.



Kevin O’Connor argues as the respondent in *Sullivan v. Florida*



Ariana Gover-Chamlou argues as the petitioner in *Graham v. Florida*.



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Pursue Arts with Passion

From Duke Ellington in the District to Fairfax Academy, students have intense options.

By Julia O'Donoghue
The Connection

If Tommy Wilson had been a cartoon character, his parents would have been picking his jaw up off the floor as he walked out of theater at Duke Ellington School of the Arts on the evening of Nov. 5.

The eighth grader who attends Saint Mark's School in Vienna had just sat through performances by Ellington's vocal department and orchestra on their Georgetown campus. Teenagers from the D.C. public high school had just run through several pieces from George Gershwin's famous American opera, "Porgy and Bess."

"I have been to a lot of high schools so far and I was just blown away by the performance. I mean, in eight weeks, they can put that on? If you gave my school a decade, we couldn't come close to doing that," said Tommy, who has a passion for the performing arts.

The middle school student has sung with the Children's Chorus of Washington and performed in several theater productions with the McLean Community Players and Elden Street Players.

TOMMY LIVES in the Oakton High School district but his family has been shopping around for other educational options.

Tommy's mother, Kerry Wilson, is looking for a school with a strong performing arts program that could nurture her son's artistic talent and interests. That is what led them to Ellington for the Friday night student performance. It is the only high school in Metropolitan Washington where the entire student body is enrolled in a "pre-professional" arts curriculum.

"There is really nothing else equivalent to this," said Tommy of Ellington's program.

Ellington students follow their traditional general education classes every school day

with three hours of training in dance, instrumental music, theater, vocal music, visual arts, technical design and production, museum studies or literary media and communication.

Students applying to Ellington must audition or submit a portfolio of work directly to one of the school's eight departments. Competition for slots in the school is steep, particularly in departments like theater and vocal arts, where more than 200 people can apply for only a handful of slots.

Those who make it past the audition or portfolio review are required to have a family interview with Ellington staff, to ensure the school is a good fit for the student.

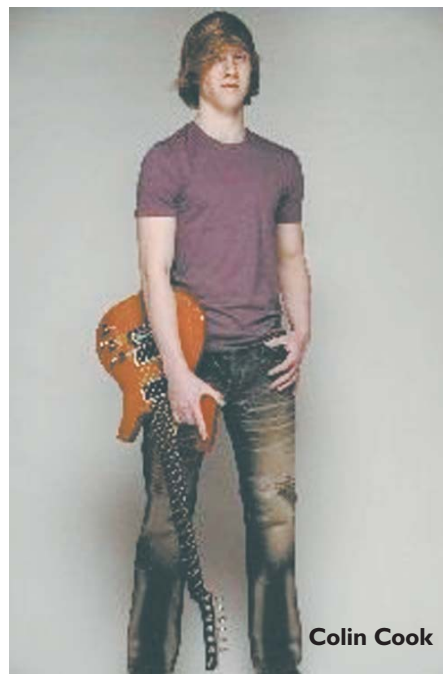
"This is a place for kids who need to do this and who couldn't do anything else. Art is definitely not a hobby for our students. It is hard work, even when they are in a department that they love," said Barbara Power, head of Ellington admissions.

Oakton is one of the highest-achieving high schools in one of the country's highest achieving school districts. Ellington, on the other hand, admits on its Web site that some of its students arrive as freshman reading and doing math at an elementary school level.

Still, about four percent of Ellington's approximately 420 students live in Virginia and six percent live in Maryland. Those parents have not only chosen D.C. Public Schools over better-regarded public and private options but also pay about \$10,400 in out-of-state school tuition every year to send their child to Ellington.

"Artistically, it is the best. You get things here that you can't get at any other schools in the area. There is nothing like this in Northern Virginia," said Laurie Cook, a McLean resident who is head of Ellington's instrumental music group in the Parent Teacher Association.

COOK'S SON Colin, a junior, is in his second year at Ellington after attending elementary and middle school at the private



Flint Hill School in Oakton, and freshman year of high school at the local public high school, Langley in McLean.

When it became obvious Colin wanted to pursue a career in music in ninth grade, Cook started looking at more rigorous music program options.

She and her husband even considered sending their son to boarding school at one point, when the local options appeared to be limited. At the time, the couple had reservations about the D.C. Public School system.

But Cook decided to give Ellington a chance after the Flint Hill fine arts director and others raved about the quality of the music instruction. A site visit only confirmed that Ellington was the right place for her son.

The arts school was certainly a departure from what her son was used to at Langley, a school where the 2,060 student body was just over 73 percent Caucasian and less than one percent of the students came from low-income households the year Colin attended. Ellington, by contrast, has only 470 students, approximately 9 percent Caucasian and 85 percent African American.

But Cook's son had never felt so comfortable anywhere else from the moment

he walked through the door.

"When Colin and I walked into this school for the first time, I won't forget it. He turned to me and said 'This is where I need to be. These kids speak my language,'" said Cook.

Colin is not the only Fairfax County teenager to have that reaction when visiting Ellington.

Becky Stewart's son Jonathan called Ellington "a haven of like-minded people," the first time the family visited the campus at the end of last year.

Jonathan had spent his entire freshman year of high school begging his mother to let him apply to Ellington. Up until that point, Jonathan had only attended private schools, Herndon's Nysmith School for the Gifted through elementary school and St. Andrew's Episcopal Day School in Potomac, Md. for middle school and ninth grade.

Becky Stewart finally caved and said that she would visit Ellington if Jonathan could manage to get an audition last spring. When Jonathan, who plays the upright bass, was accepted to Ellington, Stewart was skeptical about letting him transfer, until her visit.

Both students and their families said the quality of music instruction and guidance they receive at Ellington is head and shoulders above what they got at their previous high schools or through private instruction.

"My [musical] prowess has probably doubled in the short time that I have been here," said Jonathan.

Currently, the school has former students at most of the country's top arts programs including those at Yale University, New York University, Harvard University, The Juilliard School, Smith College, Parsons School of Design and Pratt Institute.

When Cook mentioned her son Colin had set a goal of getting into the Berklee School of Music, a top conservatory program for Jazz and contemporary music, one of his Ellington instructors responded that he expected Colin to not only get into Berklee and Juilliard but that he expected the student to get scholarships to both schools.

"We commute here every day from McLean but the sacrifice is well worth it," said Cook.

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Every year between Christmas and New Year's, the McLean Connection turns its pages over to the contributions of local students. We are seeking artwork, photography, poetry, opinions, short stories and reflections. We welcome contributions from public schools, private schools and students who are home schooled.

E-mail to:

PhotoM@connectionnewspapers.com, or mail or deliver contributions by Dec. 4, to 1606 King St., Alexandria, VA 22314. Please be sure to include the student's name, age, grade, school and town of residence along with each submission. For information, call 703-778-9410.



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