

Tina Garnett was the youngest of twelve children living in the poorest section of Chester, Pennsylvania, a financially distressed municipality outside of Philadelphia. The extraordinarily high rates of poverty, crime, and unemployment in Chester intersected with the worst-ranked public school system among Pennsylvania's 501 districts. Close to 46 percent of the city's children were living below the federal poverty level.

Tina's father, Walter Garnett, was a former boxer whose failed career had turned him into a violent, abusive alcoholic well known to local police for throwing a punch with little provocation. Tina's mother, Edith Garnett, was sickly after bearing so many children, some of whom were conceived during rapes by her husband. The older and sicker Edith became, the more she found herself a target of Walter's rage. He would regularly punch, kick, and verbally abuse her in front of the children. Walter would often go to extremes, stripping Edith naked and beating her until she writhed on the floor in pain while her children looked on fearfully. When she lost consciousness during the beatings, Walter would shove a stick down her throat to revive her for more abuse. Nothing was safe in the Garnett home. Tina once watched her father strangle her pet dog into silence because it wouldn't stop barking. He beat the animal to death with a hammer and threw its limp body out a window.

Tina had twin sisters, Lynn and Lynda, who were a year older than her. They taught her to play "invisible" when she was a small child to shield her from their father when he was drunk and prowling their apartment with his belt, stripping the children naked, and beating them randomly. Tina was taught to hide under the bed or in a closet and remain as quiet as possible.

Tina showed signs of intellectual disabilities and other troubles at a young age. When she was a toddler, she became seriously ill after ingesting lighter fluid when she was left unattended. At the age of five, she accidentally set herself on fire, resulting in severe burns over her chest, stomach, and back. She spent weeks in a hospital enduring painful skin grafts that left her terribly scarred.

Edith died when Tina was just nine. Tina's older sisters tried to take care of her, but when Walter began sexually abusing them, they fled. After the older siblings left home, Walter's abuse focused on Tina, Lynn, and Lynda. The girls ran away from home and began roaming the streets of Chester. Tina and her sisters would eat out of garbage cans; sometimes they would not eat for days. They slept in parks and public bathrooms. The girls stayed with their older sister Edy until Edy's husband began sexually abusing them. Their older siblings and aunts would sometimes provide temporary shelter, but the living situation would get disrupted by violence or death, and so Tina would find herself wandering the streets again.

← Start here

Poor attention to details and

unfair treatment

in the criminal process

Her mother's death, the abuse, and the desperate circumstances all exacerbated Tina's emotional and mental health problems. She would sometimes become so distraught and ill that her sisters would have to find a relative to take her to the hospital. But she was penniless and was never allowed to stay long enough to become stable or recover. Late at night in August 1976, fourteen-year-old Tina and her friend, sixteen-year-old Francis Newsome, climbed through the window of a row house in Chester. The girls wanted to talk to the boys who lived there. The mother of these boys had forbidden her children from playing with Tina, but Tina wanted to see them. Once she'd climbed into the house, Tina lit matches to find her way to the boys' room. The house caught fire. It spread quickly, and two boys who were sleeping in the home died from smoke asphyxiation. Their mother accused Tina of starting the fire intentionally, but Tina and her friend insisted that it was an accident.

Tina was traumatized by the boys' deaths and could barely speak when the police arrested her. She was so nonfunctional and listless that her appointed lawyer thought she was incompetent to stand trial.

Defendants who are deemed incompetent can't be tried in adversarial criminal proceedings—meaning that the State can't prosecute them unless they become well enough to defend themselves. Criminally accused people facing trial are entitled to treatment and services. But Tina's lawyer failed to file the appropriate motions or present evidence to support an incompetency determination for Tina. The lawyer, who was subsequently disbarred and jailed for unrelated criminal misconduct, also never challenged the State's decision to try Tina as an adult. As a result, Tina was forced to stand trial for second-degree murder in an adult courthouse. At trial, Francis Newsome testified against Tina in exchange for the charges against her being dropped. Tina was convicted of second-degree murder, and the trial moved to the sentencing phase.

Delaware County Circuit Judge Howard Reed found that Tina had no intent to kill. But under Pennsylvania law, the judge could not take the absence of intent into account during sentencing. He could not consider Tina's age, mental illness, poverty, the abuse she had suffered, or the tragic circumstances surrounding the fire. Pennsylvania sentencing law was inflexible: For those convicted of second-degree murder, mandatory life imprisonment without the possibility of parole was the only sentence. Judge Reed expressed serious misgivings about the sentence he was forced to impose. "This is the saddest case I've ever seen," he wrote. For a tragic crime committed at fourteen, Tina was condemned to die in prison.

After sentencing, Trina was immediately shipped off to an adult prison for women. Now sixteen, Trina walked through the gates of the State Correctional Institution at Muncy, an adult prison for women, terrified, still suffering from trauma and mental illness, and intensely vulnerable—with the knowledge that she would never leave. Prison spared Trina the uncertainty of homelessness but presented new dangers and challenges. Not long after she arrived at Muncy, a male correctional officer pulled her into a secluded area and raped her. The crime was discovered when Trina became pregnant. As is often

the case, the correctional officer was fired but not criminally prosecuted. Trina remained imprisoned and gave birth to a son. Like hundreds of women who give birth while in prison, Trina was completely unprepared for the stress of childbirth. She delivered her baby while handcuffed to a bed. It wasn't until 2008 that most states abandoned the practice of shackling or handcuffing incarcerated women during delivery.

Trina's baby boy was taken away from her and placed in foster care. After this series of events—the fire, the imprisonment, the rape, the traumatic birth, and then the seizure of her son—Trina's mental health deteriorated further. Over the years, she became less functional and more mentally disabled. Her body began to spasm and quiver uncontrollably, until she required a cane and then a wheelchair. By the time she had turned thirty, prison doctors diagnosed her with multiple sclerosis, intellectual disability, and mental illness related to trauma.

Trina had filed a civil suit against the officer who raped her, and the jury awarded her a judgment of \$62,000. The guard appealed, and the Court reversed the verdict because the correctional officer had not been permitted to tell the jury that Trina was in prison for murder. Consequently, Trina never received any financial aid or services from the state to compensate her for being violently raped by one of its "correctional" officers.

In 2014, Trina turned fifty-two. She has been in prison for thirty-eight years. She is one of nearly five hundred people in Pennsylvania who have been condemned to mandatory life imprisonment without parole for crimes they were accused of committing when they were between the ages of thirteen and seventeen. It is the largest population of child offenders condemned to die in prison in any single jurisdiction in the world.

In 1990, Ian Manuel and two older boys attempted to rob a couple who were out for dinner in Tampa, Florida. Ian was thirteen years old. When Debbie Baigre resisted, Ian shot her with a handgun given to

Quick
Essay write:

Describe 5
ways the
criminal
justice

system
could be

made more

"fair and
just" for

someone

like Trina.