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ST. JOHNS STUDENT HEADS TO NATIONAL SPELLING BEE  
Metro, B-1



## THE HUMBLE BEGINNINGS OF RIVER RUN

Sports, C-1

TRUMP CLAIMS OBAMA HAD PHONES WIREAPPED  
Nation, A-8

TIMES-UNION AIMS TO BE OBJECTIVE IN NEWS COVERAGE  
Reason, E-1

### Jacksonville man's case led to new sentences for juvenile lifers – but he's still behind bars

# BEING GRAHAM



When the U.S. Supreme Court overturned Terrence Graham's life without parole sentence committed when he was a juvenile, calling it cruel and unusual punishment, he and 128 other inmates nationwide became eligible to receive new sentences. Despite the landmark ruling in his favor, Graham, now 30, is still incarcerated in Florida State Prison. (Tessa Duvall/ Times-Union)

By Tessa Duvall  
tessa.duvall@jacksonville.com

Terrence Graham receives hand-written notes from men just like him, all across the country. They thank him for their freedom, and tell him he's changing lives.

"Hey man, I'm going back to court on your case," people tell him.

One letter writer says, "I too am one of the men that benefited from your victory in the Supreme Court."

Another mentions a family gathering. "We were sitting next to a young man & his mother who told us he is getting out in 3

#### MORE INSIDE

Attorney, client share special relationship. A-4

months on the Terrance Graham Law. ... He said to tell you thank you so much & you will always be in his prayers."

Graham v. Florida is the 2010 U.S. Supreme Court opinion that said juveniles can't be sentenced to life without parole for crimes that aren't murder. To do so would be cruel and unusual because kids can change, the court said. As a result, Graham and 128 others like him got a chance for new, shorter sentences. A handful were released.

GRAHAM continues on A-4



Mary Graham holds a photo of her visit with Terrence in Taylor Correctional Institution. Mary Graham spoke about her son and her hopes for his release from Florida State Prison. Terrence's case was a landmark decision where the SCOTUS decided juveniles can't get life without parole for non-homicide offenses.



Lenny Curry says the Pension Board has until March 15 to address the latest proposal.

## Curry, pension board face decision

Board isn't meeting until after March 15 deadline set by the mayor

By David Bauerlein & Nate Monroe  
The Times-Union

Mayor Lenny Curry, racing to complete an ambitious pension-reform agenda this year, appears headed for a showdown with the Police and Fire Pension Fund board of trustees, who are reluctant to sign off on the mayor's plans in time to meet the fast-paced time line he has demanded.

Curry has insisted the board must vote by March 15 — when, he hopes, it will green-light the unraveling of a 2015 reform agreement that called for pumping several hundred million dollars of extra payments into the financially troubled pension plan over the next decade. A positive vote by the Police and Fire Pension Fund board is necessary for the city to move ahead with tentative collective bargaining agreements with the police and firefighter unions.

Those tentative agreements would restore more costly pension benefits to existing employees but would also permanently close pensions to future hires. They would be enrolled instead in a 401(k)-style plan, a move Curry considers a hallmark feature of his pension-reform efforts.

Four of the five Police and Fire Pension Fund trustees are scheduled to meet this week in individual meetings with Curry's top administrators to get briefings about his proposal. But the trustees will not convene as a board until March 17 for a workshop after their regular board meeting.

Curry said the Police and Fire Pension Fund has not

CURRY continues on A-5

Weather  
Partly cloudy  
Forecast on A-2

71 Today's high

46 Monday morning's low



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Classified	F	Life	D
Comics	Inside	Metro	B
Crosswords	D-4	Money	F
Editorials	E-4	Obituaries	B-7

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## GRAHAM

Continued from A-4

bility that I have to keep in mind that I may not get out of prison. ... The shorter it gets, the further it is away."

### 'A WONDERFUL LIFE AND GREAT KIDS'

Ralph Brazel was one of just a handful of inmates serving life in the federal prison system for non-violent drug crimes committed as a juvenile. Because of Graham, he was released



Brazel

from Federal Correction Institution Jesup in Georgia in 2013 after 22 years behind bars. Brazel's uncle, Ronald "Romeo" Mathis, was one of Florida's most notorious drug kingpins until his arrest in 1991. Brazel was involved in his uncle's operation as a minor, and received three life sentences in federal court for sales and possession of crack cocaine and conspiracy to distribute crack.

The Graham case "was one of the best things that ever happened to me," said Brazel, 43. "When you look at it, going in as a teenager, they're telling me society not longer wants me and I'll be in prison for the rest of my life."

Brazel is living in Southern California and is the operations manager at a local mosque. He's married with a 1-year-old son and five step-children. Brazel said he never lost hope he'd get out and have a family, even after his 2-year-old son was beaten to death by his mother's then-boyfriend and that man was sentenced to less time than he was.

"I don't have any complaints," Brazel said. "I have a wonderful life and great kids. That's a tremendous blessing."

### GRAHAM'S LEGACY

When Graham v. Florida was decided, there were 129 juveniles serving life without parole for non-homicide offenses. Of those, 77 were in Florida and the rest were in 10 other states and the federal system, according to the court's opinion.

Graham and nine other black men from Duval County were serving life without parole for non-homicides, according to a list provided by the public de-

fender's office. Nine have been resentenced, and only one — Butler — had his sentenced reduced enough to be released. Excluding Graham, the remaining seven can expect to be in their 60s or older when they are finally released.

Though attention given the case has waned, its ramifications endure.

Stephen Harper, director of the Florida Center for Capital Representation at Florida International University's College of Law, said Graham's case expanded on a 2005 decision that ended the death penalty for children. With Graham, the court settled a debate: Is it death that is different, or is it kids?

"That sealed the fact that kids are different," Harper said. "It changed the jurisprudence of the Supreme Court and made the fact that kids are different a part of constitutional law."

Rob Mason, director of juvenile public defenders in the Jacksonville area said sentencing children to life without parole is another kind of "death sentence."

The Supreme Court's opinion in Graham alerted the states — particularly Florida — that juvenile sentencing and incarceration required a major overhaul.

"Graham provides hope for immature, peer-driven, impulsive juveniles by affording them a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation," Mason said.

Jody Kent Lavy, executive director of the Campaign for the Fair Sentencing of Youth, said that Graham, and cases that followed it, brought hope to many who were told as children that they would die in prison.

Miller v. Alabama in 2012, for example, said mandatory life without parole for juveniles, even for homicide, was unconstitutional. There are currently around 2,500 people nationwide serving juvenile life without parole. Lavy's group wants to abolish life without parole sentences for juveniles.

"Hundreds have been resentenced and dozens have returned home to their communities after proving they were deserving of second chances," she said.

However, Graham v. Florida does not mean a juvenile still can't serve a life sentence for a non-

homicide. The court wrote that defendants like Graham must be given some "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

### 'I AM A MAN THAT WAS DEALT A BAD HAND'

The reality of Graham's childhood was laid out in the first sentences of the Supreme Court's opinion: "Graham's parents were addicted to crack cocaine, and their drug use persisted in his early years. Graham was diagnosed with attention deficit hyperactivity disorder in elementary school. He began drinking alcohol and using tobacco at age 9 and smoked marijuana at age 13."

He says, "Our house was where everybody came to get high at. They used to run all the kids out and it could get to the point where we didn't eat all day." He says he said to himself, "One day I'm going to get out of this environment."

More than 12 years after receiving a life sentence, Graham is the first of his brothers to earn his high school diploma, and he did it behind bars.

He's also completed AA- and NA-style classes to show he's bettered himself, even though he wasn't an addict. He works cooking for prison staff five days a week, and he reads voraciously. One day, he'd like to publish a book, or have a film made based off a script he's written.

Looking back, Graham says, "It's been some type of experience."

Most days, he doesn't care about being the Graham of Graham v. Florida. He's gotten used to being addressed as "Terrance," the common misspelling of his name that's followed him since 2003. He forgets about it all until a new letter comes in the mail or a newspaper mentions his name.

Last week, Graham sent a letter of his own.

"It gets so hard in here sometimes that I just wish that I can die and get it over with instead of watching life pass me by. ... Now I just want to live long enough to get out of here and show everyone that I am a man that was dealt a bad hand in life but overcame it and can be someone positive and productive in society."

Tessa Duvall: (904) 359-4697

# Secretary Tillerson largely disappears in Trump Cabinet

By Tracy Wilkinson  
Tribune Washington Bureau

WASHINGTON | More than a month after he became America's top diplomat, Rex Tillerson is like no other modern secretary of State: He's largely invisible.

He has given no media interviews and has not held a single news conference. He has made two brief trips abroad — and was overshadowed both times by other Cabinet officials. His news releases are chiefly independence day greetings to other nations.

The White House blocked him from appointing his choice for a deputy, so he still has none. Dozens of assistant secretary positions, the diplomats who head bureaus for specific regions and issues, also are unfilled.

Tillerson only occasionally meets President Donald Trump or his staff at the White House, and he has been conspicuously absent from key meetings and conversations with foreign leaders.

Foreign governments that previously studied the near-daily State Department briefings for guidance on U.S. policy on matters large and small have little to go on. The last public briefing was on Jan. 19, the day before Trump took office; they are set to resume on March 6, but on an irregular schedule.

The State Department is said to be facing deep budget cuts that could significantly curtail Tillerson's ability to conduct the global diplomacy that is the backbone of U.S. foreign policy.

Opposition to deep cuts appears strong on both sides of the aisle. Senate Majority Leader Mitch McConnell, R-Ky., said this week that sharp cuts to foreign aid and the State Department are unlikely to clear the Senate.

It's not clear whether Tillerson's under-the-radar style reflects his per-



Secretary of State Rex Tillerson, right, stands with Indian Foreign Secretary Subrahmanyam Jaishankar. Tillerson only occasionally meets President Donald Trump or his staff at the White House. (AP Photo/Susan Walsh)

sonality, or if he is following a script from a White House that has taken control of foreign policy in the Middle East and with Mexico, and has stressed a robust military buildup over diplomacy and foreign aid.

Previous secretaries of State — John F. Kerry, Hillary Clinton, Condoleezza Rice, Colin Powell, among others — were global celebrities.

It might be argued how much power each ultimately wielded, but all were highly visible, frequently seen at his or her president's side or in top-level encounters with world leaders.

Aaron David Miller, a former U.S. diplomat who served under six secretaries of State, described a marginalized Tillerson heading an "incredibly shrinking State Department."

Miller said Tillerson appears to be competing for influence at the White House with Jared Kushner, Trump's son-in-law, and Stephen Bannon, the president's chief strategist.

"A way has to be found to empower Tillerson," Miller said. "Without that, it takes five seconds for allies or adversaries to understand that the secretary of State does not have a whole lot of weight."

Other foreign policy experts worry that the administration has been so slow to fill scores of policy and operational positions at State, leaving acting appointees in charge.

"Some are very good, but it still means none have any authority," said Henri Barkey, a former State Department official who now heads the Middle East program at the non-partisan Wilson Center think tank.

"There is no policy out there, and it is not clear Tillerson knows what he's supposed to do," he added.

In Washington, foreign diplomats and organizations that routinely work with the State Department say it appears rudderless.

"There is no one under him," said a Western diplomat who asked not to be identified because the diplomat's embassy must deal with the State Department. Visiting delegations "have meetings but find everyone in listening mode."

"Clearly no one below Tillerson is making any decisions, and people are trying to figure out what he wants," said the representative of an advocacy group who also asked not to be identified because the group is partially funded by the State Department.

# Trump orders expansion of counterterrorism campaign

By W.J. Hennigan  
Tribune Washington Bureau

WASHINGTON | More than two years after a multi-sided civil war erupted in Yemen that allowed al-Qaida's local franchise to amass power and seize territory, President Donald Trump has told the Pentagon to conduct a complicated counterterrorism campaign.

Trump's decision, just six weeks into his presidency, intends to reverse the largely unchecked expansion across southern Yemen of the group, Al-Qaida in the Arabian Peninsula.

The willingness to expand counterterrorism operations inside war-torn Yemen is another signal that Trump is more willing to defer to military commanders on national security policy than was President Barack Obama, who was criticized publicly by three of his four Defense secretaries and privately by uniformed officers for micromanaging the military.

Over two days this past week, armed drones and warplanes conducted more than 30 airstrikes against suspected al-Qaida positions in three Yemeni provinces. They were the first U.S. attacks in the country since an ill-fated Navy SEAL raid in January that killed two dozen civilians, including women and children, al-Qaida militants and Navy SEAL William "Ryan" Owens.

The airstrikes are expected to continue into the coming week. Trump is also considering giving more power to U.S. military commanders to conduct operations in Yemen, including ground attacks.

The militant group is considered by intelligence officials to be al-Qaida's most dangerous affiliate because of its repeated attempts to attack American targets, including the bombing attempt aboard a U.S.-bound airliner over Detroit in 2009 and a failed attack on two cargo planes flying to Chicago in 2010. The group also claimed responsibility for the shooting that killed 12 people at the satirical magazine Charlie Hebdo in Paris in 2015.

No specific threats or plots were being tracked in Yemen, Capt. Jeff Davis, a Pentagon spokesman, said Friday. Rather, he said, the latest strikes were designed to eliminate the Yemeni countryside as a place "where they can plot and execute external attacks."

The U.S. military did not specify why the operation kicked off this week. Targets inside Yemen, the Arab world's poorest nation, have been under surveillance for months.

U.S. intelligence officials who spoke on the condition of anonymity said the information on targeting al-Qaida in Yemen more aggressively was presented to the Obama administration in its last month in office, but was deferred to Trump.

Defense Secretary James N. Mattis and Gen. Joseph F. Dunford Jr., chairman of the Joint Chiefs of Staff, presented the strategy to Trump in his first week in office. The authority was granted to Gen. Joseph Votel, top U.S. commander in the Middle East, to carry out the Jan. 29 special operations raid and airstrikes on a list of targets.

The delegation of au-

thority could be seen as a way for Trump to insulate himself from responsibility when operations go awry.

In an interview Thursday on Fox News, Trump was asked about the January raid on a remote compound in Yakla village that devolved into the fierce and deadly shootout.

"This was a mission that was started before I got here," Trump said. "This was something they wanted to do."

"They came to me, they explained what they wanted to do. The generals, who are very respected, my generals are the most respected that we've had in many decades, I believe," he said. "And they lost Ryan."

Later that day, Trump invited Owens' widow to his first address to Congress, and publicly praised the SEAL as a hero.

White House press secretary Sean Spicer defended Trump's strategy, noting that Trump relies heavily on input from military leaders, while Obama was criticized for rejecting their proposals.

"He chose these highly qualified individuals because he believes in their expertise and understanding of the issues," Spicer said of Trump.

The Pentagon said military operations in Yemen are being coordinated with President Abed Rabbo Mansour Hadi's fragile government.

With a relative free hand to operate in Yemen, al-Qaida has flourished in the power vacuum, looting banks and raising millions of dollars by extorting companies, and imposing taxes and export duties.

## CURRY

Continued from A-1

requested an extension of the March 15 deadline.

"Failure to meet that deadline jeopardizes reforms that solve our pension crisis, are fiscally responsible, respect taxpayers and give our first responders salary increases that reflect their hard work," Curry said in a statement. "We have given the PPF executive director all of the information to run their models and make a responsible decision."

Curry said his administration gave the pension fund a range of scenarios for future payroll growth — an important factor in determining the city's pension obligation — and also growth rates for sales tax collections. The sales tax figure is crucial because voters last August approved a half-cent sales tax as a dedicated funding source for paying off the city's pension debt, but that sales tax won't start until after the Better Jacksonville Plan's sales tax ends around 2031.

The city's scenarios for the sales tax project annual growth rates of 3.75 percent or 4.25 percent. The projections for payroll growth are 0.067 percent or 1.5 percent.

Curry said the Police and Fire Pension Fund had not asked for any additional information. Moreover, he said the fund has "not allowed us to meet" with the actuarial firm that works for the board on long-range financial studies.

The Police and Fire Pension Fund board, which was told last month about the deadline, nonetheless posted notice last week for the March 17 workshop. Board members have said Curry's deadline is unrealistic.

In the run-up to that workshop, Curry has invited pension fund board members to meet individually with top city administrators for briefings. Those meetings would be closed-door sessions, which caused board Chairman Richard Tuten to turn down the invitation.

"The first and foremost reason relates to perception," Tuten wrote in a Wednesday email to Sam Mousa, the city's chief administrative officer. "While I understand this meeting is not a violation of the Sunshine Law per se, it does not look very good in my opinion. As you know, the fund has been under scrutiny the last several years over this very issue. I wish to avoid any suspicion by members, the press or taxpayers."

Tuten told Mousa that "having your side of the equation is helpful," but the board needs a full assessment to "make such a monumental decision."

Mousa responded it's not unusual for board members to get briefings in advance on such important topics.

"Although I am disappointed by your declination of our invite, I can certainly appreciate your sensitivity to perception, particularly in light of the board's past troubles and litigation expenses incurred in defending various public record and Sunshine Law violation lawsuits," Mousa wrote.

The four other board members — Chris Brown, Richard Patsy, Willard Payne and Bill Scheu — are scheduled for individual meetings this Tuesday and Wednesday, and on March 13.

In the past, separate lawsuits filed by the Times-Union and by the Concerned Taxpayers of Duval County resulted in verdicts that the city and the Police

and Fire Pension Fund violated state Sunshine Law by negotiating pension benefits in meetings that were not open to the public. The Times-Union lawsuit applied to negotiations in 2012, and the Concerned Taxpayers suit struck down an agreement reached in 2001. Both suits were based on state law that requires collective bargaining to be done in public.

The July 2015 pension reform agreement ended the pension fund's role in collective bargaining, making that the responsibility of police and firefighter unions.

General Counsel Jason Gabriel advised the pension fund that individual members of the board can meet privately with city administrators so long as there is no negotiation about employee benefits and the board members do not share information about their respective meetings.

The July 2015 agreement between the city and the Police and Fire Pension Fund called for the city to provide \$350 million in extra contributions to the pension fund, above and beyond the amount required by state law. The agreement said the pension fund would match that with \$110 million from the fund's reserve accounts.

Curry's position is that voter approval of the half-cent sales tax for pension costs eliminates the need to make those extra payments.

The city's tentative agreements with the police and firefighters unions says the city and the Police and Fire Pension Fund will no longer make the additional payments because the half-cent sales tax is the long-term solution.

David Bauerlein: (904) 359-4581