

Growing up behind bars

Jail time part of life for family in Globe

By Dan Marek

It's 6 a.m., and Aaron Gatewood, 17, wakes up to the same cinder-block wall he's looked at every morning for nearly four years.

He slides out of the concrete bed covered with a half-inch mattress and stumbles to the metal sink to brush his teeth. The sunlight shining through his 6- by 4-foot window has already begun to overheat the room.

Aaron sits down on his bed to read a letter from his father, an inmate at the Arizona State Penitentiary in Florence. A guard hollers from down the hall and a loud "buzz" comes from Aaron's door, opening the lock.

He stands up, pulls a pair of jeans over his boxers and walks out to the main corridor for a head count.

Like his father and brother, Aaron is a state inmate. He's one of 1,000 Arizona prisoners who grow up in jail. Aaron is serving four years in Adobe Mountain Juvenile Correctional Facility for manslaughter. His father is serving 10 years for possession of methamphetamines with intent to sell. His brother, Anthony, 21, has 3 1/2 years left in Florence for manslaughter.

Aaron is filed away in a compartment because he broke the law. His life has been molded by guards and criminals, not friends and family.

After the inmates have been counted, Aaron leaves to start his work in the kitchen, where he's paid 90 cents an hour. It's the first job he's ever had.

He grew up in Globe, a mining town 90 miles southeast of Tempe, with a mother who took care of him and his three brothers.

"My mom and dad would allow us to have some friends over and spend the night," Aaron said. "We would watch carry movies, and my mom would make sticky popcorn. After the movie we would all pile in the back of my dad's pickup truck to sleep. It had pillows, blankets and was all prepared to go camping. We used to look up at the stars and talk about girls."

"One time my dad crept around the truck with some flashlights that had moving lights. He said he tried to scare us like the UFO people in the movie we just watched. It wasn't until later that I realized that he was just checking up on all of us. In the morning, my family and friends would all go out to the lake. We would have ice chests full of food and soda and somehow my mom and dad always seemed to come up with really big inner tubes."

Aaron's father, Dean, worked as a crusher operator in the mines for 16 years. The job kept food on the table and provided medical insurance for the kids. Dean also took time out to coach basketball and baseball for Aaron and Anthony's teams.

"That was a good time," Dean said in a phone interview from his Florence prison cell. "I coached all my kids - Aaron, Anthony and Andrew - they were the 'A-Team.' We'd go to championships all the time. Sometimes we'd go and get beat in the first round, but it was always fun."

In 1994, the fun stopped. Dean and some friends had been dabbling in methamphetamines. In late August, he was caught with 1.85 grams of meth, a gun, drug parapher-

nal and a large amount of cash. He was arrested and charged with intent to sell.

"Aaron was 12 years old when I came to prison," Dean said. "He was still a young kid when I came here. They tried to say that (the boys) were gang-bangers, were moving stuff involved with drugs and taking over (where) I fell off - which is not true."

A family under stress

The Gatewood family was left with no major income when Dean went to prison. His wife, Christina, had never worked and suddenly had the responsibility of raising the kids and providing an income for the family.

"After my dad got arrested things went really downhill," Aaron said in a letter from Adobe Mountain. "I remember my mom telling me about it. I didn't start crying or anything, but it didn't seem real. I thought there would be a way he could get himself out of it."

"The kids at school, they really didn't say much to me. I started hanging around a different set of kids. I remember going to this girl's house, and her dad was being mean to us. But after, my friend asked her dad, 'Do you know who this is?' he said, 'Hell no,' and she told

him I was Dean Gatewood's boy.

"You should have seen it - his attitude completely changed. 'Oh, you're Deano's boy!'"

He even offered me a glass of beer. I found that response more appealing than the average. 'Get that boy out of here. His dad was no good, so he ain't no good.'"

Anthony began working at a Mexican restaurant in downtown Globe, but soon began having run-ins with the law. He was convicted of 12 charges by the time he turned 17, including possession of marijuana, minor consumption and fighting. Between the ages of 14 and 18, he spent time in Black Canyon Juvenile Facility in Phoenix and the Gila County Juvenile Facility in Globe.

Changes made in system

If Anthony or Aaron had been put in prison a few years earlier, they would have seen a completely different system of juvenile corrections in Arizona. By the time they were convicted, Johnson vs. Upchurch had rewritten the way the juvenile system worked.

In 1986, Matthew David Johnson, 17, filed a case in the U.S. District Court against James Upchurch, prison superintendent of Catalina Mountain, outside of Tucson, charging that "policies, practices and conditions of confinement" at the juvenile institution subjected youths to "cruel, unconscionable and illegal conditions of confinement."

Johnson was imprisoned for one year after hitching a ride on a train. Once in prison, juvenile officials said he "refused to perform hard labor on a work crew and insisted on receiving schooling."

His refusal to work led to altercations with the prison staff and resulted in confinement in the prison's disciplinary unit. Prison superintendent Upchurch decided to discipline Johnson by handcuffing him to a fence in the Arizona heat while the rest of the work crews looked on. After Johnson had a verbal altercation with a supervisor, Upchurch decided to put the boy in solitary confinement.

Johnson's lawsuit named prison officials, the state's Board of Education and the superintendent of public instruction as defendants on behalf of "all juveniles who are now, or who in the future, will be confined" at the institution.

The lawsuit was a graphic portrait of harsh conditions, bad decision making and an unrehabilitative environment. The solitary confinement building, dubbed the "cottage," was described in detail. Its 16 concrete cells were 9 feet by 9 feet with heavy barred doors, a small metal bed and institutional-style sink and toilets. They were overloaded with inmates on a daily basis.

As a result of Johnson vs. Upchurch, Arizona Gov. Rose Mofford issued an executive order in 1989, creating a commission on juvenile corrections that recommended 42 specific changes, focusing on education and specialized programs for juvenile offenders.

In 1993, U.S. District Judge Richard M. Bilby signed a consent decree resulting in 109 separate changes at juvenile facilities, including education, work programs, health care,

discipline and population limits.

"Johnson vs. Upchurch totally changed the juvenile system in Arizona," said Steve Meissner, public information officer of Arizona Department of Juvenile Corrections. "We are actually our own school district now. The teachers are all state certified, making us one of the few correctional facilities in the country that has certification. We grant 350 GEDs every year, so when they leave, they have a high school diploma."

Getting tough

As a result of Johnson's case, Aaron went to a juvenile facility worthy of rehabilitation. The Arizona juvenile system boasted inmate bed expansions, mandatory classes for students who have not completed high school (90 percent of all inmates under 18 years old do not have a high school diploma), work programs designed to build basic job skills, and GED and eighth-grade diplomas.

The "cottage" and other solitary confinement units were converted to more stable conditions with no youth staying more than 24 hours without written approval. Juveniles were also given reading material, blankets, meals outside the rooms and dayroom use to write essays about why they are in solitary confinement.

Then, in April 1996, Arizona voters approved Proposition 102, dubbed the Stop Juvenile Crime Initiative, which removed judges' discretion on whether to prosecute 15-year-old youths charged with armed robbery, murder or rape.

The initiative passed at the same time "get tough" lawmakers around the country were constructing new ways to come down on criminal youth.

More recently, "get tough" lawmaker Bill McMollum, R-Fla., is poised to take aim at the national courts. He recently submitted a bill to the U.S. House that applies to federal crimes and would allow 13-year-olds to be confined with adults, breaks down the confidentiality rights of juveniles and gives prosecutors non-reviewable discretion to try juveniles as adults.

According to the Bureau of Justice Statistics, seven out of 10 inmates under the age of 18 were incarcerated in 1997 for a violent offense, including robbery, murder

"After my dad got arrested, things really went downhill. I remember my mom telling me about it. I didn't start crying or anything."

-Aaron Gatewood



Photo courtesy of Christina Gatewood

This photo of Aaron was taken at Adobe Mountain juvenile correctional facility in December. He will be released on Aug. 19 — his 18th birthday.



Photo courtesy of Christina Gatewood

In 1992, 10-year-old Aaron played Pop Warner football. His father, Dean, used to coach the team before his 1994 arrest for drug possession with intent to sell.

and aggravated assault.

This brings us back to the Gatewood family residence in Globe on Feb. 2, 1997.

Aaron walked over to his friend Jonathan Belerde's house, where they met Daniel Rosales. The three 14-year-old boys decided to go to a movie, but Aaron needed to get permission from his mother. When they arrived at the Gatewood house, Aaron's mother was cooking dinner.

"We were going to watch the movie 'Scream' - the first one," Aaron said. "My mom said, 'No' because I was grounded. I just got back from Jonathan's house, and Daniel came with us. My mom was mad at me for leaving. She told me not to go anywhere. Now I wish she would have let me go to the movies."

Soon after, Aaron's older brother, Anthony, 17, and his friend Marcos Sanchez, 17, arrived at the house after a day of drinking alcohol. At one point, Daniel said he was uncomfortable and wanted to leave. He went outside and was alone with Anthony and Marcos.

Several moments later, there was screaming outside. Anthony and Marcos were beating Daniel on the ground.

Jonathan later told the police he heard Aaron say, "Keep back, keep back; he's a snitch."

By the time Christina came outside, all four juveniles were splattered in blood, and Daniel was no longer moving. She pulled Daniel to the porch, then drove him to a hospital, where he was pronounced dead.

Marcos was arrested first and charged with first-degree murder. When he was questioned, Marcos opted for a probation-available plea and informed the authorities that Anthony had done most of the damage to Daniel.

After Marcos' questioning, Anthony and Christina were arrested for first-degree murder.

"This is all because (Marcos) told," Anthony said. "The judge even said, 'No one knows what happened that night - only those two gentlemen.' He turned in state's evidence on me, and I didn't say anything."

"They got some other juveniles (to talk) that were my brother's friends, too. (Aaron's friends) just came later at night and weren't even there. They were kind of giving them the third degree saying, 'We're gonna pinpoint you for this.' Well, (the juveniles) were making accusations that weren't even true about me and Aaron, but they weren't even there (when it happened)."

"My mom got involved because of all of those accusations. She took him to the hospital; she did him a favor. Like the judge said, no one knows except for a couple people. Well, I'm one of those people, and for them to try and get my mom with first-degree murder, that wasn't right."

Arrested on murder charges

Aaron remembered the night his mother was arrested. "I was cleaning my room, and she came in with tears in her eyes," he said. "She hugged me and said, 'I'm going to jail for murder.' It didn't sound like she was talking to me. It sounded like she was just talking out loud."

"My (uncle) was there, and he started yelling at the cops that were taking her to jail. After she was gone, he just looked at me. That night I stayed at my nana's house, and the rest of the days, I was with my cousin Gary."

After three tests of a shoe print found on Daniel's body - two of which turned up unidentifiable - Aaron was arrested for murder in the first degree and tampering with evidence after refusing to speak about the incident. It was Feb. 11, 1997.

Upon his arrest, the juvenile court illegally transferred the child for adult prosecution under the mistaken belief that the transfer was automatic. The child's attorney did the transfer at the request of the prosecutor with no objection.

"They were trying to give him the death sentence," said his father, Dean. "If he would have been found guilty of that charge, they would have given him the death penalty in the state of Arizona. Even though he was 14, he was charged as an adult."

A week later, Aaron was transferred to Madison Street County Jail in Phoenix, where he was detained with adult inmates. State officials informed the court that the transfer

was not automatic, and a transfer hearing would need to be set.

On March 13, the court legally transferred Aaron to an adult court and kept him without bond.

"Madison is a big place," Aaron said. "There were people everywhere. When I got inside, I saw burns, drunks, 'hos,' mad people, confused people and no little people. That was just intense."

The state alleged that Aaron had lured the victim to his house so Anthony and Marcos could murder Daniel in the yard. Aaron's friend Jonathan said in an interview that Aaron held him back from aiding Daniel. Later, two more interviews showed that Jonathan's testimony did not match his original story and that Aaron had not physically held him back. Aaron was never accused of striking the victim in any way.

"They didn't really have anything on him," Anthony said. "Everybody said he didn't do anything; they knew that. They didn't have no evidence."

During this time, Aaron's mother, father and older brother were being detained in separate correctional facilities across the state without contact between them.

"When Aaron first went in jail, I had no contact with him," Christina said from their home in Globe. "I didn't know what Aaron was going through. All I knew was what my mother or relatives would tell me after they went down to see him."

For the next seven months, while his case bounced between courtrooms across the state, Aaron sat in the Phoenix jail with adult inmates.

"I remember being patted down, and I had to take my shoes off," Aaron said. "When I was doing it, I saw women in their (cells) about five yards away. They were making all kinds of comments like, 'Oh, look at that little boy. Put him in here and we'll show him a real good time.' They were horrible looking and made me sick."

Aaron's father had told him that he would have to show that he was not intimidated by the adult inmates if he wanted to survive.

"He would be exposed to too much," Dean said from his cell. "They paint this picture that (jail) is somewhat safe; it's not. The lifestyle is very racist; you stay with your own. He would be young, and if he didn't show that he was strong, he would be intimidated by men, and he would be taken advantage of."

According to the Justice Policy Institute, a non-profit organization based in Washington, D.C., youths are sexually abused in adult prisons five times more frequently than in juvenile facilities. Kids "graduating" from adult facilities are significantly more likely to be re-arrested than similar kids coming out of more rehabilitative juvenile systems.

And children in adult facilities commit suicide at eight times the rate of those in juvenile ones.

A life of trouble

Aaron had previous convictions before his arrest in Daniel's killing. They were for stealing, throwing objects off a bridge and a minor in possession of tobacco.

"Aaron was on probation for stealing crayons," Christina said. "He and some boys were spitting off a bridge. They considered that 'throwing objects from a bridge,' so he got in trouble for that. He also got caught with a cigarette, and they actually sent him to the juvenile detention center for smoking."

When the Gila County Superior Court submitted a pre-trial report on Aaron, James M. Gerser, the pre-trial services officer stated, "Rehabilitation has no effect on him, and he glorifies in gang activity with no remorse. It is because he is an extreme danger to society as evidenced by this and past offenses (that he is recommended to an adult facility)."

The supposed "gang activity" was a group of friends Aaron had met from school and his church group at the Globe Christian Church.

"They were just your average group of kids," Dean said. "That's how a small town interprets something they want to bring forth in a small community."

"No, my son was never in a gang. But if you want to call a bunch of kids hanging around together a gang, well, that's what they were calling it."

After spending a month in jail, Aaron's mother was released from prison without prejudice - all charges were dropped.

By the time she was out of prison, Aaron's attorney was being replaced. The state decided to replace the attorney because he was also working on Jonathan Belerde's case. About a month after Aaron's arrest, Paul J. Mattern was put

on the case by the state.

"I've got nothing to say but good about Mr. Paul J. Mattern," Aaron said. "He helped me out a lot. Not only did he get me back into (a juvenile facility), but he had his wife help me out with my education. He had other clients at Madison, so he would just call me down."

"They put us in this little cubby room. He would sit back, loosen his tie and say, 'I just thought I'd stop by and see how you are doing.'"

The first thing Mattern did was try to get Aaron into a juvenile facility. He contended that Aaron was "denied effective assistance of counsel, the waiver of probable cause was not knowingly and voluntarily entered" and "the juvenile



Photo by Ian Wingfield

A hot air balloon flies over a section of the State of Arizona Department of Juvenile Corrections-Adobe Mountain School. Aaron Gatewood's mother said the family is planning a ride on a hot-air balloon when Aaron is released.

court lacked jurisdiction to waive jurisdiction and transfer him to adult court since the passage of Proposition 102."

Mattern entered his appeal on May 8, 1997, four months after Aaron was put into Madison Street Jail. Aaron turned 15 on Aug. 19, 1997 while in Madison.

After hearing the adult transfer appeal, the Arizona Court of Appeals agreed to dismiss the case in adult court without prejudice and transferred Aaron to Adobe Mountain Juvenile Facility.

On Sept. 11, 1998, Anthony and Aaron pleaded guilty to manslaughter, a dangerous class 2 felony, and Marcos pleaded guilty to manslaughter, a non-dangerous class 2 felony.

"If it had gone to trial, I believe (Aaron) would have beat it," Anthony said. "But we weren't willing to go to trial because of what I was looking at if I went to trial - Death Row or 25 (years) to life."

"So if we took a plea bargain as guilty, then they would keep him in until his 18th birthday, and I thought I was only going to get 10 1/2 (years). But I didn't because my co-defendant talked."

After the final sentencing, Anthony ended up with 17 1/2 years in (high-profile) confinement, Aaron received four years in a juvenile facility and Marcos received four years.

"When they went to court to file a plea bargain, they could no longer keep (Aaron) in an adult facility, so they finally had to transfer him to a juvenile facility," Christina said.

While at Adobe Mountain, Aaron began to work and set long-term goals. He received his GED, started college classes and plans to attend community college after his release.

Today, Christina is raising her youngest son, Andrew, 14, who's on the honor role and the wrestling team at Globe High School. She took her first job, working up the street from their Globe home at a Fry's grocery store.

On the weekends, Christina visits her boys in prison - one weekend with Aaron at Adobe, the next weekend with Anthony at Florence and the following weekend with Dean at Florence.

"This woman is incredible," Dean said. "She was a housewife all the years that my kids were born and a great mother. When I came down, she hung through that. When the boys went through all this, she hung through that."

"She never had a job, and she had to get one. She had to work and take over. She had to raise my youngest boy, and she's done a terrific job with him. She's a God-fearing woman, and she always gives us hope; she's the backbone of this family."

Dean hasn't seen Aaron for four years.

"Now we get to write back and forth to each other because the prison sets up interrelations," Dean said. "I still have my wife, and we communicate through her. He's doing really good; he's really matured."

Aaron finished his work in the kitchen and headed out to Adobe's yard with 10 other inmates, looking at the mountains in the distance as hot-air balloons flew south.

He'll be released on Aug. 19, his 18th birthday.

"We're already planning a big barbecue and maybe a ride on a hot-air balloon," his mother said, smiling.



Photo courtesy of Christina Gatewood.

This was the last group picture of Anthony, Aaron and Andrew, taken several months before "the trouble began" in February 1997.