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## Tyquan Rivera case illustrates tragedy beyond just the shooting of Officer Anthony DiPonzio

*Denise-Marie Santiago*  
Staff writer

It's hard to have sympathy for a kid who shoots a cop. Taking aim at a uniformed police officer just doing his job threatens the law itself and a community's ability to protect its citizens.

And there isn't a more sympathetic figure than Officer Anthony DiPonzio, the 24-year-old Greece man who was backing up a colleague when a bullet ripped through his head.

The community rallied around his gracious family and cheered on the young officer's spectacular progress from the life-threatening injury. His goal is to one day get back to work.

In the details about the teen convicted in the officer's shooting, though, is another tragedy. Some of those details came out last week during Tyquan Rivera's sentencing hearing.

There's the part about his mother unsuccessfully seeking help to control his behavior when he was just 11 years old.

There was Tyquan caught with drugs, assigned to juvenile probation, sent away to a center for at-risk kids, in trouble for running away. There was a warrant out for his arrest — he'd missed a hearing in Family Court — when he was accused of shooting a cop. At 14.

Tyquan's age brings me to comments that Monroe County District Attorney Michael Green made in seeking the maximum sentence of 3 1/3 to 10 years for the conviction, as a youthful offender, for attempted second-degree murder and first-degree assault.

"He really has been given every opportunity that the system could give him to change his behavior and to conform his behavior to what society expects..." the prosecutor said at the teen's sentencing hearing.

Let's put aside an argument about whether this system he talks about needs to be fixed. And there's no excuse for this crime. Still, I'm struggling with the idea that a boy who is 11 or 12 or 13 understands the concept of lost opportunities.

"That's a lot to expect of an 11-year-old: Let's completely change everything about you," says local attorney Mark Funk, who has led training in representing juveniles in criminal court. "That's a tall order for an adult, let alone an 11-year-old."

The U.S. Supreme Court said as much, in a 2005 decision that outlawed the death penalty for defendants younger than 18 based, in part, on research showing their brains reason differently than those of mature adults.

After all, that's the same reason why we don't allow them to vote, drink or drive. It's a question of

judgment.

Neither does it make sense that state legislators should increase penalties under the 1978 Juvenile Offender Act for cases such as Tyquan's, as state Supreme Court Justice Joseph Valentino suggested during the teen's sentencing hearing. He said legislators may have imposed more severe penalties had they envisioned such a case.

But Charles Ewing, a University at Buffalo law professor and juvenile justice expert, says the legislative intent was straightforward: "They did make it clear that even though juveniles were being tried as adults, they were not to be punished as adults."

We're not in a time or place now that concedes such points. Kids today seem older than when we were young, the familiar line goes.

Except what's changed is the world. Kids are still kids.

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