

Leonard Pitts: Teen sex case shows flaws of mandatory sentencing

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A few words about race, justice and Marcus Dixon. Hundreds of people rallied last week in Atlanta, hoping to persuade the Georgia Supreme Court, which is considering an appeal filed on his behalf, to set Dixon free. Meanwhile, he sits in a penitentiary, serving a 15-year sentence for statutory rape and aggravated child molestation.

Prosecutors say the crime stems from the fact that last year when he was 18, Dixon had sex with a girl who was three months shy of 16. But critics say the true "crime," in the eyes of a Deep South justice system, is that Dixon is black and the girl is white.

Either way, his life has been upended. And victory has become loss.

After all, Dixon, born to a cocaine-addicted 15-year-old single mother, seemed to have beaten the odds. Raised since age 12 in a white suburb by a white couple who saw him as their son, he was a straight-A student and football standout with a scholarship to Vanderbilt University. That's all gone now. Incredibly, things could have been worse.

Dixon was originally charged with rape. Prosecutors saw him as a sexual predator; he had been suspended from school twice before, once for exposing himself to a female classmate and once for touching another girl inappropriately.

Dixon said that in the first incident, he and some guys were just fooling around; he denied the second altogether.

Jurors did not buy the rape charges, though. The girl claimed to have been bruised in the encounter, but three defense witnesses testified to having seen the bruises before the incident. She also said Dixon had pinned her arms with his hands, unfastened her jeans with his elbows and used his knees and feet to remove her clothes. Which would seem to be beyond the abilities of anybody but Plastic Man.

For his part, Dixon says the encounter was consensual, but that the girl was terrified her father might find out. Not just because he would be disappointed in her for having sex, but because he would "kill both of us" if he learned she'd had sex with a black man. It was a fear that seemed particularly credible in a racially benighted community where the 21st century evidently has yet to dawn. Indeed, Kenneth Jones, the surrogate father, says

his own brother stopped speaking to him after Dixon joined the household.

So jurors convicted the young man of the one thing that seemed indisputable: He'd had sex with an underage girl. Many say they were appalled to learn that their decision would result in a sentence of 10 years in prison without parole and five on probation. The judge said that under the state's mandatory sentencing guidelines - written for adult sexual predators - he had no choice. "My hands are tied," he said.

Take it as further proof that, in removing from judges the ability to judge, we create not uniformity of justice but miscarriages of it. No reasonable person would give a teen-ager 15 years for an act of consensual sex, but under mandatory guidelines, we lose the ability to reason or even to apply simple common sense.

Even so, that's not the most outrageous aspect of this episode. Put simply, it is impossible to believe that, had both Dixon and the girl been black - or white - this would have even gone to trial. And had he been white and the girl black? Well, as Strom Thurmond's life proves, he'd have a better chance of winding up in the Senate than a cell.

Georgia did not punish a crime. It committed one.

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