

## Patrick Powell Not Guilty

Contributed by Swomley Law Blog  
06.29.2009 : Mon  
Last Updated 06.29.2009 : Mon

On Tuesday, June 23rd, 2009, a jury found that Patrick Powell was not guilty of the murder of Daniel Columbo. Mr. Powell was charged in a one count indictment of murder. The jury had the option of finding him guilty of first-degree murder, or any lesser included offense: second-degree murder, voluntary manslaughter, and involuntary manslaughter. Instead, they found him not guilty and he was able to walk out of the courtroom that day.

We had argued early on that Mr. Powell, just 16 years old when charged with murder, should not be subjected to a potential sentence of life without the possibility of parole because he was a juvenile. The Superior Court judge denied our motion, deferring it until sentencing if necessary. We had also argued that the District Attorney had overcharged this case and, at most, Mr. Powell should have been charged with manslaughter.

Throughout the proceedings, we presented evidence that because Mr. Powell was a juvenile, his brain was not yet fully developed to subject him to the same standards and punishments as an adult. The current state of the law and science supports what we have long suspected: a juvenile's brain is underdeveloped and thus he makes decisions impulsively. At trial, we presented the testimony of Dr. Robert Kinscherff, a nationally renowned juvenile psychologist who testified about the differences between how juveniles and adults react to situations. We were prepared to present the testimony of Dr. Staci Gruber, one of the first persons to ever incorporate neuro-imaging into psychological understanding of brain development.

Mr. Powell is glad to be back with his family and is looking forward to finishing high school.

For more on Patrick Powell, see [here](#).