

## **Brazill spared life sentence**

**By John Pacenti**

*Palm Beach Post Staff Writer*

Nathaniel Brazill lost his youth when he shot beloved teacher Barry Grunow dead in front of his classroom.

But on Friday he got a portion of his life back.

Circuit Judge Richard Wennet, with nary a word of explanation, imposed a 28-year prison sentence on the impetuous 14-year-old, thus ending Palm Beach County's chapter in the nation's growing tome on school violence.

Brazill, who will get credit for the 14 months he's been in jail, will return to society as a 41-year-old man, serve two years on house arrest and then five on probation.

Wennet gave Brazill three more years than the minimum sentence of 25 years required under the state's 10-20-Life law for gun crimes.

The judge did so even though a prosecutor asked for a life term, saying the teen was one of the coldest killers he's ever met. Wennet also heard evidence that the one-time honors student at Lake Worth Middle School made threatening comments about jurors to guards during his trial and sent menacing letters from jail.

And Wennet -- the father of three teenage boys -- also went against the requests of the victim's mother, brothers and friends, who asked for the maximum term so Barry Grunow's two children would never have to walk the streets with their father's killer.

After Wennet's sentence, Brazill turned to one of his lawyers, Lance Richard, and tapped knuckles with him in a kind of closed-fist high-five. He also hugged him.

The tight-lipped Grunow family -- with the widow, Pam Grunow, absent -- then went into a jury room adjacent to the courtroom. Assistant State Attorney Barbara Burns described them as "brokenhearted."

Kay Nichols, Grunow's sister, was the only family member who spoke publicly, saying she was "extremely disappointed" in the sentence.

"The decision was an insult to Barry's memory," she said.

Pam Grunow took her 6-year-old son and toddler daughter to a local amusement park to avoid the fallout from the sentence, her father said. She told Wennet in a hearing Thursday that "it is not my job" to recommend a prison term for her husband's killer. She did ask the judge to pronounce a sentence so that "maybe another woman's husband, another little boy's daddy, and another great teacher won't be sacrificed in an angry crazy moment."

The teacher who first went to Grunow's aid after he was shot on May 26, 2000, said he is not sure any of her wishes were honored.

"I just hope it doesn't cheapen life with the kind of mixed message that kind of came out of here," said Brett Packard. "The whole thing is bizarre."

After Thursday's long hearing, Wennet kept everybody waiting a day before handing down his decision. Brazill entered the courtroom shortly before 11:30 a.m. and remained stoic, but he betrayed his anxiety ever so slightly.

As he pressed his hands down on the defense table, the color drained from his finger tips. "He told me he thought his stomach was going to explode," attorney Richard said.

As Wennet read the sentence, Brazill turned to his other lawyer, Robert Udell, to say something, but the attorney waved him off. Brazill was criticized for saying "not too bad" when a jury found him guilty of second-degree -- not first-degree -- murder on May 16.

"Everybody made him look like a jerk for that," Udell said. "Maybe he should have said, 'Not too bad,' this time. Because it wasn't too bad under the circumstances."

Wennet ordered Brazill to get his high school equivalency diploma, have no contact with the Grunows and complete an anger management course. He said he wanted Brazill, when his prison term ends, to be on house arrest in order to be sure he "successfully acclimates into the community."

The judge almost forgot to sentence Brazill for his other conviction: aggravated assault for pointing the .25-caliber gun at another teacher as Brazill made his getaway after the shooting. Wennet sentenced him to five years for that conviction but made it concurrent with the 28 years.

Brazill, under 10-20-Life, must serve every day of his sentence. His parents rejected a 25-year plea bargain before trial that would have given the teenager time off for good behavior.

Prosecutors told Wennet that they most likely will drop a solicitation of perjury charge against Brazill. He is accused of sending a letter to a friend asking her to lie during the trial. A court hearing on the matter was set for next week.

Wennet's mercy did have its limits, though. When Brazill's mother asked through her son's attorney to give him a hug, the judge said, "I just do not do that."

What swayed Wennet to give Brazill a chance at rehabilitation remained a mystery. At the sentencing hearing on Thursday, he heard from psychologists and an education expert who portrayed the teenager as troubled and waiting to boil over.

Wennet heard how Brazill was shuffled among relatives as a small child, exposed to domestic abuse in the home, and pressures, such as his mother's cancer, during the fatal school year.

When he was suspended for throwing water balloons on the last day of school last year, he thought it was for the whole next school year -- it was just for the rest of the day -- and he might not ever again see the girl he liked, defense experts said.

He went home, retrieved the weapon he had stolen from a family friend and brought it back to school. He confronted Grunow when the 35-year-old teacher refused to let two girls come out of his class to see him. Brazill said the gun fired accidentally.

Wennet also heard from Brazill himself. In a prepared statement, the teenager said, "Mr. Grunow was a great man and a great teacher. I'm sorry I took him away."

Robin Shellow, a Milwaukee attorney specializing in juvenile issues who was brought in by the defense for the sentencing hearing, said that, if Wennet hadn't heard Brazill's statement, he might have sentenced him to life.

"I think what he heard was a voice of a child," she said.

Outside of court, the Brazill family celebrated as if the teenager were going home tomorrow. The defendant's mother, Polly Powell, left the courtroom and immediately hugged Linda Stewart, the mother of Tronneal Magnum, another 13-year-old killer who was sent to prison for life.

"I know he's coming home," Powell said.

Prosecutor Marc Shiner, who had told Wennet it was too much of a gamble to allow Brazill to ever go free, said the fact that he'll be out in 27 years should signal a change in the prison system.

"We better start investing our money in rehabilitation and not just warehouse people," said Shiner, who is leaving the state attorney's office for private practice next month.

The Brazill case focused national attention on the way Florida prosecutes its juveniles, and Friday's sentence again sparked debate.

"I generally think Florida needs to figure out a way to hold these kids accountable without using the most draconian aspects of their criminal justice system," said Robert Schwartz, executive director the Juvenile Law Center in Philadelphia.

State Attorney Barry Krischer said the teenager needed to be prosecuted as an adult because under juvenile laws he could be kept in prison for just 36 months.

Krischer, who was in the courtroom for the sentencing, said the Brazill case sent the appropriate message to juveniles "that guns are not toys."

Now Brazill's case will move to the appellate courts. He'll ask for a new trial, in part based on some of Wennet's decisions regarding which jurors could be chosen for the trial.

Udell said Brazill intends to challenge Wennet's decision that a 14-year-old is subject to the state's 10-20-Life law. Had Wennet ruled the opposite way, the judge would not have been bound to the 25-year minimum prison term. Also, Brazill would have been eligible for time off his sentence for good behavior.

Gov. Jeb Bush has said he doesn't think 10-20-Life should apply to defendants of Brazill's age, but on Friday the governor said the sentence was a fair one.

In the meantime, Brazill can now see the "light at the end of the tunnel," as Udell said.

After the sentencing and after he was fingerprinted, deputies took Brazill to an elevator to transfer him back to jail.

"I think Brazill was satisfied with the sentence," said Lt. Mark Chamberlain. "He made out well after the whole ordeal."

As the elevator stopped on the 10th floor to pick him up, two familiar electronic bells rang to announce the lift had arrived. It was a sound that the teenager had heard for months as it marked -- like a metronome -- every court day in which this tragic case unfolded.

The 14-year-old looked at the officers, gave them a half-smile, and said, "Ding Ding."

*Staff Writers Marc Caputo, William Cooper Jr. and Noah Bierman contributed to this story.*