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Judge sends frat brothers to prison for hazing

STORY HIGHLIGHTS

- Marcus Jones suffered broken eardrum, required surgery for bruises
- Victim's father: "He wasn't hazed. He was tortured."
- Felony convictions may bar two from pharmacy, engineering licenses
- Three more frat brothers to be tried a third time in March

TALLAHASSEE, Florida (AP) -- Two fraternity brothers both received two-year prison terms Monday from a judge who said she wanted to send a message with the state's first prosecution under a felony hazing law.

Florida A&M University students Michael Morton, 23, of Fort Lauderdale, and Jason Harris, 25, of Jacksonville, were led from the courtroom in handcuffs, as was Harris' lawyer, Richard Keith Alan II, who was charged with indirect criminal contempt.

Morton, former president of the university's Kappa Alpha Psi fraternity, was found guilty of striking prospective member Marcus Jones, 20, of Decatur, Georgia, with a wooden cane so severely during four nights of initiation rites that he underwent surgery for bruising to his buttocks.

Harris was convicted of participating by encouraging Jones to bear up under the beatings and reviving him with water after he passed out so he could go back for more punishment.

Circuit Judge Kathleen Dekker did not explain her decision to charge Alan with contempt of court, but he often argued with her rulings, even after the decisions were made.

'I want to save the victims who will quietly go along'

She said she imposed a two-year sentence on the fraternity members to deter others.

"I want to save the victims who will quietly go along because they want to belong," Dekker said. "I want schools to be furious and mad and upset that they can lose talent to this and come down hard on hazing."

They could have received 12 months to five years under sentencing guidelines for their December conviction.

The 2005 law made it a felony to participate in hazing that results in serious bodily injury.

It was the second trial for Morton, Harris and three other Kappa Alpha Psi members. The first jury was unable to reach a verdict for any of the five defendants after raising questions about serious bodily injury, which is not defined in the law.

The second jury also was unable to reach a verdict for the other three defendants, and they are to be tried a third time in March.

Clergy members, university professors and former Florida A&M University President Fred Gainous testified that Morton and Harris were upstanding, and they urged leniency.

They also asked the judge to withhold adjudication of guilt, which she refused to do. That decision means Harris, a pharmacy major, and Morton, who was two weeks from graduating with an engineering degree, probably will be unable to get state licenses in those professions.

Pregnant fiancée pleads for Morton's release

Morton told the judge that he grew up without a father in his home and asked to be released so he could be a father to his unborn child.

His fiancée, Lena Gallego, tearfully told the judge that she was more than four months pregnant and that Morton would never again appear in court unless it was to marry her.

Jones, who also suffered a broken eardrum that has since healed, was not in court. He told the judge in a statement that he still has pain and suffers from stress, depression and flashbacks.

Father: 'He wasn't hazed. He was tortured'

His father, Army Master Sgt. Mark Jones, addressed Dekker in person, saying the defendants have not shown remorse.

"They tortured my son," the elder Jones said. "He wasn't hazed. He was tortured."

Chuck Hobbs, a lawyer who represented all the defendants except Harris, said Marcus Jones could have withdrawn from the initiation at any time.

"So I don't view him as the helpless victim," Hobbs said. "I view him as the willing participant."

The new law, though, prohibits evidence of willing participation from being used as a defense to hazing.

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