

IN SUPPORT OF SB-591

To: Senate Judicial Proceedings Committee

From: Sydney Goetz on behalf of the Gender Violence Clinic, University of Maryland Carey School of Law

Date: February 5, 2020

Re: Written Testimony in support of Senate Bill 591

The University of Maryland School of Law Gender Violence Clinic represents women before courts and administrative agencies on the state and federal level in gender violence-related cases. Through our representation of incarcerated women, we push back on the idea that women fall under one of two categories in the eyes of the law: victim or offender. This false dichotomy has contributed to Maryland sentencing women who are in fact criminalized survivors to excessively long sentences. The Second Look Act is an important mechanism to revisit this narrative and provide relief to those who deserve to rejoin their communities. Opponents of this legislation may insist that individuals who are convicted of crimes of violence and sentenced to long sentences should not receive a second look, that they are dangerous and in fact are “the worst of the worst” offenders. We have found that is simply not true. In fact, we represent many women who are incarcerated for crimes related to their own victimization. Two examples of this are represented in the stories of Eraina Pretty and René Bacoat.

Eraina Pretty grew up in an abusive household and when she was a teenager, the first romantic relationship she ended up in was physically, mentally, and emotionally abusive. In April 1978, Ms. Pretty’s boyfriend and another man came up with a plan to rob a convenience store. Ms. Pretty was hesitant about it, but knew it would be dangerous for her to say no to her boyfriend, so she went along with it. While the robbery was underway, Ms. Pretty fled the store. After she left, her boyfriend shot and killed the owner. Faced with the possibility of the death penalty for first degree murder, Ms. Pretty accepted a plea deal for life with the possibility of parole. Ms. Pretty has been incarcerated for 42 years, longer than any other woman in the state of Maryland.

Rene Bacoat was repeatedly sexually abused starting when she was 5 years old. In adulthood, Ms. Bacoat’s husband regularly physically and sexually abused her. Eventually, Ms. Bacoat confided in her brother about the abuse and he decided to take matters into his own hands and shot Ms. Bacoat’s husband, who thankfully survived. Ms. Bacoat was ultimately held accountable for this action despite having no knowledge of her brother’s plan and was convicted of the attempted murder of her husband. Ms. Bacoat is serving a life sentence and has been incarcerated for 24 years.

Ms. Bacoat and Ms. Pretty are just two of many women currently incarcerated in Maryland who have been punished excessively for actions they took for their own survival. Despite their circumstances, both women have accomplished much in prison. The Second Look Act represents an opportunity to remedy this injustice in our state. For Ms. Pretty and Ms. Bacoat, the legislation would allow sentencing judges the opportunity to reconsider their sentences in light of our changing views on gender-based violence. Last week, I visited Ms. Bacoat and asked her if she had a message that she wanted me to relay to the committee when I testified. Ms. Bacoat said, “just ask them to remember the humanity in us.”

We urge the committee to report favorably on SB 591.