

TESTIMONY IN SUPPORT OF THE REDEEM ACT:

Criminal Procedure – Expungement of Records – Modifications

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Glenn Rosenberg**

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My name is Glen Rosenberg and I support the REDEEM Act as a means of reducing the impact of incarceration and passing common sense legislation. Let's look at the issue. Current law stands in violation of the Supreme Court case North Carolina v. Pearce, 395 US 711 - Supreme Court 1969:

(" . . . [T]he Constitution was designed as much to prevent the criminal from being twice punished for the same offence as from being twice tried for it." Id., at 173.)

That being said, it is criminal to hold people from advancement years after they have served there time and or punishment. I have a few misdemeanors dating back thirty years. They are non violent, non sexual or gun related, but for what ever reason where not included within the expungement list. I will be 70 years old soon. The misdemeanors I mentioned herein, I don't believe I spent more then 30 days in jail for, yet they are still on my record. If you are human, you make mistakes. Some may not get caught and some do, but most convictions are based on who you know, how much money you have to afford a good attorney, if the police officer uses his discretion to even arrest you and if they do, the prosecutor can nolle prosequi it, offer you a stet or PBJ or dismiss it for reasons I will not go into. Even the Judge can offer a plea or a reduction of a sentence as well as set aside a verdict. This is not equal justice. On the entrance of the Supreme Court it says "Equal Justice Under Law."

Many of the legislature decisions I see are based on funds and not what is right. You voted against the Unit Rule because it would be very hard to do but also expensive. The fact is, if you repeal the Unit Rule, it wont remove all convictions but it may help. In Stoddard v. State, 911 A. 2d 1245 - Md: Court of Appeals 2006, you can do a partial expungement under certain circumstances. Most believe that all Indictments are a Unit but that is not always the case. Some indictments may have 5, or even 10 Units. The COA stated, just because the State crams 10 or 20 charges into one indictment, does not make it one Unit. Therefore if one or two Units in the same indictment have all not guilty s or they nolle prosequi some of the charges in that same unit, than all of them can be expunged.

Prosecutors will be overzealous and charge someone with everything possible. Maybe because they have a personal reason, or to try and force them into a plea and I am sure for other reasons, but that alone does not make it a Unit. It may cost the government a lot in the beginning but after most are expunged, it will trickle down to a normal amount. It is just unfair to leave charges you were not guilty of on your record for life. I know because of the Stoddard case, you can do a partial expungement under certain circumstances, because I did it and for this reason, you should vote to repeal the Unit Rule. Even better would be to add all misdemeanors to the list and that would cut out most applying for a Unit Rule expungement, and expunge it all.

I am sure the States Attorneys office will object to expand expungements to include most all misdemeanors, but if the wait time is lowered, it may give people a chance to change there life for the better. There is a lot of crime now and I contribute a lot of this because people cant get jobs or public assistance because of there record no matter how old it is. Even with a record and if you are recharged with a new crime, if your original charge is 15 years old or more, they cannot use it to impeach you with it. So for the States Attorneys to argue it should not be expunged, how does it help them unless you are found guilty of the new crime even though 15 years has passed. To be correct, there is one exception to the 15 year rule and it only refers to one particular conviction which may cover two convictions even though it should not exclude these two convictions convictions since they are 15 plus years old and non violent misdemeanors as well

Thank You