



AMERICAN UNIVERSITY

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Clinical Program

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IN FAVOR: SB – 0123

Criminal Procedure – Petition to Reduce Sentence

My name is Olinda Moyd and I am a Maryland native who currently resides in Prince George’s County. As a social justice advocate who has dedicated my legal career to disrupting the machinery of mass incarceration, I have had the honor of representing many men and women confined in Maryland’s prisons over the last few decades. The Decarceration and Re-Entry Clinic at the American University Washington College of Law represents individuals before the Maryland courts, most of whom have served decades behind bars. Many of these individuals have been detained far beyond the point of having been successfully rehabilitated, long after achieving educational and vocational goals and way past the stage of being healed and grown from the harm they caused. So many are older individuals who have outgrown criminality. Our clinic believes that every human being deserves a second chance and that most people have redemptive value.

SB 123 simply authorizes an individual who is serving a term of confinement to petition a court to reduce the sentences under certain circumstances after the individual has served 20 years of their term of confinement. The court must hold a hearing once it determines that the individual is eligible where evidence may be introduced in support of the petition. The factors that the court must consider mirror the factors that the courts currently are required to review under the Juvenile Restoration Act passed in October 2021 through which my students and I represent clients frequently. The court has the judicial acumen to review the evidence presented, assess witness credibility and they are trained to make such deliberate release decisions from the time a person is arrested upon entry into the criminal legal system and throughout their detention, should opportunities arise. This bill merely creates one avenue to possible release and contains the necessary safeguards to manage abuse or repeat filings.

This bill does not guarantee release after twenty years in prison, it merely creates an avenue through the courts for an individual to petition the court for release. It is worth noting that most western democracies have few or no people serving life sentences, and research suggests that

sentences of longer than twenty years are often not justified.¹ Excessive sentencing thwarts the correctional goals of rehabilitation and reintegration. Most correctional officials will confess that a population without hope is more challenging to prison operations and daily productivity. When prison doors are slammed shut, hopelessness prevails.

A person's debt to society is not paid back simply because of the number of years a person spends in prison, but are instead paid back through perpetual acts of human decency, love and successful community uplifting upon release. Many of the scores of individuals who I have represented and befriended through the years have proven that upon release they can live law-abiding lives and contribute greatly to the very communities that they once offended years ago. Individuals released pursuant to the *Unger* decision and those released pursuant to the Juvenile Restoration Act demonstrate that most people merely need an opportunity to live out their true purpose and the life they were intended to live before being sidetracked. Because of the overwhelming number of Black men entrenched in our encarceral system and held in Maryland prisons, our communities of color have suffered in their absence and they can serve as a valuable resource upon their return. All people need is an opportunity and SB 123 merely creates an avenue for such.

Our clinic recently represented Mr. S before the courts. He qualified under the JRA and this avenue for release would not have been available to him but for the legislative action of the passage of the statute two years ago. He was in prison for over three decades and served most of that time programming and working, but living under a cloud of hopelessness that he would ever live in the free world due to his life sentence. However, since his release last year he has been reunited with his family, working diligently, paying taxes and mentoring young people to deter them from making the mistakes he made which led to his incarceration. He says that his goal is to "be the mentor that was missing in his life during his own adolescence." His contributions to his community would be void had it not been for legislative intervention and an opportunity to petition the court for release.

I strongly support this bill and urge a favorable vote in order to foster hope and open another avenue for release for the men and women in our prisons.

¹ Marc Mauer and Ashley Nellis, *The Meaning of Life: The Case for Abolishing Life Sentences*, (2018).