

Testimony for the Senate Judicial Proceedings Committee
February 1, 2024
SB 123 - Criminal Procedure - Petition to Reduce Sentence
FAVORABLE

My name is William Mitchell. I am a lifelong Marylander, a devoted son, a community activist, peer mentor, and a returning citizen. I write in support of Senate Bill 123, the Maryland Second Look Act.

In April 2023, after serving 18 years in prison, I was granted my release. I returned home to my community a changed man. I had entered prison as a 23 year-old, struggling with drug addiction and entangled in a life of crime. I was completely lost, looking for validation in all the wrong places. In the midst of a drunken, drug-induced argument with my wife, who was also an addict, I accidentally shot her in the hand and the leg. I was sentenced to 65-years incarceration for a combination of charges including attempted murder and a slew of gun charges.

Upon entering prison, things looked hopeless. It would have been easy to lean into this hopelessness. But, I did the opposite. I got sober and got a job. I found support within a network of men who had committed themselves to rehabilitation and growth through Christianity. I began a journey to better myself while inside. I took almost every course available to me. Many of them focused on personal growth, unlearning behaviors, and unpacking past decisions and thought patterns. Additionally, I delved deeper into my spiritual growth. I joined the church welcoming committee, the prayer team, and eventually led youth ministry. During my incarceration, I became a spiritual leader within the facility and a mentor to others. The church not only nourished my relationship with God, it allowed me to step into my own and find my purpose as a mentor and man of faith.

Additionally, after realizing the impact of addiction in my own life, I decided to attend NA meetings. I attended these meetings for three years, eventually becoming the chairman of the group, leading meetings. After becoming the Chairman of the group, I decided to take a course from Stratford Career Institute on Drug and Alcohol Counseling. I earned a 4.0. I continued to counsel inmates through their recoveries. During COVID, when people were prevented from moving freely throughout the prison, I requested, and was allowed, to hold NA meetings on individual tiers to ensure that the pandemic did not derail peoples' recovery.

I began to examine my case – looking for potential routes for release. I knew that, if released, I would be a successful and productive member of society. I had committed myself to bettering my community inside prison walls. I knew I could do the same on the outside if given the

opportunity. I had some small victories along the way as I worked to secure my eventual release. I became an expert on pro se litigation, filing various motions in different jurisdictions. However, my sentence remained intact. I contacted lawyers around the state, building relationships and explaining the circumstances around my case. Additionally, I had made amends with my victim. My ex-wife – the victim in my case – had fully recovered and had written the judge asking for leniency. I rebuilt a friendship with her and helped her get sober, over the phone, from inside prison walls.

After many years, attorneys at Brown Law felt compelled to take my case on – pro bono. They knew that securing my release would be a daunting task. I had filed numerous motions and raised issues in multiple jurisdictions. The case was incredibly complicated. Finally, one of the attorneys working my case noticed a technical error in my sentence – one of my gun charges had been filed under the wrong statute, making my sentence on that count illegal. This error was enough to get me back into court. The judge agreed with our motion - my sentence on this count was illegal. We waited for the imposition of a new sentence.

Once the new sentence was handed down, I had 90 days to file a motion to reduce the sentence. We were able to present 15 letters from people who spoke of my accomplishments and growth in prison. In some instances, prison officials even endorsed my early release. Two of these letters, including a letter from the victim in my case, are included in my testimony submission. The judge agreed with our petition stating, “If William Mitchell did not deserve a sentence reduction, he did not know who did.” He reduced my sentence by 40 years, leaving a remaining term of 25 years. With diminution credits, this was the equivalent of time served. I was freed shortly after.

Since returning home, I have made good on my promise to better the community. I have spoken at events around the East Coast. I have spoken at recovery events through the group called All Paths. I have spoken at New Points Recovery Center in Bel Air Maryland. I'm also involved with Jesus Be Jumping Ministries. I have taught many Bible studies and I've gone out into the community to minister to those who are less fortunate. I also fed the homeless for Thanksgiving. I completed Peer Recovery Specialist training. I'm involved in numerous Criminal Justice reform groups. I have spoken on panels to educate others about the need for prison reform. I also speak as an adviser to Project 6, a non-profit which provides legal resources to those who do not have them. I have my drivers' license. I will begin my new job soon. I am a homeowner. I have also taken time to delve into positive hobbies, like rebuilding motorcycles. After never touching a motorcycle a day in my life, I was able to rebuild it from the ground up.

Under my conviction, I would have only been eligible for parole consideration after about 35 years. But, because of the technical errors with my original conviction, I was able to get a second look at my confinement. There are many, many people on the inside that I am confident are as fit for release as I was. However, without this law, they will have to wait decades before they can even make their case for parole. Life expectancy in prison is shorter than on the outside. Time is of the essence for incarcerated people. For each year lived behind bars, a person can expect to lose two years off their life expectancy. According to one study, five years in prison increased the odds of death by 78% and reduced the expected life span at age 30 by 10 years.¹

20 years in prison is more than enough time for an individual to rehabilitate themselves, grow, learn, and change. I have seen – and data supports- that rehabilitation is the norm, not the exception.² This is true across age categories but is especially true in populations serving longer sentences. In fact, those serving long sentences tend to recidivate at lower rates than those serving shorter sentences. Expanding opportunities for release not only benefits the state's decarceration initiatives, it creates safer prison environments and incentivizes good behavior while inside.

I ask that the committee consider my story and the stories of other returning citizens and submit a favorable report on SB 123.

¹ https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/

² https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf



Department of Public Safety and Correctional Services

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MEMORANDUM

STATE OF MARYLAND

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ADMINISTRATION

VACANT
DEPUTY SECRETARY
OPERATIONS

CAROLYN J. SCRUGGS
ASSISTANT SECRETARY

TO: Whom it may Concern

FROM: MAJOR MATTHEW MITCHELL

DATE: JANUARY 4, 2023

RE: Mitchell, William #2115632 [Click here to enter text.](#)

FYI FOR YOUR APPROVAL RESPOND FORWARD HANDLE OTHER:

This letter is written in recommendation of Incarcerated Person Mr. William Mitchell #2115632. Mr. Mitchell has been incarcerated at ECI during my tenure at the Institution. During this time I have had numerous encounters and conversations with Mr. Mitchell for a variety of positive reasons and outcomes. Mr. Mitchell has exemplified his role at becoming a reformed human being. Mr. Mitchell has dedicated his time under incarceration not just for self-improvement but for improvement throughout the Institution. He has been influential in developing peer programs, facilitating peer improvement programs and bettering himself and his peers in order to return as a resourceful member of the community. Mr. Mitchell is adamant about his life on the outside of the Institution and his ability to continue that life on the outside and be a productive citizen to his neighborhood and society. Mr. Mitchell always portrays a positive attitude, is respectful and courteous to those around him, is jovial in his dealings with staff and always presents himself in an approachable manner. I have no inclinations of Mr. Mitchell's ability to interact within the community in a positive manner as a citizen of his peers while providing services to his community.

The Honorable Judge Emory Plitt
20 Courtland St
Bel Air, MD 21014

Dear Judge Plitt:

Last year I was contacted by the attorneys representing William Mitchell. They explained to me that William would be requesting a hearing in which he could possibly have his sentence reduced, and they wanted to know how I felt about this. That is why I am writing this letter.

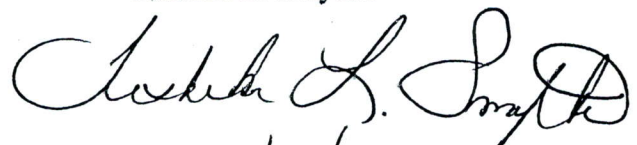
With almost eight years having passed since William was convicted of crimes against me, I have had a lot of time to think about what happened and the punishment rendered to him. As you know, your Honor, I have battled with drug addiction. Everything negative that has ever happened to me has involved drugs and alcohol. While battling with my own addiction, I have realized that the cliché of a "second chance" is not a realistic thing. In order to arrest my addiction, I needed at least ten to fifteen second chances, but it was when I truly hit rock bottom that I was able to change. While going through this transition stage in my life, I contacted William myself. After speaking to him, it was obvious that William has made the decision to change for himself. He actually encouraged me to strive for greatness, to seek God, and to continue forward on the road to recovery. Repeatedly, William has expressed his remorse for what he accidentally did to me. During the trial, I had testified that my right arm was numb and unusable. Since that time, I have regained all feeling and complete mobility and use of my arm.

I bring all this to your attention, your Honor, so you can weigh whether or not you will give William the opportunity to return to society in the near future. As the victim in this case, I am satisfied with the time that William has served, and it is my request that you would show him mercy and drastically reduce his sentence or set him free. We are all guilty of something, but once we repent and change our ways, we should have a shot at a new life.

Thank you for your time, your Honor. If you should need to reach me, William's attorneys have my current contact information.

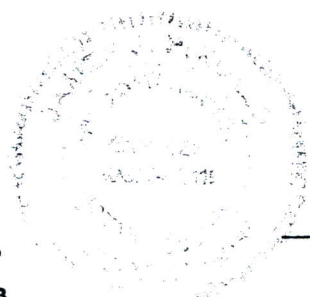
Sincerely,

Tesheka L. Smythe



5/11/12

James Pirolo 5/11/2012
NOTARY



James J. Pirolo
Notary Public
#2011082400003
Commission expires 8/24/15