

IN SUPPORT OF SB 123; Maryland Second Look Act
House Judiciary Committee
March 28, 2024

Testimony by: John Sexton

Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee:

Great day! I bid thee the Grace & Shalom of God and thank you for the opportunity to share this perspective.

Why is SB 123 needed?

*There is a 30-year backlog of suitable for release prisoners who pose absolutely NO risk to the public; have demonstrated remorse for their crime and particularly the people they have hurt; and who have spent a lifetime atoning for their errant behavior.

*Irrespective of what your views of the Parole Commission may be, no State agency can effectively or efficiently overcome a 30-year back log or deficit in reasonably expeditious fashion – particularly without giving said agency the resources to achieve that end. What’s more, rebuilding the internal infrastructure necessary for functionality of purpose will take considerable time. The Second Look Act is necessary to help deal with this 30-year backlog. Time has literally become an urgent and critical dynamic for a large percentage of prisoners that SB 123 will apply to.

*A considerable percentage of these prisoners have not only redeemed and changed their lives (despite overcoming impossible situations) – but they have become upstanding characters that would be assets to their community. This is clearly seen in a multitude of those who have been blessed with a second chance in the past few years – put another way, denying these individuals a chance isn’t just a negative for them and their families – it’s a major negative for communities that desperately need people who have overcome the very same ills that are plaguing society – particularly our youth – today.

*Continued imprisonment for individuals who have clearly rehabilitated, pose no danger to the public (and would actually be assets), who want to make amends and contribute in meaningful ways to society, have proven themselves over and over again, and who have done anything that could ever be expected and then some – such continuation is cruel vengeance.

What it comes down to is that you have a great many prisoners with 30+, 40+, or more years in who simply need a fair, straight up, pathway forward! Ask yourself what that is. What is the pathway forward for these individuals? These are individuals that have given all of themselves to atone for their sins and earn an opportunity to redeem their lives. We are talking about people who are not a danger to the public and have not been for decades. So it begs the question- why are we expending such monumental amounts of taxpayer funds to contain people who are not a threat to public safety? Money that our education system desperately needs, money that is

needed to care for our seniors, and so many other causes that are under-resourced. What is the line between appropriate retribution and unnecessary vengeance?

With just a little more of your indulgence, I want to share a bit of my experience. I am a “juvenile lifer”. To be clear, I am consumed with remorse and shame for my crime and all those I hurt and the damage I caused as a teenager strung out on crack. Most importantly, I am full of contrition to my victim’s family.

I have been in prison for 35 years. As a teenager, I was sent to some of the most hardcore prison areas imaginable. By the Grace of God, I made it through – and for these past 35 years I have pursued and engaged with every meaningful endeavor that could possibly be had – in the furtherance of atoning and facing the retribution for my sins and crime. In the furtherance of becoming a man of integrity, upstanding character, and family values. In the furtherance of redeeming the time God has Graciously provided.

It is with humility that I can tell you that I have a work, educational, organizational, and program record that would be on par with the best of them. At the top of all of them is engaging in, developing, organizing, and promoting victim awareness forums. Given the opportunity, I would be reaching kids before they went down the pathway that I did. I would be reaching veterans on the brink of suicide. If I could reach just one kid, how much devastation and destruction would that avert or save? What would be the impact of saving one veteran?

I did indeed go before the Circuit Court pursuant to the Juvenile Restoration Act (JRA). The Court found that I had an ‘exemplary’ record – found that I had in fact demonstrated rehabilitation and maturity – found that I did not (would not) pose a danger to the public – the Court acknowledged a good many things that were demonstratively positive factual evidence. There was even a risk assessment performed on me by one of the most preeminent psychologists in the field that the State of Maryland has ever known. That risk assessment included a psychological test that is the “best single predictor of future violence”, with my score placing me “in the lower end of the Very Low range”- in other words, the lowest risk that can possibly be assessed.

But in the Court’s view, this was not their decision to make. The judge stated: “This is a parole eligible sentence. And whether or not Mr. Sexton has exhibited behavior that entitles him to a release from incarceration is, in this Court’s mind, a parole board decision and not this Court’s decision.” No matter the form or the mechanism, the Parole Commission, the Court- there’s no straightforward pathway. No matter your progress, growth, or achievement. And while it may be great to think that the General Assembly will create such a mechanism, all such possibilities are off in the distance. And the problem- the paramount urgency- to do something now is because there have been so many delays (from politics to pandemic) and kicking the can down the road, kicking the can down the road, and kicking the can down the road, that for many, there simply is no more road to kick the can down.

While SB 123 is not a fix-all by any means, it is the *only* stopgap available at this moment in time- a moment that is filled with urgency. The bill wouldn’t apply to me due to my JRA status,

but there are numerous individuals in Maryland prisons who are just like me- who have the exemplary records and character that would not get a reasonable opportunity without this bill.

Thank you for considering my testimony, and I urge you to vote **favorably** on the **Maryland Second Look Act SB 123**.

Thank you,

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