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STATE'S ATTORNEY

Date: January 28, 2025
Bill: SB 364
Position: Favorable

I distinctly remember my first encounter with grief. I was about 12 or 13 years old when a very dear friend of mine was killed coming home from soccer practice by a multiple time DUI offender who was driving drunk. He was sentenced to a mere 3 years of prison for extinguishing my friend's life, and erasing her potential from this world.

I remember, even at that age, asking my mom why her life wasn't worth more?

Now, more than twenty years later, I find myself continuing to struggle for an answer to that same question.

I have the privilege of prosecuting some of Wicomico County's most violent offenses, including the fatal motor vehicle collisions. But the only time I have ever had a victim ask me why their loved one's life was not worth more was in relation to manslaughter by motor vehicle cases.

You see, these cases are a great equalizer. They show no prejudice in that you or your loved one may find yourself a victim regardless of your gender, race, creed, religion, or how "good of a life you live." And with Maryland law, as we sit today, you and your loved one's life is worth the equivalent of about 2 years.

As what happened in my last case shows, you or your loved one can be driving home in a perfectly illuminated vehicle, driving at the correct speed limit, coming home from work when you are struck from behind by someone driving 100 mph, by a person too thoughtless, careless, and reckless to open the app on his phone and take an Uber home. On July 12, 2022, four hard working Haitian immigrants were driving home from working the overnight shift at a local chicken plant. They worked there to provide the necessities for survival, and with the hope for a better life for their children.

A college student had been working at a bar in Ocean City, and decided to drink after his shift – on his way back to Salisbury, driving in excess of 100 mph, he ran into the back of their vehicle, sending it careening into a tree. He killed two of the four occupants.

Prosecutors and courts in these cases must consider not only punishment and deterrence, but also what measures needed to be in place for public safety and rehabilitation, such as supervised probation with alcohol monitoring for an extended period of time. This defendant was ultimately sentenced the top of the sentencing guidelines – 20 years, with eight to be served and the balance suspended.

When I first met with one of the victim's daughters, she was understanding and satisfied with an eight-year sentence. But as I explained to her about parole eligibility and that this is not considered a crime of violence, she became justifiably angry.

It was offensive to her that her mother's preventable and violent death was not considered a "violent crime" in the eyes of the law, and that the defendant will be parole eligible after having served only 25% of his sentence. Even if the defendant were to have been sentenced to the maximum, 20 years for two deaths, he would be eligible for release on parole in a mere five years, but this would not provide the necessary supervision following his release to ensure our community's safety.

The victim's daughter was the same age as the defendant. Her mother worked overnight so that she could attend college. Because of her mother's death, she had to drop out of college and now works at that same chicken plant in order to care for her toddler sibling. Every night she drives by the spot her mother was needlessly taken from her.

The death of her mother, and the death of her future, felt minimized because the crime was not labeled a violent crime. I am asking you to support the necessary changes to these laws so that we can achieve all of the purposes of sentencing – so that our community is safer, and so that our victims feel some sense of justice.

The only way to protect the public is to reduce the number of drunk drivers on the road. The way we reduce the number of drunk drivers on the road is by deterrence.

A sentence that permits release on parole after two years is not deterrence.

By giving the courts more time to utilize at sentencing, you are also allowing the court to have more leeway for the important work of rehabilitation, to help ensure the continued safety of all Marylanders.

Public safety doesn't sit solely on the shoulder of police officers, prosecutors, and judges. Today, this important question sits with you.

I am asking you, personally and on behalf of the Office of the State's Attorney for Wicomico County, to please support enhanced penalties so that we can do the important work of making our roadways safer, and so that the next time I have to sit across the table from an innocent victim's family, I don't have to answer the terrible question: why wasn't their life worth more?

Thank you

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