

Bill Number: HB 853

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 853
CRIMINAL PROCEDURE – PETITION TO REDUCE SENTENCE (MARYLAND
SECOND ACT LOOK)

I write in opposition to House Bill 853, Motion to Reduce Duration of Sentence, as creating yet another post-conviction right that further drags victims to court and prevents any finality to a criminal case.

Right after a jury or Judge finds a Defendant guilty, Maryland law currently permits numerous ways for a Defendant to challenge his conviction and sentence. Here are the current rights:

1. Motion for new trial
2. Motion to modify or reduce sentence (motion can be held for five years)
3. If the modification is based upon illegal sentence, fraud, mistake or irregularity, there is no time limit
4. Three Judge panel to reduce or modify
5. Appeal to the Court of Special Appeals
6. Ask for appeal to the Court of Appeals
7. Post-Conviction (sometimes they get more than one)
8. Writ of Corum Nobis
9. Writ of Habeas Corpus
10. Writ of Actual Innocence
11. Motion to vacate judgement (passed last year)
12. Post-Conviction DNA testing
13. The parole system which can review a sentence more than once.

Based on the above list, this Bill would be another post trial motion a victim or family would have to face.

Senate Bill 181 which you passed and I am not opposing in the House will add additional Hearings for victims to attend. If House Bill 853 passes there will be an additional 3 hearings that a victim will attend.

When does it end for victims of crime?

When can I look at the victim of a crime and say it is over?

It never ends and this bill will add more events over which the State and Victim has no control.

House Bill 853 is an attempt to create another parole commission and add a Judge to that list. A judge who likely did not sentence the Defendant. Parole exists to let Defendants out of jail early if they do all the right things in jail. Why are we creating something that already exists on top of the 12 ways a Defendant

can challenge their conviction and sentence through the Judiciary? Senate Bill 181 adds 2 additional methods to get out early. Please do not add 3 more.

I urge an unfavorable report to House Bill 853 as Defendants have so many rights now, they do not need or deserve one more.