

JPR Hearing-HB 0853 Maryland Second Look Act Membe

Uploaded by: Ashley DeVaughn

Position: FAV

**TESTIMONY ON HB 0853
MARYLAND SECOND LOOK ACT
Judicial Proceedings Committee
March 25th, 2025**

SUPPORT

Submitted by: Nigel Jackson

Chair, Vice Chair and members of the Judicial Proceedings Committee:

I, am testifying in support of HB 0853, the Maryland Second Look Act. I am submitting this testimony as a previously incarcerated person that reshaped his life.

Today is my 730th day out of Federal Prison. I made mistakes and repaid my debt to society. I firmly believe that individuals who are able to demonstrate their growth and rehabilitation and are no longer a threat to public safety, should have the opportunity for release.

In the two years that I have been home I have obtained a position with the Mayor's Office, become an AmeriCorp Member, and I have received my community health worker certification as well as numerous behavioral health certification. In my role with the Mayor's Office of Employment and Development in Baltimore City and I have helped over 200 people connect to resources as well as jobs in the community. I am a prime example that an incarcerated person can change their life.

Passage of the Maryland Second Look Act gives other incarcerated individuals a meaningful opportunity for sentence modification after having served 20 years of their sentence. This bill is an important tool in making deserved opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black², a huge disparity when compared to the only 31% of Black Marylanders in the general population³.

In 2021, the General Assembly made a positive step by passing the Juvenile Restoration Act [SB0494/HB0409](#) which allowed individuals who were minors sentenced as adults the ability to petition the Court for sentence modification after 20 years. The Maryland Second Look Act would extend this ability both to youth sentenced after the JRA went into effect (who were excluded from the bill) and other incarcerated people in Maryland who committed a crime aged 18 and up.

Given the tendency for people to age out of crime and the very low recidivism rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact

public safety. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case Maryland v Unger, who, five years after the case, had a 1% recidivism rate⁴. We know many more men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities as I have done.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 0853**.

Thank you.

¹ Maryland Rule 4-345

² [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics \(2022\)](#)

³ [United States Census Data](#) 2021

⁴ Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

OPD written testimony on HB 853 - 3.21.25.pdf

Uploaded by: Brian Saccenti

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 853 – Maryland Second Look Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 21, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 853.

In 2021, the General Assembly passed the Juvenile Restoration Act. That Act, specifically Criminal Procedure Article (CP) § 8-110, allows people who were incarcerated for at least 20 years for a crime that occurred when they under 18 years of age to file a motion for reduction of sentence. After a hearing, the court may reduce the sentence or sentences *only if* it determines “that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence or sentences.”

House Bill 853 expands CP § 8-110 to also allow people who were 18 to 24 years old (sometimes called “emerging adults”) at the time of the crime to file such motions after 20 years. The rationale for adding this age group is that the parts of the brain responsible for decision making, risk evaluation, emotional regulation, and impulse control do not mature until the mid-20s. Permitting this group to file motions for reduction of sentence after serving a 20 years is consistent with science and experience showing that emerging adults who commit serious crimes are nonetheless capable of rehabilitation and redemption.

The current version of House Bill 853 makes emerging adults ineligible to seek a sentence reduction if they have been convicted of a sex offense or if they have a sentence of life without the possibility of parole. These carve-outs are not evidence-based. People with sex offense convictions are just as capable of growth and rehabilitation as other incarcerated individuals. And in the absence of legal standards to guide a court’s discretion, whether a person is sentenced to life without parole often depends on the policy of the State’s Attorney in office at the time, which judge is assigned to the case, whether the defendant opted for a trial or pled guilty, and other factors unrelated to the severity of the crime or the defendant’s prospects for rehabilitation.

The Office of the Public Defender supports broad second look laws without carve-outs because we have witnessed the remarkable rehabilitative potential of our clients. We’ve watched with awe and pride as they’ve come home from prison and become a force for good in their communities. If this Committee believes it is feasible for the General Assembly to pass this bill this year without the

present carve-outs, we urge it to do so. If not, however, we hope the Committee and the Senate will nonetheless vote in favor of this bill. Even with the present carve-outs, it has been estimated that it will make an additional 350 people eligible to seek reduced sentences. For those individuals and their families, this opportunity could be life changing.

Opponents to this legislation generally raise three points:

- First, they argue that this bill is unnecessary because there are a number of other procedural vehicles to challenge a conviction or sentence in court. This is incorrect. The procedural vehicles they cite require a showing of legal error, illegality, or newly discovered evidence, or they are time-limited so that they are no longer available when a person has served long enough to demonstrate significant rehabilitation. None of them authorize a court to reduce a legal sentence of a person convicted of a crime that occurred when they were 18 or older after enough time has passed for the person to show that they have been rehabilitated.
- Second, they argue that the Parole Commission, not the courts, should decide whether a person should be released. There are several significant problems with this argument. There are years-long delays in the parole process for lifers. At parole hearings, incarcerated individuals cannot call witnesses, present expert testimony, or be assisted by counsel. Additionally, the appallingly high and disproportionate rates at which Black people are incarcerated in Maryland is an urgent crisis that cries out for expansion of ways to get rehabilitated people out of prison.
- Third, opponents note that participating in these hearings can be hard on victims and victims' family members. That is unfortunately true. But it is important to remember a few things. First, the State's Attorney is only required to notify the victim or victim's representative if they have requested notification. A victim or victim's representative is never required to request notification. If notified, they are never required to appear for the hearing. If they appear, they cannot be required to speak. If they decide to submit an impact statement, they may do so in writing or in person. Second, the reality is that for as long as a person is imprisoned, they will seek opportunities to be released. It is human nature to try to get out of a cage. Only two things will stop a caged person from trying to regain their freedom: release from incarceration, or death. When a rehabilitated, non-dangerous person is released, the hearings usually end.

Given the severe racial disparities present in Maryland's prisons, this is also a racial justice bill. House Bill 853 provides a critical opportunity to move towards ending mass incarceration and remedying racial disparities without compromising public safety. In fact, such releases would make Maryland safer. It would reduce the demands on prison staff, who (as has been recently reported) are stretched dangerously thin, by reducing the sheer number of incarcerated persons they need to supervise. It would also permit the State to take money and resources it now wastes on imprisoning non-dangerous individuals and reallocate it to programs and initiatives that actually make us safer. Additionally, many of the people who have been released under JUVRA and *Unger* have become forces for good in their community, as volunteers, violence interrupters, youth mentors, reentry specialists, and more.

House Bill 853 provides an opportunity for the court to take a second look at individuals. It is not a “get-out-of-jail-free card.” It is an opportunity for a defendant to demonstrate their worthiness of a second chance.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 853.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

**Authored by: Lila Meadows & Brian Saccenti
Decarceration Initiative
Maryland Office of the Public Defender
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brian.saccenti@maryland.gov**

HB0853_Maryland_Second_Look_Act_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR HB0853
CRIMINAL PROCEDURE – PETITION TO REDUCE SENTENCE (MARYLAND SECOND
LOOK ACT)**

Bill Sponsor: Delegate Pasteur

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0853 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The United States has the highest incarceration rate in the world. We have historically put many people in jail for possessing small amounts of marijuana (which is now legalized) and for other small crimes. In Maryland the incarceration rate of Black men ranks among the highest in the country. Black men make up 14 percent of Maryland's general population but consist of 73 percent of the male prison population in the state, according to the Attorney General's Office. Black women make up 16 percent of the state's population but a disproportionate 53 percent of the female prison population (Washington Post, 10/26/23). And Maryland has the fourth highest rate of prisoners convicted as children, with the school to prison pipeline still a risk for disadvantaged students.

More needs to be done to address our systemic injustice in policing and inequity in the criminal justice system. This bill allows an inmate who has served at least 20 years to petition the court for a reduced sentence and at least 5 years have passed since the court decided any previously filed petition. The decision to grant the petition would be based on factors typically used in parole hearings.

This bill reduces the impact of discrimination in our criminal justice system that results in harsher sentences that appear to be race related. It not only benefits a prisoner unjustly sentenced but also stems the ancillary damage to their families. Moreover, reduced sentences save Maryland taxpayers over \$38,000 per inmate annually. Money that could be better spent on schools.

We support this bill and recommend a **FAVORABLE** report in committee

Sponsor Testimony

Uploaded by: Delegate Pasteur Delegate Pasteur

Position: FAV

Greetings Chair Smith and Vice Chair Waldstreicher, and the Judicial Proceedings Committee. For the record, I am Delegate Cheryl Pasteur, District 11A, Baltimore County, regarding HB 0853, Senate Bill 0291, not an easy bill by any measure. HB853 passed third reader on March 15, 2025 and is a Legislative Black Caucus of Maryland priority. Second Look, as amended, is built on the Juvenile Restoration Act and the Unger v. Maryland decision; these measures have demonstrated that sentence reconsideration works. Second Look authorizes individuals to petition the Courts to reduce the duration of a certain sentence if the individual was convicted between ages 18 and under 25. This individual was not sentenced to life without the possibility of parole, not a sex offender as defined in section 11-701 of the Maryland Criminal Procedure Code and has served at least twenty years. The individual must have met at least 10 significant criteria which includes victim or victim representative statements, or anything the judge requests related to readiness to re-enter society.

Second Look, as amended, is not a given but allows the courts to reassess sentences based on behavior, designed to safeguard public safety and ensuring accountability. The Courts may only reduce a sentence if it finds that the individual is not a danger to the public. Second Look builds on the recognition that redemption is possible! It is not a partisan issue; it is a moral and economic necessity! It is an opportunity to live up to the values we profess. Currently, 24 states, red, blue, purple, have enacted Second Look initiatives in many ways, with other states watching Maryland. In November, Senator Cory Booker presented the Second Look Act bill in Congress. Maryland has the highest rate of incarceration and incarceration of African Americans of any state in this country. The Act creates a legal pathway for reviewing excessive sentences that disproportionately impact Black Marylanders.

Why Second Look and not parole? Around the country, legislators and Courts are looking to judicial review as a more effective means to reconsider a person's fitness to reenter society. It is an opportunity to evaluate whether sentences-imposed decades ago remain just under current sentencing policies and public sentiment. For Maryland, it will break a vicious cycle among our youth and of violence in prisons. You moved this bill last Session and the House faltered. You were our example, and I am hopeful that you will stand up for this measure this year!

hb853 second chance petition JPR 3-25-2025.pdf

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Judicial Proceedings Committee
on
House Bill 853
March 25, 2025
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to support restorative justice for adjudicated individuals in Maryland. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with congregations in every jurisdiction of our State.

Our community observed the complex of criminal justice in 2013, and in Maryland we have had an authorized congregation of incarcerated people, women and men, at Jessup since 1985, the Community of St. Dysmas.

We note in *Hearing the Cries* (ELCA, 2013) that...*the vast majority of individuals who have committed crimes do not require or deserve institutional confinement.* One way to reduce the population of the incarcerated and inject a moment of reason into discourse about carceral policy and practice is to reduce sentences. Recently we supported another obvious reform opportunity, consideration of release of the aged and very ill.

House Bill 853 provides an additional option for reforming public carceral policy. Under a standard of having served at least twenty years of a sentence incarcerated individuals might be granted a right to a hearing to reduce their sentences.

At least two examples suggest themselves for such reconsiderations: 1} mandatory sentencing requirements that eliminated court discretion to consider a particular case's universe of circumstances; and 2} sentences levied according to now thoroughly discredited national and state criminal and penal projects. Either could be a swift remedy for chronic American ignominies of high incarceration rates (with accompanying egregious social disparities) and incessant prison overcrowding. There may be others...

The experience of our prison ministries is that there are prisoners who can be safely released into the community, and whose continued confinement would no longer serve any real purpose of justice. **House Bill 853** would facilitate reform by providing a standard for egregious sentencing mistakes and miscalculations.

We encourage your favorable report.

Lee Hudson

2nd Look Senate Mar 25, 2025(1).pdf

Uploaded by: Michele Kouadio

Position: FAV

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: Michele Kennedy-Kouadio

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Michele Kennedy-Kouadio, **am testifying in support of HB 853, the Maryland Second Look Act.** I am submitting this testimony as a mother of a son, wrongly charged, convicted and sentenced to 40 years. He has survived 8 years so far in a Maryland prison. This bill would be a welcome opportunity to allow him to rejoin his family and me before he perishes in a Maryland prison. Also, I am an active member of the Maryland Alliance for Justice Reform (MA4JR) and MD CURE.

I firmly believe that after having served decades of incarceration, all individuals in Maryland prisons should have the ability to demonstrate their growth and rehabilitation, and with an attorney present. In contrast, the current parole system does not allow the person in prison to have a representative or a lawyer present at the hearing before the commissioner and the release rate when first eligible for a parole hearing is under 10 percent for immediate release.

Although this bill creates an opportunity for some—to affect real change, more is needed. Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, (23% of Maryland's prison population are life sentences). Another 30% are seeing sentences between 20-50 years. DPSCS has neglected urgent staffing needs (30% understaffed according to AFSCME and the independent Moss report) and deteriorating prison facilities conditions (insufficient cooling during extreme heat and security apparatus that are non functional) are not able to safeguard staff and 16,000 people in Maryland prisons.

I urge you to vote **favorable with amendments.** The bill in its current form would exclude many deserving individuals from receiving an opportunity for a second look. I have come to know other justice reform advocates whose loved ones were sentenced for life without parole or were 25 or older at the time of the offense—their loved ones have transformed their lives or were found guilty and sentenced long term in a flawed system.

Anyone who has served 20 years and has met criteria including transformed behavior and posing no danger to public safety should have an opportunity for a judicial review.

The Juvenile Restoration Act (JRA), which HB 853 builds upon, banned Life Without Parole (LWOP) sentences for minors and gave those under 18 convicted as adults the chance to request a sentence reduction after serving 20 years, even if they were sentenced to LWOP. Excluding LWOP from the Second Look process while allowing it under the JRA just doesn't

make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking¹.

Also, (1) whether an LWOP sentence is imposed depends significantly on the jurisdiction and who was in office at the time, leading to jurisdictional disparities in Maryland (2) Women and criminalized survivors are much more likely to be older when they commit an offense. Limiting the age for second look will disproportionately exclude criminalized survivors, and (3) the Act would require the judge to consider the victim's input, should the victim or the victim's representative choose to offer a statement.

For these reasons, I encourage you to vote **favorably with amendments** on the **Maryland Second Look Act HB853**.

Thank you,

Michele Kennedy-Kouadio

¹ Martha Lally & Suzanne Valentine-French [Lifespan Development: A Psychological Perspective](#) (2025)

Maryland Catholic Conference_FAVHB853_ SENATE CROS

Uploaded by: Michelle Zelaya

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

March 25th, 2025

HB853

Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)
Judicial Proceedings Committee
Position: Favorable

The Maryland Catholic Conference offers this testimony in support of **House Bill 853**. The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

The Maryland Second Look Act allows individuals who have served at least 20 years of their confinement to petition the court for a sentence reduction. If the individual has previously petitioned, at least five years must have passed before filing a new petition. The court may reduce the sentence after a hearing if it determines that the individual is not a danger to the public, with a rebuttable presumption in favor of the petitioner under specific conditions. This legislation promotes justice and fairness by providing an opportunity for individuals to demonstrate their rehabilitation and reenter society after long periods of incarceration.

Catholic social teaching emphasizes the dignity of every human person, including those who have committed crimes. The Maryland Second Look Act reflects the Catholic principles of redemption, mercy, and restorative justice. The Catechism of the Catholic Church reminds us that "society pursues social justice, which is linked to the common good and to the exercise of authority, when it provides the conditions that allow associations and individuals to obtain what is their due." ("Compendium of the Catechism of the Catholic Church."). Demonstrating repentance and rehabilitation, aligning with the Church's belief in the transformative power of grace and human resilience. Additionally, this Act embodies the preferential option for the poor and vulnerable by addressing systemic inequities that often disproportionately affect marginalized groups in the criminal justice system. Supporting this legislation is a moral imperative to recognize the potential for redemption and to foster a just society that offers second chances to those who seek to rebuild their lives. It encourages a culture of hope, compassion, and healing while ensuring accountability and safety for all.

House Bill 853 can benefit communities by offering individuals who have demonstrated growth and rehabilitation an opportunity to reintegrate into society. It reduces the burden on the state's correctional system while fostering public safety through careful review processes. By prioritizing fairness and second chances, the Act can strengthen families and communities, reduce recidivism, and allow formerly incarcerated individuals to contribute to the economy and

society. Furthermore, it acknowledges that human beings are capable of change and can positively impact on their communities when given the opportunity.

For these reasons, the Maryland Catholic Conference urges a favorable report on **House Bill 853**.

Testimony - Onunaku.pdf

Uploaded by: Ngozi Lawal

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**Senate Judiciary Proceedings Committee
March 21, 2025**

SUPPORT

Submitted by: **Ngozi Lawal**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Ngozi Lawal, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as an impacted family member of a currently incarcerated person serving a life sentence in Maryland and as an advocate of inmate rehabilitation and community safety. I kindly ask that all Maryland House of Assembly lawmakers capable of voting on this bill vote in favor of the bill's passage.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation (e.g., through education, vocational training, and employment) such that they are no longer a threat to public safety, should have the opportunity for release.

My brother, Emeka Onunaku (Maryland Department of Corrections Number #267-778) has been incarcerated for first degree murder and has been serving a life sentence since 1996, a total of 28 years. Emeka is accountable for his wrongdoing; he has admitted, both in private as well as publicly, that he committed the killing and that it was heinous and horrible. It is worth noting that the murder victim broke-in and entered Emeka's home the day of the crime and that Emeka's infant daughter and the mother of the infant were in Emeka's home during this break-in and entry. Emeka had just turned 21 years old at that time. He is now 49 years old.

In addition to being accountable for his wrongdoing, Emeka has been improving himself and others in society. He completed his G.E.D. and graduated as valedictorian of his class. Also, during his time in prison, he completed multiple self-improvement programs. He has maintained a job for almost 10 years and has been infraction-free for over 10 years. However, appeals, post convictions, sentence modification requests have all been either denied or unanswered. Despite being behind bars, Emeka has undoubtedly contributed to society in a positive way. He has remained in his daughter's life over the 28 years and continues to be an active, present father. After I completed graduate school, he gave me step-by-step guidance on how to start my beauty business, a Color Me Beautiful franchise in Maryland, that I opened in 2006 and ran successfully until 2009. Along the way he provided me with insights on marketing, staff retention, financial management, and scaling that allowed me to open up my second store. I could not have become the **number one** selling franchise in the country in 2007 without his wisdom and intelligence. And now that I have two sons - ages 6 and 9 years old, he mentors them. His re-introduction to society would be non-violent and would result in a benefit to his community and society as a whole.

SB 291 is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004². Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black³, a huge disparity when compared to the only 31% of Black Marylanders in the general population⁴. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi⁵.

Given the tendency for people to age out of crime and the very low recidivism rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact public safety. For example, in the past 12 years since the Maryland Supreme Court held that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident⁶. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities decades earlier. We know many more men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you for your consideration,

Ngozi Onunaku Lawal

ngozi.lawal@gmail.com

617-851-8900 (cell)

¹ Maryland Rule 4-345

² Court of Appeals of Maryland Rules Order

³ MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics (2022)

⁴ United States Census Data (2021)

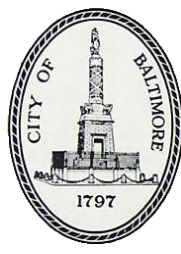
⁵ Justice Policy Institute Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland (2019)

⁶ Justice Policy Institute Fact Sheet: The Ungers (2018)

HB0853-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0853

March 25, 2025

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill 853 - Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) respectfully requests a **favorable** committee report on House Bill (HB) 853.

HB 853 authorizes incarcerated individuals convicted of a crime to petition for a reduced sentence subject to certain conditions in the circumstance that the individual can prove in a hearing that they have rehabilitated and do not pose a danger to the public. These conditions include serving in excess of 20 years of a sentence, not having made a petition within five years, and not having made more than three petitions to reduce sentence. Additionally, after serving an excess of 30 years or being above 60 years of age, HB 853 sets a rebuttable presumption in the aforementioned petitions that the defendant is not a danger to the public.

HB 853 marks a momentous step toward rehabilitative justice and ameliorating systemic inequities for Black Marylanders found in the state's criminal justice system. Notably, as of fiscal year 2023, the percentage of Maryland's incarcerated population who were black was 72.4%, the highest of any state and over double that of the national average. This is despite Black Marylanders representing less than one-third the total state population. Additionally, nearly 8 in 10 people who have served 10 years or more and were sentenced between the ages of 18-24 are Black. As a result, Black Marylanders have been disproportionately burdened with excessive sentencing and punitive incarceration. HB 853 would help to relieve over-incarceration and incentivize rehabilitation efforts among convicted individuals so they may one day reintegrate as contributing members of society.

For the above reasons, the BCA respectfully requests a **favorable** committee report on HB 853.

HB853 FAV.pdf

Uploaded by: Qamryn Askew

Position: FAV



Maryland Youth Advisory Council

c/o Governor's Office Children
100 Community Place,
Crownsville, MD 21032

Alex Hossainkhail, *Chair*

Thomas Evans, *Vice-Chair*
Folashade Epebinu, *Secretary*

March 25, 2025

Re: HB853 | Postconviction Review - Procedure to Reduce Duration of Sentence (Maryland Second Look Act)

Dear Chair Smith and Members of the Judicial Proceedings Committee,

The Maryland Youth Advisory Council prides itself on being a coalition of diverse young advocates and leaders who serve as a voice for youth in the state of Maryland. As leaders in our communities, and as appointees of the Governor, President of the Senate, Speaker of the House, Maryland Association of Student Councils, Maryland Higher Education Commission, and the University System of Maryland, we take every opportunity to address relevant issues by influencing legislation, spreading public awareness and serving as a liaison between youth and policymakers regarding issues facing youth.

HB 853 offers a great opportunity for justice, allowing individuals who have demonstrated rehabilitation and personal growth the ability to petition for a reduced sentence after serving at least 20 years of confinement.

Our criminal justice system must be dynamic, reflecting both accountability and the possibility of redemption. **HB 853** acknowledges that people are capable of change. By considering factors like age at the time of the offense, evidence of rehabilitation, participation in educational or vocational programs, and demonstrated maturity, this bill ensures that second chances are available to those who have earned them.

The bill maintains judicial discretion, as courts will carefully evaluate each petition on a case-by-case basis, considering the individual's rehabilitation efforts, public safety, and victim input. For individuals over 60 years old or those who have served 30 years or more, the presumption of non-dangerousness is a fair recognition of reduced recidivism rates among older incarcerated individuals. **HB 853** addresses the reality that racial and socioeconomic disparities are prevalent in sentencing¹. Providing a structured and

¹ "2023 Demographic Differences in Federal Sentencing." 2023. United States Sentencing Commission. November 9, 2023. <https://www.ussc.gov/research/research-reports/2023-demographic-differences-federal-sentencing?>

equitable mechanism for sentence reconsideration helps mitigate some of these injustices, fostering a more compassionate and fair legal system.

Supporting **HB 853** means supporting rehabilitation, public safety, and the belief that individuals can change. For these reasons, the council requests a favorable report on this bill. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Hossainkhail". The signature is fluid and cursive, with the first name "Alex" and the last name "Hossainkhail" clearly distinguishable.

Alex Hossainkhail
Maryland Youth Advisory Council

FINAL 2025 MD HB853 Testimony for Senate Judicial

Uploaded by: Robert Melvin

Position: FAV



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Testimony from:
Robert Melvin, Northeast Region Director, R Street Institute

Testimony in Support of HB 853: “Postconviction Review – Procedure to Reduce Duration of Sentence (Maryland Second Look Act).”

March 25, 2025

Senate Judicial Proceedings Committee

Chairman Smith and members of the committee,

My name is Robert Melvin, and I am the Northeast region director at the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. We engage in policy analysis and outreach promoting free markets, and limited, effective government in a variety of policy areas, including criminal justice reform and civil liberty issues. This is why we have a strong interest in House Bill 853, also known as the “Maryland Second Look Act.”

When done well, Second Look laws can save taxpayer dollars and better prioritize prison resources, without compromising public safety. HB 853 permits a defendant who was between the ages of 18 and 25 years old at time of an eligible conviction, or who committed a crime as a minor but was convicted as an adult, to request a sentence reduction after serving at least 20 years of their sentence.ⁱ Non-eligible convictions include those resulting in a sentence of life without parole as well as sex offense convictions. To avoid frivolous filings, the measure limits a defendant to three petitions and requires a three-year wait between filings.ⁱⁱ

Most importantly, it establishes a hearing process where the court considers defendant, prosecutor, and victim testimony.ⁱⁱⁱ During the hearing, certain factors are considered by the court, including the individual’s age at the time of the offense, nature of the offense, participation in educational and rehabilitation programs, statements from victims, and circumstances at the time of arrest.^{iv} Moreover, it also grants discretion to the court to impose any conditions of release necessary to promote victim safety and peace of mind.^v These precautions help ensure a system where courts examine if incarceration remains prudent from both public safety and economic angles.

With many states, including Maryland, facing issues with prison overcrowding, correctional officer (CO) staff shortages, and the growing costs to incarcerate individuals, Second Look laws provide a fiscally responsible solution to these growing economic challenges.^{vi} In Maryland, the current inmate population statistics show that there are approximately 15,000 individuals incarcerated in state facilities.^{vii} The number of prisoners has been growing, and in 2023, the prisoner population increased by 641 and continues unabated.^{viii} Coupled with the problem of hiring an adequate number of correctional

officers, with CO vacancy rates growing from 11.1 percent to 12.7 percent, it creates a considerable issue with ensuring that there are appropriate levels of staff to supervise the inmate population.^{ix} That being said, there are substantial costs related to prisoner retention that must be factored into this equation as well.

In Maryland the state spends around \$114,000 annually per prisoner.^x The growing costs are also exacerbated by a prison population that increasingly requires more medical care as they age.^{xi} By adopting HB 853, the state could experience significant savings by shrinking the inmate population, and it would help decrease the pressure on the Department of Public Safety and Correctional Services with respect to hiring of correctional officers. While economic concerns are an important factor, we must not overlook the public safety considerations.

This proposal would also encourage better prisoner behavior and their participation in rehabilitation programs by providing these individuals with the prospect of sentence reconsideration if they make progress.^{xii} This approach helps reduce the chances of reoffending after an individual is released, while excessive sentences have the opposite effect.^{xiii} Most importantly, research demonstrates that recidivism rates contract by large margins with age, with most “criminal careers, concluding within 10 years.”^{xiv} Moreover, individuals who are incarcerated for long durations as they tend to age out of participating in criminal activity by their late 30s.^{xv} This evidence proves that public safety is maintained even when Second Look laws are adopted, but it’s not without its detractors and allows for victim input in the reconsideration process.

If Maryland adopts HB 853, it would not be the first state to do so. The District of Columbia and at least 11 other states have enacted Second Look laws, with five states also authorizing prosecutor-led efforts.^{xvi} Almost all stipulate that a large chunk of the sentence has already been served to be eligible.^{xvii}

House Bill 853 carefully balances economic and public safety considerations. It will alleviate the issues related to continued growth in prisoner numbers and rising costs of housing inmates, thereby helping Maryland rein in this growing fiscal challenge. Additionally, it’s done with appropriate guardrails that don’t jeopardize safety of the public. For these reasons, we respectfully urge a favorable report for HB 853.

Thank you,

Robert Melvin
Northeast Region State Government Affairs Director
R Street Institute
rmelvin@rstreet.org

ⁱ Maryland General Assembly, 2025 Legislative Session, House Bill 853, Last Accessed March 20, 2025: <https://mgaleg.maryland.gov/mgawebbsite/Legislation/Details/HB0853>

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v Ibid.

^{vi} Erica Bryant, “Corrections Staffing Shortages Offer Chance to Rethink Prison: A Staffing crisis has created dangerous conditions in prisons. To create safety, reduce the number of people entering prison, and release

people who can safely return home,” Vera Institute, November 1, 2024: <https://www.vera.org/news/corrections-staffing-shortages-offer-chance-to-rethink-prison#:~:text=Prisons%20across%20the%20country%20are,lockdowns%20are%20becoming%20the%20norm.>

^{vii} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, page 5, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^{viii} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, pp 3-4, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^{ix} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, page 3, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^x USA Facts team, “How much do states spend on prisoners?,” USA Facts, April 17, 2024: <https://usafacts.org/articles/how-much-do-states-spend-on-prisons/>

^{xi} Matt McKillop, and Alex Boucher, “Aging Prison Populations Drive Up Costs,” Pew Charitable Trust, February 20, 2018: <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>

^{xii} JaneAnne Murray, et al., “Second Look=Second Chance: Turning The Tide Through NACDL’s Model Second Look Legislation,” National Association of Criminal Defense Lawyers, 2021: <https://www.nacdl.org/getattachment/c0269ccf-831b-4266-bbaf-76679aa83589/second-look-second-chance-the-nacdl-model-second-look-legislation.pdf>

^{xiii} Gordon B Dahl, and Magne Mogstad, “The Benefits of Rehabilitative Incarceration,” National Bureau of Economic Research, April 6, 2020: <https://www.nber.org/reporter/2020number1/benefits-rehabilitative-incarceration>

Hilde Wermink, et al., “Short-Term Effects of Imprisonment Length on Recidivism in the Netherlands,” Sage Journals, January 2017:

<https://pmc.ncbi.nlm.nih.gov/articles/PMC5971372/#:~:text=Findings%20indicate%20that%20length%20of,and%20economic%20costs%20of%20imprisonment.>

^{xiv} Alex R. Piquero, et al., “Study Group on the Transitions between Juvenile Delinquency and Adult Crime,” U.S. Department of Justice Office of Justice Programs, July 2013: <https://www.ojp.gov/pdffiles1/nij/grants/242932.pdf>

^{xv} Liz Komar, et al., “Counting Down: Paths to a 20-Year Maximum Prison Sentence,” The Sentencing Project, February 15, 2023: <https://www.sentencingproject.org/reports/counting-down-paths-to-a-20-year-maximum-prison-sentence/>

^{xvi} Becky Feldman, “The Second Look Movement: A Review of the Nation’s Sentence Review Laws,” The Sentencing Project, May 15, 2024: <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>

For the People, “Frequently Asked Questions about Prosecutor-Initiated Resentencing,” Last accessed January 28, 2025: <https://www.fortheppl.org/faqs>

^{xvii} Ibid.

S. Varghese Testimony - HB 0853 - Petition to Redu

Uploaded by: Shaina Varghese

Position: FAV



AMERICAN UNIVERSITY

WASHINGTON, D C

Clinical Program

March 25, 2025
Senate – Judicial Proceedings

**Testimony In SUPPORT of HB – 853– Postconviction Review –
Procedure to Reduce Duration of Sentence (Maryland Second Look Act)**

**Submitted by: Shaina Varghese
Student Attorney, Decarceration and Re-Entry Clinic
American University Washington College of Law**

My name is Shaina Varghese, and I am a third-year law student at the American University Washington College of Law testifying as a student-attorney on behalf of the Decarceration and Re-Entry Clinic in support of House Bill 853. Our clinic represents men and women who have served decades in Maryland prisons before the courts and before the Maryland Parole Commission.

It is well known that the United States of America is the world’s leader in mass incarceration, with our country’s prison population increasing by 500% over the last forty years.¹ This phenomenon exists despite the fact that crime, in particular violent crime, has been significantly declining over the past several decades.² This mass increase in incarceration is a direct result of sentencing law rather than the reality of crime rates in the community. Maryland is a national leader in perpetuating mass incarceration. Maryland’s prison rates have increased drastically over the last 40 years³, with the state incarcerating a higher percentage of its citizens than almost any democratic country on earth.⁴

The most obvious drawback of this phenomenon is the financial strain Maryland’s incarceration rate has on Maryland taxpayers. Maryland has one of the highest costs per incarcerated individual in the country, spending approximately 114,000 dollars per incarcerated individual per year, which is one of the highest rates in the country.⁵

¹ The Sentencing Project, *Trends in U.S. Corrections*, at 2 (June 2019),
<https://www.ala.org/sites/default/files/aboutala/content/Trends-in-US-Corrections.pdf>.

² John Gramlich, *What the Data Says About Crime in the U.S.*, Pew Research Center (Apr. 24, 2024)
<https://www.pewresearch.org/short-reads/2024/04/24/what-the-data-says-about-crime-in-the-us/> (reporting that per the Bureau of Justice statistics, the U.S. violent and property crime rates each fell 71% between 1993 and 2022).

³ *Maryland's Prison and Jail Incarceration Rates, 1978-2022*, Prison Policy Initiative (April 2024)
https://www.prisonpolicy.org/graphs/jails2024/MD_incarceration_rates_1978-2022.html.

⁴ Department of Public Safety and Correctional Services Operating Budget Analysis (2024),
<https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf>;
Emily Widra, *States of Incarceration: The Global Context 2024*, Prison Policy Initiative (June 2024)
<https://www.prisonpolicy.org/global/2024.html>.

⁵ Bruno Venditti, *Mapped: U.S. States by Cost Per Prisoner*, Visual Capitalist (June 9, 2024)
<https://www.visualcapitalist.com/cost-per-prisoner-in-us-states/>.

An even more troubling result of Maryland’s mass incarceration crisis is its perpetuation of racism. The racial disparity in Maryland in prisons is higher than any other state and double the national average, with more than 70 percent of Maryland’s prison population composed of Black individuals.⁶ In comparison, the national average of Black individuals incarcerated is 32 percent, and Black individuals make up only 31 percent of Maryland’s population.⁷ These racial inequalities have a disproportionate effect on individuals serving long sentences; nearly 8 in 10 people who were incarcerated between the ages of 18 to 24 years old and have served 10 or more years in a Maryland prison are Black.⁸

House Bill 853 is a promising solution to Maryland’s mass incarceration crisis.⁹ While our clinic firmly believes that all individuals are capable of rehabilitation and therefore all individuals should be given an opportunity to be considered under this bill, this bill provides many individuals a pathway to request judicial review of their sentence. The bill is not a “get out of jail free card”; rather, the bill allows for individuals who have been rehabilitated and have transformed their lives after decades in prison to have a meaningful avenue for release. Currently in Maryland law, a judge can only consider a motion for reconsideration of a sentence for 5 years from the sentencing date before issuing a decision. As a result, there is currently no mechanism for individuals serving lengthy sentences to petition for judicial sentence review based on demonstrated, long-term rehabilitation. As a result, not only will House Bill 853 address Maryland’s mass incarceration crisis, but it will also incentivize individuals to demonstrate personal growth and rehabilitation with this new pathway for well-deserved sentence reduction.

House Bill 853 is supported by the success of Maryland’s Juvenile Restoration Act, along with data from the *Unger* population. In 2021, Maryland’s legislature passed the Juvenile Restoration Act.¹⁰ The statute allows for individuals who have served at least 20 years of a sentence for a crime that occurred when they were under the age of 18 to file a motion for reduction of sentence. 24 individuals were released through the Juvenile Restoration Act in its first year; as of October 2022, none of these 24 individuals were charged with a new crime or found to have violated probation.¹¹

In addition, the *Unger* population is particularly instructive here.¹² After the Maryland Court of Appeals held that improper jury instructions invalidated the life with parole sentences of 235 people, 192 of them were released. The average age of these individuals when sentenced was 24, and they spent an average of 40 years behind bars. Since their release, less than 4 percent have returned to prison; in addition, it is estimated that the release of these individuals has saved Maryland 185 million dollars. This is a real-life case study, proving individuals who have served

⁶ *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, Justice Policy Institute, at 3 (Nov. 2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁷ *Id.*

⁸ *Id.*

⁹ H.B. 0853, 2025 Gen. Assemb., Reg. Sess. (Md. 2025).

¹⁰ Md. Code, Crim. Proc. § 8-110.

¹¹ See Maryland Office of the Public Defender, *The Juvenile Restoration Act Year One — October 1, 2021 to September 30, 2022* (Oct. 2022), https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf.

¹² The Justice Policy Institute, *The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars* (Nov. 2018), https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf.

lengthy sentences have low rates of recidivism; rather, releasing them is in the best interests of the state of Maryland in both promoting justice and saving taxpayer dollars.

With both Maryland's Juvenile Restoration Act and the *Unger* population proving the positive benefits of sentence review for individuals who have served lengthy sentences, the relief requested in this bill is not based on theory. Rather, it is based on concrete data with proven success with individuals in our state. As a result, we implore the legislature to vote in favor of House Bill 853 to make this vision of justice and second chances a reality.

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JPI HB853.Second Look.2025 OpChamber.pdf

Uploaded by: T. Shekhinah Braveheart

Position: FAV



TESTIMONY BY T. SHEKHINAH BRAVEHEART

Advocacy Associate, Justice Policy Institute

HB 853

Judicial Proceedings

Maryland Second Look Act

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee thank you for the opportunity to submit testimony in strong support of HB 853. I am Shekhinah Braveheart with the Justice Policy Institute (JPI), a national nonprofit organization founded in 1997 dedicated to developing practical solutions to problems plaguing juvenile and criminal legal systems.

The Second Look Act aims to reduce inefficiencies in Maryland's judicial and parole systems while helping Maryland move towards a more just criminal legal system that balances public safety with the recognition that rehabilitation is possible. It promotes fairness and supports public safety by focusing on individuals unlikely to re-offend.

When there is harm, There Needs to Be Repair. Currently, judges may only hold a motion for reconsideration of a sentence for 5 years from the sentencing date before issuing a decision. This limitation has prevented many long-sentenced individuals from asking the court to reconsider their sentence after a lengthy period of demonstrated rehabilitation. No other mechanisms in Maryland law allow an individual to go back into court for judicial sentence review based on demonstrated rehabilitation.

JPI's recent publication, [*Safe at Home: Improving Maryland's Parole Release Decision Making*](#), offers a comprehensive assessment of Maryland's parole system, delving deep into the systemic issues that have plagued release decision-making processes for decades. Between 2017 and 2021, the average parole grant rate was 39.7 percent. However, these rates sharply decline as the "time served" and the petitioner's age

increase. For instance, after 20 years of incarceration, the grant rate plummets to 22 percent, further dropping to 5.6 percent after 50 years of time served.

This trend of imposing stricter release criteria on older individuals with lengthy prison terms contradicts well-established research indicating that criminal activity tends to decline significantly after the age of 40, leading to reduced recidivism rates. Despite rehabilitative success and program completion, long-sentenced individuals eligible for parole often face bureaucratic delays and repeated recommendations for "re-hearings," enduring 3 to 8 parole hearings throughout their incarceration. This situation highlights the dysfunctionality of the parole system, characterized by inefficiencies and a lack of responsiveness to rehabilitation efforts.

Reasons to Support Second Look

HB 853 allows individuals to showcase their personal growth and transformation. It also offers the opportunity to address deeply entrenched racially biased incarceration and parole denial patterns while posing minimal risks to public safety and fostering community strength. Additionally, there is substantial public support for releasing individuals deemed low risk for reoffending.

Despite these facts, the Maryland Parole Commission (MPC) has persistently obstructed the path to exit for deserving individuals, a practice that is incongruent with the realities outlined above. This underscores the urgent need for the state to explore and implement alternative options.

JPI reported in [Rethinking Approaches to Over-incarceration of Black Young Adults in Maryland](#) that nearly 50 percent of people serving the longest prison terms in Maryland were initially incarcerated as emerging adults. People who committed crimes when they were under the age of 25 have a greater capacity to change and grow over time. Most people who commit serious crimes naturally grow out of that behavior as they mature and become less likely to re-offend. Continuing to incarcerate people unnecessarily wastes taxpayer money that could otherwise be spent on things that prevent crime and protect public safety.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black¹, a huge disparity when compared to the only 31% of Black Marylanders in the general population. Maryland also leads the nation in sentencing

young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi.

This bill has profound racial justice implications as Maryland leads the nation in sentencing young Black men to the most extended prison terms. At a rate 25 percent higher than the next most racially disparate state, Mississippi, Maryland's restrictive release policies for this specific population are an obstacle to remedying this situation. It exacerbates the long-standing disparities in the prison system. According to data collected in 2020, of the men over 60 years old in Maryland's prison system who have served at least 20 years, 54 percent were Black – HB 853 could correct this wrongdoing by allowing judges to have the option to consider resentencing.

Nationally, people who have been released through Second Look Laws have extremely low rates of reoffending, and many are now working to improve their community's safety by working as mentors with the highest at-risk youth. We have experienced this in Maryland with the passage of the Juvenile Restoration Act (JRA). Those granted a re-sentencing are thriving as community members; to date, none have recidivated. Washington DC's Incarceration Reduction Act (IRAA/SLAA) resulted in 225 individuals being released with just under 6 percent recidivism measured as re-arrest/violation.

Under the D.C. Second Look Amendment Act (2021), Ned McAllister was released after 27 years. His case highlighted his transformation, training as a carpenter, mentoring younger inmates, and maintaining strong family connections. His release demonstrated how long-term sentences often fail to account for personal growth and diminishing returns of incarceration over time. Studies show that [long sentences are not only costly but ineffective](#) in deterring crime compared to investments in rehabilitation and community support.

The Act would require that victims receive notice of a resentencing hearing and obligate the Judge to consider the victim's input if the victim or their representative chooses to offer a statement. Importantly, victims would not be required to return to court or participate in any way if they decide not to. Additionally, victims prefer, by a ratio of 2 to 1, a criminal justice system that emphasizes rehabilitation for those who commit crimes over punishment.

According to a 2022 poll conducted by political and public affairs survey research firm Public Opinion Strategies, American voters supported “Second Look Laws” by a two-to-one margin, and by more than two-to-one, voters believe people should be considered for early release if they are unlikely to commit future crimes. Thus prioritizing public safety over prolonged “punishment.”

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 853**.

ⁱ [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics](#) (2022)

Testimony in Support of Second Look Sentencing.pdf

Uploaded by: Terrell Peters

Position: FAV

[HB853 Maryland Second Look Act](#)

Senate Judicial Proceedings Committee Hearing (Hearing on Tuesday, 3/25 at 1 pm)

Testimony in Support of Second Look Sentencing

By Terrell Peters
Friday, March 21, 2025

My name is Terrell Peters, and I am the Campaign and Advocacy Fellow at DC Justice Lab. I am also an ardent advocate, a proud member of the FreeMinds Book Club, Voices for a Second Chance, and a Second Look Project DC client. I stand before you today as living proof of what proper redemption looks like.

We are having this conversation because we now understand how young adolescent minds operate. Science has made it undeniable that the human brain—particularly the prefrontal cortex, responsible for decision-making and impulse control—is not fully developed in young people. If you oppose Second Look amendments, you are either ignoring this science, failing to understand it, or actively choosing to uphold a criminal legal system rooted in racial injustice.

I urge you to consider what it means to navigate life without a fully developed frontal lobe—the very part of the brain responsible for rational decision-making. Adolescents and young adults do not process consequences like fully matured adults, so they are more prone to impulsive actions. However, impulsive mistakes should not define a person for life. Growth is possible. Transformation is real. In DC, there is a 97% success rate for IRAA (Incarceration Reduction Amend Act) returnees. This is a testament to having second looks and second chances.

And to Delegate Mike Griffith—I say to you directly: **we are not monsters**. We are human beings, more than the worst thing we have ever done. We deserve the chance to prove that. A Second Look is not just about mercy—it's about justice.

Terrell Peters, Campaign and Advocacy Fellow, DC Justice Lab

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ADuncan - TESTIMONY ON HB 853.pdf

Uploaded by: Ann Duncan

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: **Ann Duncan**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Ann Duncan am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as Executive Director of the Goucher Prison Education Partnership (GPEP). In this capacity I work with approximately 130 incarcerated students, many of whom would be directly impacted by this act. Goucher students at Maryland Correctional Institute for Women (MCIW) and Maryland Correctional Institute Jessup (MCI-J) work towards their B.A. degree while also working full-time, saving money to send home to families, and acting as mentors and leaders in their institutions. As a teacher and as Executive Director in GPEP I have seen first-hand the transformation that these individuals have gone through in their education and the deep desire they have to get back home and make a positive impact in their community. Those who have returned home show what this looks like – we have former students working towards graduate degrees, serving on the Governor’s Lived Experience Committee, working for the Vera Institute for Justice, and Edu Trust, running their own businesses, starting families, and working as community organizers. None of them have returned to prison.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look under this bill. However to affect real change, more is needed, as Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, at a rate 25% higher than the next nearest state, Mississippi.

I urge you to vote **favorable with amendments**. As the current bill language stands, it excludes many of our students who are serving life without parole, individuals over 24 at the time of their offense and individuals incarcerated for a sex offense. I think in particular of our female students who, statistics show, are more likely to have committed crimes as the result of experienced trauma and abuse and, as a result, more likely to have committed crimes at older ages. I think also of students with sex offense crimes and life sentences who have demonstrated just as much rehabilitation and change as those with other crimes and sentences. I firmly believe we should trust our judges to consider all relevant factors, as this Act requires, and make a fair judgment and not unnecessarily limit who will be given this opportunity.

The Juvenile Restoration Act, which HB 853 builds upon, banned Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process while

allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking.

For these reasons, I encourage you to vote **favorably with amendments** on the **Maryland Second Look Act HB853**.

Thank you.

Gibson-Banks Center Testimony - HB 853.pdf

Uploaded by: Brandon Miller

Position: FWA

**Testimony Concerning House Bill 853
Postconviction Review – Procedure to Reduce Duration of Sentence (Maryland Second
Look Act)
Position: Favorable with Amendments**

To: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Members of the Judicial Proceedings Committee

From: Brandon Miller, Ereik L. Barron Fellow, Monique L. Dixon, Executive Director,
and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: March 21, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit testimony in support of House Bill 853 (“HB 853”), which would, among other things, allow certain individuals who are incarcerated and have served at least 20 years of their sentence to file a motion with a court to reduce the sentence. We urge the committee to issue a favorable with amendments report on HB 853. Specifically, we urge you to restore the language of HB 853 as originally introduced this legislative session, which would, among other things, allow more individuals who have served more than 20 years to petition a court for a reduction of sentence. With these amendments, the bill would also: (1) help to address mass incarceration in Maryland, which disproportionately burdens Black people with long prison sentences, and open pathways for individuals’ release from prisons; and (2) contribute to building safe communities.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the criminal legal system. The Gibson-Banks Center has served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC aims to

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.

research, develop, and recommend reforms that reduce the racial disparities in Maryland's incarcerated population. On March 13, 2025, the MEJC released a report that recommended the expansion of second look laws in Maryland, in addition to 17 other measures, as an important step toward ending mass incarceration.²

HB 853 Both Helps to Address Mass Incarceration in Maryland, Which Disproportionately Burdens Black People with Long Prison Sentences, and Open Pathways for Individuals' Release from Prisons

1. Addressing Racially Disproportionate Long Prison Sentences

Long prison sentences are a cornerstone of the system of racialized mass incarceration in Maryland. Over 70% of people in Maryland prisons and almost 8 out of 10 people who have served 10 years or more, are Black, even though they comprise only 30% of the state's population.³ Maryland has the highest racial disparity among Black persons who are in prison and among those serving long sentences than any state in the country.⁴ Of those individuals serving the longest sentences, 41% are Black men who were young adults (under age 25) when they were sentenced.⁵ Accordingly, Black people in Maryland receive the harshest sentences and languish in prison for the longest periods of time. For example, Black people overwhelmingly comprise the population of people serving life sentences and sentences reaching 50 years or longer.⁶

In Maryland, and throughout the United States, the impulses and intuitions which drive the current reliance on long prison sentences are rooted in a racially repressive paradigm of criminal justice. The tough-on-crime policy agenda which took hold decades ago has conditioned the public and decision-makers to view long prison terms as indispensable for protecting society from violent individuals. Since its origin as a strategy for combatting the civil rights era's advances in racial equality, the tough-on-crime paradigm has relied on racially charged notions that Black people were violent and lawless, particularly those who engaged in civil disobedience to combat racial injustices.⁷ This policy agenda advanced further with a school of criminological

² MARYLAND EQUITABLE JUSTICE COLLABORATIVE, BREAKING THE 71%: A PATH TOWARD RACIAL EQUITY IN THE CRIMINAL LEGAL SYSTEM 10 (2025), https://www.marylandattorneygeneral.gov/reports/MEJC_Report.pdf.

³ *Id.* at 7; JUSTICE POLICY INSTITUTE, RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND 3, 7-8 (2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁴ Justice Policy Institute, *supra* note 3, at 3, 7.

⁵ *Id.* at 7.

⁶ THE SENTENCING PROJECT, A MATTER OF LIFE: THE SCOPE AND IMPACT OF LIFE AND LONG TERM IMPRISONMENT IN THE UNITED STATES 14 (2025), <https://www.sentencingproject.org/app/uploads/2025/01/A-Matter-of-Life-The-Scope-and-Impact-of-Life-and-Long-Term-Imprisonment-in-the-United-States.pdf>.

⁷ See Vesla Mae Weaver, *Frontlash: Race and the Development of Punitive Crime Policy*, 21 STUDIES IN AMERICAN POLITICAL DEVELOPMENT 230, 247-253 (2007), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/9744286F944F1A250B94CD3AFB1A6021/S0898588X07000211a.pdf/frontlash-race-and-the-development-of-punitive-crime-policy.pdf>.

research invested in the representation of Black people and other people of color as prone to crime due to biological inferiority.⁸

Also, the influential “superpredator” theory put forth by John Dilulio Jr. in the mid-1990s (when he was a professor at Princeton University), and later abandoned by him, is a prominent example of how racialized concepts shape criminal justice outcomes and become internalized by decision-makers such as prosecutors and judges.⁹ These racialized discourses also led to the passage of tough-on-crime laws, such as the federal Violent Crime Control and Law Enforcement Act of 1994, which included mandatory sentences for certain crimes.¹⁰

Fortunately, efforts are underway at the federal and state levels to end mass incarceration and racial disparities resulting from long prison sentences.¹¹ HB 853 would add Maryland to these efforts. Because racial disparities in prison populations increase with sentence length,¹² HB 853, which would allow a person who has served at least 20 years to file a motion with a court to reduce the sentence, would thereby help reduce racial disparities in Maryland prisons.¹³

Additionally, HB 853 is part of a burgeoning movement in the United States to implement second look laws to address the ravages of mass incarceration and to provide a meaningful mechanism of release for individuals who have aged, accomplished, and rehabilitated over decades. The American Law Institute, a nonpartisan organization of legal experts dedicated to clarifying and modernizing the law, endorses second look legislation, such as HB 853, reasoning that punishments which may appear justified in one era, may later be revealed as unjust.¹⁴ HB 853 could help ensure that sentences whose severity reflects the influence of a previous era’s racialized discourses are subject to the scrutiny of a reviewing court tasked with considering a holistic assessment of the individual’s progress over the course of at

⁸ See JEROME G. MILLER, SEARCH AND DESTROY: AFRICAN AMERICAN MALES IN THE CRIMINAL JUSTICE SYSTEM 178-216 (1996) (discussing research that provided genetic explanations for crime that insinuate Black people are innately crime-prone, such as the 1985 book *Crime and Human Nature* by James Q. Wilson and Richard Herrnstein).

⁹ See, e.g., THE SENTENCING PROJECT, A SECOND LOOK AT INJUSTICE 13 (2021) (quoting a Chicago attorney who explained that the “superpredator” term “had a profound effect on the way in which judges and prosecutors viewed my clients.”), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>; Carroll Bogert & Lynnell Hancock, *The Media Myth That Demonized a Generation of Black Youth*, THE MARSHALL PROJECT (Nov. 20, 2020), <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>.

¹⁰ Violent Crime Control and Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994).

¹¹ See, e.g., Jessie Brenner & Stephanie Wylie, *Analyzing the First Step Act’s Impact on Criminal Justice*, BRENNAN CENTER FOR JUSTICE (Aug. 20, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/analyzing-first-step-acts-impact-criminal-justice> (discussing the First Step Act of 2018, which reduced mandatory minimums for certain drug offenses and allowed federal prisoners to file compassionate release petitions on their own behalf, among other things).

¹² THE SENTENCING PROJECT, THE SECOND LOOK MOVEMENT: A REVIEW OF THE NATION’S SENTENCE REVIEW LAWS 10 (2024), <https://www.sentencingproject.org/app/uploads/2024/05/Second-Look-Movement.pdf>.

¹³ NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, REDUCING RACIAL INEQUALITY IN CRIME AND JUSTICE: SCIENCE, PRACTICE, AND POLICY 308 (2023), <https://nap.nationalacademies.org/read/26705/chapter/10#308> (stating that second look provisions for long sentences could reduce racial disparities in long prison sentences).

¹⁴ MODEL PENAL CODE: SENTENCING § 305.6(b) and 564-70 (Proposed Final Draft Apr. 10, 2017), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-02/mpcs_proposed_final_draft.pdf.

least 20 years. Maryland judges who review sentences, confronted with evidence of petitioning individuals' growth, change, and accomplishment, would be better positioned to reassess many extreme sentences imposed disproportionately on Black people and other people of color, and reconsider these sentences in light of the petitioning individuals' progress as well as the interests of justice and public safety.

2. Opening Pathways to Individuals' Release from Prisons

HB 853 offers a new pathway for people in Maryland's prisons to petition the sentencing court for a reduction of the sentence. Under current court rules, a person who has been sentenced to a term of years may file a motion requesting a sentence modification no longer than 90 days after the sentence was imposed.¹⁵ The Court then has "revisory power" over the sentence for five years—after five years, the sentence cannot be modified.¹⁶ Maryland courts' limited ability to revise sentences has deprived individuals in state prisons of the opportunity to return to court decades later and request a sentence modification based on demonstrated rehabilitation. Instead, persons who are incarcerated rely on the Maryland parole system, which has a track record of not granting parole, particularly for older individuals serving long sentences.

The problem of widespread and racially disproportionate long prison sentences in Maryland reproduces itself partly through the decline of back-end release mechanisms such as parole. Maryland's parole system is particularly restrictive as applied to older individuals and individuals serving the longest sentences. While between 2017 and 2021 the average parole grant rate was 39.6 percent, grant rates decreased sharply as time served and the petitioner's age increased.¹⁷ For example, the grant rate for individuals over age 60 was just 28 percent and the grant rate for individuals who served over 50 years was a dismal 5.6 percent.¹⁸

Withholding parole from eligible individuals who are aging and people with longer prison terms leads to unnecessarily long sentences that waste taxpayer dollars on warehousing individuals who have aged out of crime and are no longer a risk to public safety.¹⁹ HB 853 would in effect expand the court's role as a forum for individuals to make their case for their rehabilitation and transformation.

HB 853 Will Contribute to Building Safe Communities

HB 853 is also needed as a step toward repairing the harm that mass incarceration wreaks in Black and other impacted communities. Each year, Maryland taxpayers pay around \$60,000 per

¹⁵ MD R. CRIM. CAUSES, RULE 4-345(e)(1) (2023).

¹⁶ *Id.*

¹⁷ JUSTICE POLICY INSTITUTE, SAFE AT HOME: IMPROVING MARYLAND'S PAROLE RELEASE DECISION MAKING 16 (2023), <https://justicepolicy.org/wp-content/uploads/2023/05/Safe-At-Home.pdf>.

¹⁸ *Id.* at 17.

¹⁹ THE SENTENCING PROJECT, A SECOND LOOK AT INJUSTICE 10 (2021) (discussing the concept of the "age-crime curve" and explaining that "[a]ging out of crime is a key reason why people who have been imprisoned for violent crimes—who generally serve longer sentences—are the least likely to recidivate when released from prison."), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>.

incarcerated individual.²⁰ HB 853 holds the promise of releasing people from Maryland prisons, thereby saving costs that could be devoted to areas such as housing, education, employment, and public health. HB 853 would contribute to restoring Maryland communities that currently suffer the effects of a bloated and self-perpetuating carceral system.

Moreover, judges' decisions to release individuals would have more immediate, on the ground effects that would promote public safety. HB 853 would help reunite families and the networks of friends and other loved ones divided by incarceration. It would reintegrate thoughtful, skilled, and talented individuals who would be able to contribute to their communities. We need look no further than the Maryland Juvenile Restoration Act²¹ and the *Unger v. State of Maryland*²² decision for proof that citizens returning from long prison sentences are invaluable assets to their communities. The remarkably low recidivism rates of decarceration efforts in Maryland is further evidence that reducing the prison population is consistent with public safety and community welfare,²³ and counsels support for HB 853 as a matter of wise, and racially equitable, public policy.

A serious commitment to ending mass incarceration requires tackling the problem of long prison sentences. In recent years, Maryland has made major progress toward shifting away from punitive and counterproductive criminal justice policy with legislation such as the Justice Reinvestment Act²⁴ and the Juvenile Restoration Act. However, the system of mass incarceration will remain intact unless second chances are extended beyond persons serving sentences for nonviolent drug crimes and for crimes they committed when they were children or youth. In expanding opportunities for individuals to access second chances, HB 853, particularly the version of the bill that was originally introduced, prior to the current amendments, represents a

²⁰ Fiscal and Policy Note for HB 118, at 5, 2024 Leg., 446th Sess. (Md. 2024), https://mgaleg.maryland.gov/2024RS/fnotes/bil_0008/hb0118.pdf (“[C]urrently, the average total cost to house a State incarcerated individual in a Division of Correction facility, including overhead, is estimated at \$5,110 per month.”).

²¹ Md. Code Ann., Crim. Proc. § 8-110 (permitting people who have been imprisoned at least 20 years for crimes committed when they were minors to file a motion to reduce their sentence).

²² In *Unger v. State*, 48 A.3d 242 (Md. 2012), Maryland’s highest court made retroactive a 1980 decision that had invalidated improper jury instructions, leading to new trials and the release of 200 older individuals from Maryland prisons, the vast majority of whom were serving life with parole sentences. See Michael A. Milleman, Jennifer Elisa Chapman, & Samuel Feder, *Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story*, 21 U. MD. L. J. OF RACE, RELIGION, GENDER & CLASS 185 (2021), U of Maryland Legal Studies Research Paper No. 2022-03, <https://ssrn.com/abstract=4069563>.

²³ See, e.g., THE SENTENCING PROJECT, *Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems*, 2 (Mar. 21, 2024) (“Maryland’s real-life experiment of releasing people from medium and maximum-security prisons, who had been incarcerated for decades for the most serious crimes, demonstrates that people age out of crime and can be safely released back into our communities. As of March 2024, the recidivism rate for new convictions is 3.5% for all 200 individuals released under *Unger v. State*.”), <https://www.sentencingproject.org/fact-sheet/second-look-laws-are-an-effective-solution-to-reconsider-extreme-sentences-amidst-failing-parole-systems/>.

²⁴ The Justice Reinvestment Act, S.B. 1005, 2016 Leg., 436th Sess. (Md. 2016), https://mgaleg.maryland.gov/2016RS/chapters_noln/Ch_515_sb1005E.pdf. The Act is a package of criminal justice reforms aimed at addressing the incarceration rate of people convicted of nonviolent offenses and the disproportionate punishments for technical violations, among other things. Specific measures include restricting mandatory minimum sentencing for certain drug crimes and establishing a process for administrative release for certain individuals convicted of nonviolent offenses.

critical mechanism for reducing mass incarceration, advancing racial justice, and building safer communities. For these reasons, we ask for a favorable with amendments report on HB 853.

Maryland Second Look Support Letter with Amendment

Uploaded by: Brashani Reece

Position: FWA



**TESTIMONY ON HB853 - Favorable With Amendments
MARYLAND SECOND LOOK ACT
Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Dr. Brashani Reece, Alexandra Bailey

Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

We, Dr. Reece and Ms. Bailey, are testifying in support of HB853, the Maryland Second Look Act.

Dr. Reece is the Executive Director of Drop LWOP New England, an organization dedicated to restoring hope to incarcerated people serving life sentences in the six New England states. Dr. Reece is a survivor of attempted murder and has a loved one currently serving a life without parole sentence.

Alexandra Bailey is the Chair of the Board of Directors for Drop LWOP New England. She is also a two-time survivor of domestic violence, and child sexual abuse survivor. Her loved one is also serving a life without parole sentence.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. We firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

Given the tendency for people to age out of crime and the very low recidivism rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact public safety. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case *Maryland v Unger*, who have a less than 4% recidivism rate¹. **With the release of the Ungers, the state saved a projected \$185 million that would have been spent on keeping them incarcerated.**² We know many more men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

For these reasons, and so many others, we encourage you to vote **favorably** on the **Maryland Second Look Act HB853**. Thank you.

Sincerely,

Dr. Brashani Reece, Executive Director
Alexandra Bailey, Chair of the Board of Directors

¹ Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

² OSI-Baltimore [Building on the Unger Experience: A cost-benefit analysis of releasing aging prisoners](#) (2019)

Testimony HB853FWA Cichowski.pdf

Uploaded by: Carol Cichowski

Position: FWA

**House Bill 853 – Postconviction Review -- Procedure to Reduce Duration of
Sentence
(Maryland Second Look Act)
Judicial Proceedings Committee – March 25, 2025
FAVORABLE WITH AMENDMENTS**

Thank you for this opportunity to submit written testimony in support of HB 853 with amendments.

I am a long-time resident of Montgomery County who cares deeply about the harmful impact of mass incarceration on Maryland residents and the human, social, moral, and economic costs of allowing people who are demonstrably rehabilitated to languish in prison. Mass incarceration is cruel, unproductive, and very costly.¹

I support HB 853, as originally introduced, because I strongly believe that Maryland cannot ameliorate the harm caused by mass incarceration without providing meaningful opportunities for release to everyone serving excessive sentences. HR 853 would do this by providing a chance for anyone who has been incarcerated for at least 20 years to demonstrate to a judge that they have been rehabilitated and that their release would not impose a threat to public safety and would serve the interests of justice.

Because of the way Maryland has chosen to police, prosecute, sentence Marylanders and administer criminal justice, Maryland’s prisons are increasingly populated by people who are serving long sentences, who are aging in prison, who are disproportionately Black, and who have no meaningful opportunities for release. About 23 percent of the prison population are serving life or life-equivalent sentences, 36 percent of whom are over 55 years of age and 76 percent of whom are Black.² Many of these people were sentenced as young men. In fact, Maryland leads the nation in sending young Black men to the longest prison terms.

Maryland should heed the advice of experts who say we are keeping people in prison too long. Leading legal associations agree that courts should be authorized to take a second look at sentences after 10 to 15 years of imprisonment for everyone.³ Decades of research tell us that

¹ See, for example, M. Nelson, S. Feineh, and M. Mapolski, “A New Paradigm for Sentencing in the United States,” Vera Institute of Justice (February 2023), <https://vera-institute.files.svdcdn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf> ; National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences, the National Academies, <https://nap.nationalacademies.org/read/18613/chapter/2#11>

² A. Nellis and C. Barry, “A Matter of Life, The Scope and Impact of Life and Long Term Imprisonment in the United States,” The Sentencing Project (2025), p. 6, 14, 18, <https://www.sentencingproject.org/app/uploads/2025/01/A-Matter-of-Life-The-Scope-and-Impact-of-Life-and-Long-Term-Imprisonment-in-the-United-States.pdf>

³ B. Feldman, “The Second Look Movement: A Review of the Nation’s Sentence Review Laws”, The Sentencing Project (May 2024), p. 9-10, [Second-Look-Movement.pdf](#); see also Principle 6 in a resolution adopted by the American Bar Association in 2022, which recommends a second look after certain designated times. [22A604 \(americanbar.org\)](#)

people age out of crime and that formerly incarcerated older adults are the least likely to reoffend.⁴ We know that criminal activity is primarily a young person’s game.⁵ The immature patterns of thinking found in emerging adults and that can be a factor in criminal behavior are long outgrown after 10 years. The commission of serious crimes such as homicide and rape peak at ages 18-20.⁶ Keeping people behind bars whose incarceration serves no public safety benefit comes at great cost to families, communities, and the state.

With the enactment of the Juvenile Restoration Act (JRA), Maryland took an important step forward to remediate the injustices caused by past practices and policies and to recognize the value and power of redemption. The JRA has provided a chance to minors who have served more than 20 years to demonstrate to a judge they have been rehabilitated, and that release would not pose a threat to public safety and would serve the public interest in justice. Our experience to date has shown that the courts can identify individuals who have been rehabilitated and who can be safely released.⁷

Providing a chance for release for more individuals would have a profound positive impact on people outside of prison walls and communities. Legislators should not underestimate the human, social, and economic benefits of enabling individuals who have been behind the walls for decades to reunite with their families and reintegrate into their communities.⁸ Families, particularly the children of incarcerated individuals, suffer incalculable harm when incarcerated family members cannot contribute economically or emotionally to the well-being of the family. Long sentences exacerbate these harms. Moreover, this cost has been borne disproportionately

⁴E. Widra, “The aging prison population: Causes, costs, and consequences,” Prison Policy Initiative (August 2, 2023), <https://www.prisonpolicy.org/blog/2023/08/02/aging/>; “Old Behind Bars; The Aging Prison Population in the United States,” Human Rights Watch, (January 26, 2012), <https://www.hrw.org/report/2012/01/28/old-behind-bars/aging-prison-population-united-states>; N. Ghandnoosh and K. Budd, “Incarceration & Crime: A Weak Relationship,” The Sentencing Project (June 2024), <https://www.sentencingproject.org/reports/incarceration-and-crime-a-weak-relationship/>

⁵ Fetting, A. and Zeidman, S., People Age Out of Crime. Prison Sentences Should Reflect That (September 9, 2022), <https://time.com/6211619/long-prison-sentences-youthful-offenders/>; Kazemian, L., “Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice,” NCJ 301503, in Desistance From Crime: Implications for Research, Policy, and Practice (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2021), NCJ 301497, <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

⁶The Marshall Project, Justice Lab. Goldstein D., Too old to commit crime? (March 20, 2015), <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime>

⁷For information on the first year, see The Juvenile Restoration Act: Year One – October 1, 2021 to September 30, 2022, Maryland Office of the Public Defender (October 2022), p. 13, https://8684715c-49a2-4082-abff-3d2e65a61f0b.usrfiles.com/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁸ See discussion of the social and economic costs of incarceration in B. Gifford, “Prison Crime and the Economics of Incarceration,” Stanford Law Review, Vol 71 (January 2019), p. 90-93, <https://review.law.stanford.edu/wp-content/uploads/sites/3/2019/01/Gifford-71-Stan.-L.-Rev.-71-2019.pdf>; M. McLaughlin, C. Pettus-Davis, et al, “The Economic Burden of Incarceration in the United States,” the Institute for Justice Research and Development, Florida State University, (October 2016), https://www.prisonpolicy.org/scans/iajre/the_economic_burden_of_incarceration_in_the_us.pdf

by Black families. Returning citizens would also have the chance to help heal their communities and contribute as tax-paying and productive members of society. I have met and heard the stories of so many previously incarcerated individuals who are now giving back to their communities in profound ways, including serving as messengers to guide at-risk youth and working to promote public safety.

Disappointingly, HB 853, as amended, would extend the opportunities provided by the JRA to a much smaller population than the bill as originally introduced. While a case can be made for focusing on emerging adults because of their similarities to youth offenders, I believe the exclusion of people who were sentenced to life without parole (LWOP) from the opportunities provided by HB 853 is not defensible. **I urge this Committee to amend HR 853 to extend eligibility to those sentenced to LWOP for the following reasons.**

A LWOP sentence should not be regarded as a stand-in for the seriousness of the offense. It is simply wrong to treat individuals with this sentence as if they belong to a group determined to be permanently incorrigible, by definition, or otherwise unworthy because of the seriousness of or the nature of the offense you think they have committed. Notably, there are no specific criteria in Maryland that govern when a LWOP sentence should be given. The decision to seek this extreme sentence is left to the discretion of the prosecutor and there is considerable variation among prosecutors and jurisdictions in the use of this sentence. **Consequently, there are people who committed the same offense who are sentenced to die in prison because of a LWOP sentence in one county and who are eligible for parole in another.**

In addition, prosecutors can seek the LWOP penalty for a conviction under the felony murder doctrine, without having to prove intent to murder or premeditation. This means individuals can end up being sentenced to LWOP for a crime-- first-degree murder--they did not, in fact, commit.⁹ Under Maryland's felony murder rule, individuals who did not intend to kill anyone, who did not anticipate that someone would be killed, or who did not participate in the killing can be charged and convicted of first-degree murder if someone dies in the perpetration of a felony. **People sentenced to LWOP under a legal doctrine that is widely regarded as outdated and unfair should certainly not be treated as less worthy of a second look than lifers who are eligible for parole.**

Justice demands looking at people serving LWOP as individuals who have different characteristics and backgrounds and who have behaved and improved themselves in different ways during the decades they have been incarcerated. There is no basis for assuming individuals with LWOP are less capable of rehabilitation or of preparing themselves to make positive contributions to their communities if released than others who would be eligible for a second look. There are many examples of people serving LWOP sentences who are consumed with remorse, who have completely transformed themselves, and who are working

⁹ N. Ghandnoosh, E. Stammen, and C. Budaci, "Felony Murder: An On-Ramp for Extreme Sentencing", The Sentencing Project (March 2022, updated May 2024), <https://www.sentencingproject.org/app/uploads/2024/05/Felony-Murder-An-On-Ramp-for-Extreme-Sentencing.pdf>

hard to help others behind the walls, despite the prospect of dying in prison.¹⁰ It is inhumane to ignore their humanity.

Finally, one can question the overall appropriateness of sentencing emerging adults to die in prison. Experts have argued that like juveniles, the brains of individuals under the age of 25 are not fully developed, making them less culpable because of their impulsiveness, immature decision-making, greater risk-taking, and lack of long-term thinking.¹¹ It was the scientific evidence on brain development that persuaded the General Assembly to acknowledge the inhumanity of sending youth to die in prison and to completely abolish LWOP for juveniles in the JRA. **That same neurobiological research supports affording individuals who were sentenced to LWOP as emerging adults at least a chance for a second look.** Importantly, a disproportionate number of individuals with these excessive sentences have had adverse childhood experiences that may have been traumatizing, that probably were not considered during the original sentencing, and that a judge may want to consider for purposes of resentencing.

Giving more people a second look would be a powerful force in changing both behavior and culture in our prisons, a force that would be enhanced by the inclusion of people serving LWOP sentences. The value of giving people hope cannot be overestimated. Giving prisoners serving excessive sentences a chance for resentencing previously unavailable would provide a powerful incentive for individuals to remain steadfast in their efforts to improve themselves, especially those who have been previously told they are beyond redemption. Potential changes in the motivation, behavior, and attitude of those serving the longest sentences could also have a rippling effect throughout the system and work to transform prison culture. Having more hopeful prisoners could correspondingly improve the climate and working conditions for prison guards.

The very real pain experienced by crime survivors should not be used to forestall the enactment of policies that can help restore individuals, families, and communities that have been harmed by excessive victimization and incarceration. The needs and desires of victims matter greatly, but, importantly, they are not a monolithic group. Some may value retribution above all, but national survey results indicate crime survivors overwhelmingly prefer approaches to justice that focus on rehabilitation over punishment.¹² Giving victims notice of the resentencing proceeding and an opportunity to decide whether or not they want to provide input, as is the case with the Second Look Act, restores autonomy to victims who feel the system does not always recognize their needs or desires.

This is the time to reap all the benefits – social, human, and fiscal—of giving as many people as possible who are serving an excessive sentence a second look. Rewarding an

¹⁰ “‘I Just Want to Give Back’ – The Reintegration of People Sentenced to Life Without Parole,” Human Rights Watch (2023), https://www.hrw.org/sites/default/files/media_2023/06/usa_lwop0623.pdf

¹¹A. Nellis and D. Brown, “Still Cruel and Unusual: Extreme Sentences for Youth and Emerging Adults,” The Sentencing Project (August 8, 2024), https://www.hrw.org/sites/default/files/media_2023/06/usa_lwop0623.pdf

¹²“The Right to Heal; “Crime Survivors Speak, A National Survey of Victims’ Views on Safety and Justice “ (2022), p. 27-28, 36; 2024 National Survey, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/CrimeSurvivorsSpeak2024.pdf>

individual's personal transformation is both an act of humanity and justice. Providing a meaningful opportunity for release from prison to those serving long sentences is a cost-effective strategy in support of public safety and a meaningful way to allow people whose potential is not being fully realized behind the walls to ultimately make positive contributions to their community.

For these reasons, I urge a Favorable Report with Amendments for HB 853.

Carol A. Cichowski

Bethesda, Maryland

FAMM Support of HB 853 (with Amendment).pdf

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Position: FWA



Written Testimony of Celeste Trusty
State Legislative Affairs Director for FAMM
In Support of HB 853 (with Amendment)
Maryland Senate Judicial Proceedings Committee
March 25, 2025

I would like to thank Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee for the opportunity to submit written testimony in support of HB 853 with amendment, a bill that would allow opportunities for some incarcerated people who were convicted before age 25 and have served at least 20 years of their sentence to petition the court for relief. FAMM supports HB 853 with amendment and urges the Committee to issue a favorable report on this crucial piece of legislation.

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Creating and expanding access to “second look” mechanisms - pathways to review the appropriateness and necessity of a person’s continued incarceration - is among one of FAMM’s top priorities across the country. HB 853 would create such a mechanism for many people who were minors but convicted as adults prior to October 1, 2021, and have served at least 20 years of their sentence; and many people who have served twenty years or more of a sentence for an offense that occurred prior to age 25.

FAMM firmly believes that second-look opportunities should be available to all incarcerated people who meet the requirements laid out in the bill, and that categories of people should not be excluded based on their conviction, sentence, or age at time of conviction. Every case is different, and every case should be individually evaluated. There are strict eligibility criteria included in the bill, as well as a comprehensive compilation of input and information to be considered with each application. There is an emphasis on prioritizing public safety in each final decision. Preemptively barring groups of people from accessing second-look relief diminishes the overall impact of this legislation, and perpetuates harmful stigma attached to people serving life without parole sentences and people with convictions for sexual offenses.

HB 853 would allow the court to consider several important factors such as the person’s age at the time of conviction and evidence of maturation during their period of incarceration, as well as

the offense, level of participation in the offense, and any victim input. The court may also consider a person's family and community circumstances at the time of the offense and during their incarceration, as well as their educational, vocational, rehabilitative, and disciplinary history.

Second look sentencing mechanisms such as those outlined in HB 853 provide an amazing opportunity for our communities to benefit from returning credible messengers with lived experience to our communities after incarceration. Across the country and here in Maryland, FAMM advocates alongside incredible incarcerated people who have demonstrated readiness to return to their communities, yet for far too many of these people, there are an absence of opportunities to do so. Second-look efforts have proven highly successful across the country and in Maryland as our society moves away from a past focus on harsh sentencing, and toward embracing mercy as a counterbalance to punishment.

In Maryland, it costs an average of nearly \$40,000 a year to incarcerate each person, and that number grows exponentially as people age.¹ In July of 2022, the Maryland Department of Public Safety and Correctional Services reported more than 3,100 people over age 51 living in its state prisons, with more than 1,100 of this group over age 60.² As people mature into adulthood, the likelihood of engaging in criminal behavior diminishes, therefore it makes sense to create pathways for incarcerated people to be released back into their communities instead of demanding continued incarceration.

The provisions included in HB 853 should be considered a public safety effort, allowing invaluable taxpayer resources to be reallocated from our overcrowded prisons and into our communities. The release of around 200 incarcerated people through the *Unger v. Maryland* ruling has already saved Marylanders an estimated \$185 million and is expected to grow to a taxpayer savings of more than \$1 billion over the next decade.³ HB 853 would allow Marylanders to continue to benefit from second-look opportunities by creating a mechanism for post-conviction review for people sentenced to excessive terms of incarceration, thereby freeing up precious taxpayer resources to be reallocated from investing in incarceration to investing in things Maryland's communities really need.

¹ Vera Institute for Justice, *Price of Prisons*, Maryland factsheet. January 2012.

<https://www.vera.org/downloads/publications/price-of-prisons-updated-version-021914.pdf>

² MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES Incarcerated Individual Characteristics Report, July 1, 2022.

<https://www.dpscs.state.md.us/publicinfo/publications/pdfs/Inmate%20Characteristics%20Report%20FY%202022%20Q4.pdf>

³Justice Policy Institute, *The Ungers: 5 Years and Counting*, 2021. https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf

Thank you for considering FAMM's input on HB 853, a common-sense and necessary piece of legislation for Maryland. We ask that you return a favorable report for HB 853 with amendment. Please do not hesitate to reach out to me at ctrusty@famm.org or 267-559-0195 with any further questions.

SEIU Local 500 Testimony in Support of HB 853 (Sen

Uploaded by: Christopher Cano

Position: FWA



Testimony - HB 853, Post Conviction Review - Procedure to Reduce Duration of Sentence

(Maryland Second Look Act)

Favorable with Amendments

Senate Judicial Proceedings Committee

March 25, 2025

Christopher C. Cano, MPA

Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Smith & Members of the Senate Judicial Proceedings Committee:

SEIU Local 500, as one of Maryland's largest public sector unions representing over 23,000 workers, expresses our support for House Bill 853, the **Maryland Second Look Act**. This landmark legislation represents a significant step toward meaningful criminal justice reform. Its passage will go a long way in correcting institutional bias and harsh sentencing indicative of the past century by providing individuals who have served a significant portion of their sentence with the opportunity for a second review of their case.

HB 853 offers a fair and meaningful opportunity for individuals who have demonstrated rehabilitation and personal transformation to have their sentences reconsidered. The idea of providing a "second look" is rooted in the belief that the criminal justice system should be just, equitable, and responsive to the individual's rehabilitation efforts. By allowing individuals to petition for sentence reductions after serving a substantial amount of time, this bill recognizes that time served, coupled with evidence of positive changes, should be considered in the decision-making process.

Many individuals in Maryland prisons are serving sentences imposed under laws that are now considered overly harsh or disproportionate. The Maryland Second Look Act provides an avenue for these individuals to present their case to the court, demonstrating how they have changed and their readiness to reintegrate into society as productive, law-abiding citizens. However, we believe that amendments in the final house version differ so much from its original draft that many people who may have been unduly inflicted with harsh sentences are ineligible under this current version and

would ask that much of the original language be reinstated so that the ultimate decision of reviewing sentences remain with the judge reviewing their case.

Moreover, the bill establishes a thoughtful process that balances public safety with the opportunity for redemption. Courts will carefully review each petition, taking into consideration the individual's growth, behavior, and potential for reoffending. This ensures that only those who have shown genuine progress are given the chance for a reduced sentence.

Support for second chance legislation is not just rooted in fairness—it is also rooted in the principle of rehabilitation. The criminal justice system must be about more than just punishment; it should also be about helping individuals rebuild their lives and find ways to contribute to the community. HB 853 aligns with this vision, offering an opportunity for reform without compromising public safety.

The Second Look Act also aligns with the broader movement towards sentencing reform across the United States. Several states have adopted similar measures, and research has shown that individuals who are given the chance for sentence reconsideration, particularly after demonstrating rehabilitation, are less likely to reoffend and more likely to successfully reintegrate into society.

This bill represents a commitment to fairness, justice, and the belief that people can change. It is a necessary and compassionate step towards reforming our criminal justice system, providing those who have turned their lives around with an opportunity to rejoin society and make a positive impact.

We urge all members of the House to support HB 853, and we thank Delegate Pasteur for her leadership on this issue. We ask you to pass this bill out of committee with a favorable report.

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

HB853_FWA CMuhammad.pdf

Uploaded by: Craig Muhammad

Position: FWA

Testimony on HB853
Maryland Second Look Act
Senate Judicial Proceedings Committee
March 21, 2025
FAVORABLE WITH AMENDMENTS
Submitted by Craig Muhammad

I, Craig Muhammad, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a previously incarcerated person, as Director of Project Emancipation Now (PEN) and as a member of the Second Look Coalition.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for modification of sentence.

On September 24, 2024, I was released from incarceration after serving 41 years and 32 days. During my incarceration I took advantage of every opportunity to become the best version of myself and to be equipped to make amends for the acts I committed in ignorance. I earned a B.S. degree in Psychology, became a special and GED tutor in correctional education, became a writing tutor with the University of Baltimore Second Chance College Program, received certification as a Peer Recovery Specialist and became co-founder of Project Emancipation Now. I am also a three-time published author. PEN is a gang emancipation, violence interruption, mentoring and victim-community impact services organization. PEN has emancipated more people from gangs than any other entity in Maryland. During my incarceration, I have mentored hundreds of young men. After my release, I brought my skill set to the community where I have provided peer support services to hundreds of men and women in the six months since my release. And I am in the process of bringing PEN to the community. The things I have detailed here are only a fraction of the things I have accomplished. Nevertheless, as impressive as my accomplishments may seem, I represent only a fraction of the men and women who turned their lives around during incarceration. Like me, those men and women deserve a second chance too.

Please support the Second Look in a form that will give everyone the opportunity for a second chance. Thank you for your community service and may God bless you.

Testimony Second Look.pdf

Uploaded by: Danielle Williams

Position: FWA

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT
Senate Judicial Proceedings Committee
March 25, 2025**

Favorable with Amendments

Submitted by: Danielle Williams

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Danielle Williams, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a community member in District 4, as well as an impacted family member.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation. It is my belief that in most, if not all cases individuals age out of criminal behavior such that they are no longer a threat to public safety and therefore should have the opportunity to demonstrate that change.

As a licensed clinical social worker, I have had the pleasure of working with individuals within the correctional institution who over a period has been able to demonstrate change in not only mindset but behavior as well. In fact, I have seen incarcerated individuals return to society after long periods of incarceration and demonstrate not only change for themselves but work towards change in the community.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004². Furthermore, for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

A Second look should be a redemptive pathway to allow incarcerated individuals the opportunity to demonstrate reform. They should be able to use their past as a faucet of purpose and empowerment rather than confined and in despair. In fact, the mere idea of a second chance will empower those who would otherwise have no hope to work towards change. For these reasons, I encourage you to vote favorable with amendments on the Maryland Second Look Act HB853.

Thank you,
Danielle Williams, LCSW-C, LICSW

Borowsky_HB853_Testimony.pdf

Uploaded by: Derek Borowsky

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: **Derek Borowsky**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Derek Borowsky, am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as a community member in District 2.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look under this bill. However to affect real change, more is needed, as Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, at a rate 25% higher than the next nearest state, Mississippi¹.

I urge you to vote **favorable with amendments**. As the current bill language stands, it excludes **individuals serving life without parole and individuals over 24 at the time of the offense, which is antithetical to the principle of the Act: that 20 years provides the opportunity for significant growth.**

The Juvenile Restoration Act, which HB 853 builds upon, banned Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process while allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking².

Women and criminalized survivors are much more likely to be older when they commit an offense. Limiting the age for second look will disproportionately exclude criminalized survivors.

For these reasons, I encourage you to vote **favorably with amendments** on the **Maryland Second Look Act HB853**.

Thank you.

¹ Justice Policy Institute [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland](#) (2019).

² Martha Lally & Suzanne Valentine-French [Lifespan Development: A Psychological Perspective](#) (2025)

MDSenateJPRSLATestimonyDJBovello03212025.pdf

Uploaded by: Donald Bovello

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: **Donald J. Bovello**

March 21, 2025

Honorable Chair Smith, Honorable Vice Chair Waldstreicher and Honorable members of the Judicial Proceedings Committee:

I, **Donald J. Bovello**, who was previously incarcerated for over 35 years, have been released over 2.5 years and have been successful in my transition to society and release via the Juvenile Reinvestment Act, **am testifying in support of HB 853, the Maryland Second Look Act**. I am submitting this testimony as a **member of the Second Look Coalition, supporter of MAJR and MD Cure. I am a registered voter in Maryland Legislative District 31.**

Your committee has heard me testify on the Correctional Ombudsman bill and Restrictive Housing. When I advocate for these important issues involving criminal justice, I do so from a base of personal knowledge and experience. Via the JRA I received my second look, leaving behind some of those who mentored me into becoming the man I am today. If not for their guidance and wisdom, I would not be free, married, a member of a church, a full-time employee, a registered voter.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look under this bill. However, to affect real change, more is needed, as Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, at a rate 25% higher than the next nearest state, Mississippi. I can personally attest to the racial disparities in Maryland prisons.

I urge you to vote **favorable with amendments**. As the current bill language stands, it excludes individuals who may have been over-sentenced for an offence another individual received a lesser sentence. Further, the brain science which has been accumulated over the last several decades shows that full brain development does not occur until around age 25 years.

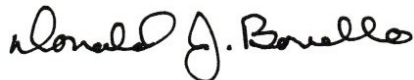
The Juvenile Restoration Act, which HB 853 builds upon, *banned* Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process while allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking.

This is not an easy way out:

- *The judge must already consider the nature of the offense and a person's age at the offense during a Second Look hearing, and they will weigh those factors when deciding if they merit a sentence reduction.*
- *Whether a life without parole sentence is imposed depends significantly on the jurisdiction and who was in office at the time, leading to jurisdictional disparities in Maryland.*
- *There are very low recidivism rates for individuals released from decades-long sentences, including for violent crime. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case Maryland v Unger, who have a less than 4% recidivism rate.*
- *The Act would require the judge to consider the victim's input, should the victim or the victim's representative choose to offer a statement. Victims, too, prefer, by 2 to 1, a criminal legal system that focuses more on rehabilitating people who commit crimes than punishing them.*

For these reasons, I encourage you to vote **favorably with amendments** on the **Maryland Second Look Act HB853**.

Thank you,



Donald J. Bovello
Constituent, Legislative District 31

Testimony HB853 w_ amendments Maryland Second Look

Uploaded by: Dr. Carmen Johnson

Position: FWA

HELPING
OURSELVES TO
TRANSFORM
EDUCATING AND PROMOTING
MASS LIBERATION

March 21, 2025

*TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT*

*Senate Judicial Proceedings Committee
March 25, 2025*

FAVORABLE WITH AMENDMENTS

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

FROM: Dr. Carmen Johnson, Co-Founder, Helping Ourselves to Transform

RE: Support with Amendments for HB 853 – The Maryland Second Look Act

*My name is **Dr. Carmen Johnson**, and I am submitting this testimony as the Co-Founder of **Helping Ourselves to Transform (HOTT)**—a community-based, movement-driven nonprofit led by directly impacted women of color. We serve individuals and families harmed by the injustice system and advocate for equitable pathways to reentry, healing, and restorative justice.*

*I write in strong support of **HB 853, the Maryland Second Look Act**, which would create a long-overdue opportunity for sentence modification for incarcerated individuals who have served at least 20 years. As someone who has experienced the cruelty of wrongful incarceration firsthand, I firmly believe that people who have demonstrated personal growth and rehabilitation over decades should be given a meaningful chance to rejoin their communities.*

*However, to truly realize the promise of this bill, I urge the committee to adopt **critical amendments**. As written, the bill excludes too many people—particularly those serving life without parole, individuals who were over the age of 24 at the time of their offense, and criminalized survivors of violence. These exclusions are deeply concerning and undermine the bill's purpose of creating a fair and just process for review.*

*Maryland leads the nation in sentencing young Black men to the longest prison terms—**25% higher than any other state, including Mississippi**. If we are to address the deep racial and systemic inequities in our sentencing practices, we cannot afford to leave entire groups behind.*

*We must also recognize that **brain development continues into the mid-to-late 20s**, with decision-making and impulse control still forming. Many of those excluded under the current bill language are emerging adults who made mistakes in the most vulnerable periods of their lives—and have since grown, changed, and healed.*

*Research shows that individuals released after decades-long incarceration have **exceptionally low recidivism rates**, including those convicted of violent offenses. The *Maryland v. Unger* case, which led to the release of over 200 people, demonstrated this truth: the recidivism rate was less than 4%. Maryland has already shown that second chances work.*

*Lastly, HB 853 honors victims by ensuring they have the right to participate in the hearing process. Importantly, research shows that **the majority of victims support rehabilitation over excessive punishment**, especially when accountability and healing are prioritized.*

*For all these reasons, I urge a **favorable report with amendments** on HB 853 to ensure that Second Look is truly meaningful, equitable, and inclusive.*

Thank you for your leadership and your commitment to justice.

Sincerely,

Dr. Carmen Johnson

Co/Founder, Chief Programs and Operations Officer (CPOO)

Helping Ourselves to Transform (HOTT)

www.helpingourselvestotransform.org

HB 853 CCJR FAV with Amendment.pdf

Uploaded by: Heather Warnken

Position: FWA



FAVORABLE WITH AMENDMENT TESTIMONY FOR HOUSE BILL 853

Maryland Second Look Act

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: March 21, 2025

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

The Center strongly supports House Bill 853 with amendments. The Senate Judicial Proceedings should amend House Bill 853 to be consistent with the original text of House Bill 853 and that of Senate Bill 291.

I. Unnecessarily long sentences are detrimental to public safety in correctional settings and our communities.

House Bill 853 promotes, rather than hinders, public safety. There is no evidence that unnecessarily long sentences deter people from engaging in criminal behavior.¹ Instead, certainty of apprehension—not severity of sentence— plays a far greater role in discouraging people from engaging in crime.² Incarcerated people grow and change regardless of how old they were at the time of their offense. Accordingly, recidivism rates are extremely low for people released in their mid-40s or later.³ Furthermore, by creating an opportunity for resentencing, this bill would also very likely improve morale and behavior inside prisons, benefiting incarcerated people and corrections officers alike.⁴ Furthermore, by creating opportunities for sentence reconsideration, HB 853 also promotes hope, rehabilitation, and safety behind the walls. A recent DLS report showed that violent assaults jumped by more than 50% in the last fiscal year. Incentivizing positive, productive behavior within facilities benefits incarcerated people and the correctional

¹ See U.S. DEP’T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *Five Things About Deterrence*, <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

² Id.

³ In one study, only 4% of people convicted of violent crimes released between ages 45 and 54, and 1% released at 55 or older, were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively. J.J Prescott, et al., *Understanding Violent-Crime Recidivism*, NOTRE DAME LAW REVIEW, 95:4, 1643-1698, 1688-1690 (2018).

⁴ KEVIN SHARP & KEVIN RING, *Judges Should be Able to Take a ‘Second Look’ at Prison Sentencing*, USA TODAY (June 20, 2019, 5:22 PM), <https://www.usatoday.com/story/opinion/policing/2019/06/20/inmates-prison-reform-judges-sentencing-trump-policing-the-usa/1498072001/>.

workforce alike. The state must improve the conditions for those who live and work in these facilities, and truly one of the greatest such tools is hope.

II. Unnecessarily long sentences devastate families and communities across the socioeconomic spectrum, race, and ethnicity, but they disproportionately impact communities of color.

Reducing unnecessarily long sentences, regardless of a person’s age at the time of their offense, is a critical component of addressing mass incarceration and mitigating racial disparities in our criminal legal systems. Data demonstrate that “there are stark racial and ethnic differences in the shares of people who are sentenced to and serving 10 years or more in prison, especially when comparing Black people and White people.”⁵ For example, “46% of the total number [of] people serving life or sentences of 50 years or more were Black” across the country in 2020.⁶ Racial disparities for children sentenced to long terms of imprisonment as adults in Maryland are also instructive here: 87 percent of those who became eligible for relief under the Juvenile Restoration Act (JRA) are Black.⁷ According to the Campaign for Fair Sentencing of Youth, this racial disparity is the worst in the entire nation.⁸

III. House Bill 853 would promote cost-savings and allow those funds to be allocated to effective public health and safety efforts.

The state prison population and expenses may be reduced via sentence reductions for incarcerated people with lowest-risk status. Successful applicants for House Bill 853 sentence modifications would be very low risk in light of their age, likely deteriorating health, and demonstrated self-rehabilitation achievements. Cost savings are especially likely because costs increase dramatically for older individuals in prison.⁹ Wasteful and unnecessary policies and practices—such as the ongoing incarceration of people who pose the lowest risk of reoffending—harm public safety by siphoning massive sums of money that could otherwise support programs that actually prevent crime. The cost savings that are likely to result from the passage of House Bill 853 would allow the reallocation of critical funds to assist with substance use treatment, victim and trauma recovery services, reentry and other rehabilitation programs for people at higher risk of engaging in criminal behavior.

IV. The successful implementation of the Juvenile Restoration Act bolsters confidence in the impact of House Bill 853.

⁵ COUNCIL ON CRIMINAL JUSTICE, *How Long is Enough? Task Force on Long Sentences Final Report* (Mar. 2023), https://assets.foleon.com/eu-central-1/de-uploads-7e3kk3/41697/task_force_on_long_sentences_final_report.ecc1d701464c.pdf.

⁶ *Id.*

⁷ CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *Juvenile Restoration Act (HB409/SB494)*, https://cfsy.org/wp-content/uploads/HB409_SB494_JuvenileRestorationAct_FACTSHEET-1.pdf.

⁸ *Id.*

⁹ MATT MCKILLOP & ALEX BOUCHER, *Ageing Prison Populations Drive Up Costs*, THE PEW CHARITABLE TRUSTS, (Feb. 20, 2018), <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

Positive outcomes from the JRA, which this committee supported four years ago, underscore the types of impact that the passage of House Bill 853 would have on Maryland families and communities. Marylanders who were granted relief pursuant to the JRA have contributed to their families and communities since returning home by caring for sick family members, paying taxes, and dedicating their lives to repairing and preventing the types of harmful behavior that they engaged in as young people. Our communities are safer and healthier because of their contributions. Existing law fails to remedy all unnecessarily long sentences—even for individuals who are not a threat to public safety and even when the interests of justice would be best served by a reduced sentence. There is an entire population of incarcerated Marylanders who are not eligible for relief under the JRA who have the same capacity for change, redemption, and positive impact. House Bill 853 would afford them that opportunity.

V. House Bill 853 centers the voices of victims in a manner that is meaningful for victims in a criminal justice proceeding.

House Bill 853 is designed to support crime victims, both through its procedural protections and systemic goals. It appropriately provides victims with notice of a hearing and directs the court to consider “any statement offered by a victim or a victim’s representative” in deciding whether to reduce an individual’s sentence. Victims may decide for themselves whether to attend a hearing or offer a statement; at no point will any victim be required to participate in proceedings pursuant to House Bill 853. While all crime victims deserve some form of accountability for the harm done to them, this does not mean that all victims see accountability and justice in the same way or have the same priorities. Victims are not a monolith; some welcome the chance to obtain information about the personal changes made by defendants in their cases and see this proceeding as an opportunity to achieve greater healing and closure. Others may not want to be involved in a process that potentially opens old wounds. All of these victims must be supported, including through the availability of appropriate and necessary services.

Research demonstrates the diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, for whom healing and accountability require much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims; their recent report finding that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.¹⁰

House Bill 853 provides the opportunity for victims to participate in a way that is consistent with the purpose of the criminal justice system and the voice and participation they deserve. Moreover, our criminal justice system’s primary functions are to promote justice and to protect the community. Prosecutors, and our system more broadly, should represent and balance society’s myriad interests in the pursuit of justice, which means not limiting focus *exclusively* to the interests of the portion of individual victims who never wish to see the person who harmed

¹⁰ The Right to Heal and a New Approach to Public Safety: A National Crime Victims’ Platform”, p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.

them released. Decisions regarding second chances should likewise be balanced and made in the interest of justice, safety, and broader community needs.

For these reasons, we urge a favorable with amendment report on House Bill 853.

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Uploaded by: India Creek

Position: FWA

TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT

Senate Judicial Proceedings Committee
March 25, 2025

FAVORABLE WITH AMENDMENTS

Submitted by: India Creek

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, India Creek, am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as an impacted family member.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look under this bill. However to affect real change, more is needed, as Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, at a rate 25% higher than the next nearest state, Mississippi¹.

I urge you to vote favorable with amendments.

The Juvenile Restoration Act, which HB 853 builds upon, banned Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process while allowing it under the JRA just doesn't make sense.

Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as

increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking²There are very low recidivism rates for individuals released from decades-long sentences, including for violent crime. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case Maryland v Unger, who have a less than 4% recidivism rate³. Whether a life without parole sentence is imposed depends significantly on the jurisdiction and who was in office at the time, leading to jurisdictional disparities in Maryland.

For these reasons, I encourage you to vote favorably with amendments on the Maryland Second Look Act HB853.

Thank you
India Creek
District 8

²Martha Lally & Suzanne Valentine-French [Lifespan Development: A Psychological Perspective](#) (2025)
Justice Policy Institute [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland](#) (2019).

³Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

Alliance for Safety and Justice: [Crime Survivors Speak 2022: National Survey Of Victims' Views On Safety And Justice](#) (2022)

HB853JDorseySenateTestimony.pdf

Uploaded by: JOAN DORSEY

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: Joan Dorsey

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Joan Dorsey, am submitting this testimony in support of the Maryland Second Look Act, with an amendment to ensure everyone who has served 20 years will be eligible to petition. I am submitting this testimony as an impacted family member and member of the Maryland Second Look Coalition, Family Support Network, and MAJR.

I support this initiative, SECOND LOOK ACT HB 853, where the second-look laws would legally allow courts to re-examine the sentences of incarcerated individuals with a minimum of 20 years to apply for sentence modification. The opportunity should be given to people regardless of their offense, as the Judge will consider a wide range of things, to include the nature of their offense, their rehabilitation and any mitigating factors to support a *potential* change in sentence. Therefore I ask that the exclusion for those sentenced under Criminal Law Article 3-303 be removed and no more exclusionary amendments be added.

I urge you to vote **favorable with amendments**. As the current bill language stands, it excludes my son, based on his offense. He is currently 37 years old and was incarcerated at age 19 years old. My husband and I adopted him at 2 1/2 months old, where subtle but noticeable developmental behaviors began. At age 7, he was diagnosed with Tourette Syndrome, (multiple motor tics and vocal tics) as well as and other health impairments. The lack of technology, research, knowledge, skills and training in the late 80's from renowned physicians regarding Tourette Syndrome only produced very little help, just speculation and many medications that failed! The teasing, bullying and being ostracized led to unruly and reckless behavior. He was a truly a classic book case example of Tourette Syndrome whereby this body jumped and moved all over and all the time. Echolalia, coprolalia, palialia overwhelmed in conversations and consumed him. He was relentlessly punished by teacher, church leaders, sport leaders coaches, by writing repeatedly, recess removed, trips, and events not allowed to attend, time out in corners and more. Our son and us literally prayed and cried out to anyone we thought that could help him. His mind and body traveled down a daily life of uncertainly,

confusion and isolation with powerful medications that only exacerbated and worsen his condition as he developed and progressed into middle school. As a result, proper treatment, he began reckless and unruly behaviors that manifested in school, peer groups and in the general public. These misbehaviors, and my son not having the ability to manage, led him to incarceration.

I believe my son received an unfair and unjust sentence as the judge doubled his sentence, going outside of the guidelines, never taking in consideration the clinically diagnosed disabilities of Tourette Syndrome and other health impairments. Additionally, I believe that racial disparity can clearly be seen in his case. He has thus far served nearly twenty years in prison with limited support, however with my husband's and my consistent communication with strong advocacy, allow the storms slowly diminish with meds and counseling, even though barely adequate. Currently, my son has grown to be a loving, caring, compassionate, and responsible man, through rehabilitation, and a continuous very strong support of family. We love him very much and are fighting for his purposeful life.

My husband and I are aging, 73 and 75 and experiencing a number of health challenges where our son's absence has created a profound impact on our lives, however, his release from incarceration after 20 years will significantly help, assist and support us! I know my son is ready to contribute to the community and would meet the criteria set forth and truly make a positive difference and change in this society.

Furthermore, those with life without parole sentences are also excluded. The Juvenile Restoration Act, which HB 853 builds upon, banned Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process while allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking.

For these reasons, I encourage you to vote **favorable with amendments** on the **Maryland Second Look Act HB853**.

TESTIMONY ON SENATE JPR.MAR25 HB 853.pdf

Uploaded by: Judith Lichtenberg

Position: FWA



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by Judith Lichtenberg, on behalf of the Maryland Alliance for Justice Reform (MAJR)

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

I am testifying on behalf of the Maryland Alliance for Justice Reform (MAJR) in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as a member of the executive committee of MAJR, as a member of the board of PREPARE (which helps incarcerated people prepare for parole), and as a professor who has taught college courses in philosophy for the last nine years at Jessup Correctional Institution, Patuxent Institution, and the DC Jail.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people who have served 20 years of their sentence. We believe that after having served decades of incarceration, all people should have the opportunity to demonstrate their growth and rehabilitation. Moreover, recidivism rates are very low for those released from decades-long sentences, including for violent crime. This became evident when the Ungers, 200 Marylanders serving life sentences, were released after the landmark case *Maryland v. Unger*; they have had a less than 4% recidivism rate. Especially because incarcerating people gets more expensive as they age, releasing people after they've served 20 years would also save the state millions of dollars.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look. However, to effect real progress and justice, more is needed. Maryland leads the nation in sentencing young Black men to the longest prison terms—including life without parole sentences (LWOP)—at a rate 25% higher than the next nearest state, Mississippi. As the current bill stands, it excludes some very deserving people who are serving LWOP sentences, were over 24 at the time of their offense, or were incarcerated for a sex offense. To bring these people into the scope of the bill, I urge you to vote “favorable with amendments.”

The Second Look Act does not guarantee that an incarcerated person who meets the formal requirements will have their sentence reduced. And the judge would be free—indeed is required—to consider the nature of the offense and many other factors when deciding if the prisoner merits a sentence reduction.

Among other things, the Act would require the judge to consider input from the victim or the victim's representative if they choose to offer a statement. According to *Crime Survivors Speak*, a report by the Alliance for Justice and Safety, by a margin of 2 to 1 "victims prefer increased investments in community supervision, such as probation and parole, over more investments in prisons and jails."

For all these reasons, I urge you, on behalf of MAJR and myself, **to vote favorably with amendments** on the Maryland Second Look Act HB 853.

Thank you.

Sincerely,

Judith Lichtenberg
District 22
Hyattsville, MD
301.814.7120

MTsiongasJPR_HB853SampleTestimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: Magdalena Tsiongas

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Magdalena Tsiongas, am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as an impacted family member of John, who has been serving a Life Without Parole sentence since he was 19 years old and as the Convener of the MD Second Look Coalition. In John, I recognized his powerful growth from a 19 year old who caused harm, to a leader, and I vowed to make a pathway for him to demonstrate that rehabilitation when starting the coalition. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I urge you to vote **favorable with amendments**. As the current bill language stands, it excludes people serving Life Without Parole (LWOP) sentences. This includes people like my partner John, who has been incarcerated since he was 19. Like 40% of others serving LWOP, he was offered a plea for a lower sentence, but after choosing to go to trial, was sentenced to life without parole. As a survivor of sexual and gun violence as a child and teen himself, since his incarceration, he has worked to atone for the harm that he caused. Particularly thanks to the ability for him to participate in therapeutic programming, he was able to begin healing from his own victimization and support others in doing the same. In his own words John shares,

“My name is John. I am a college student, a partner, a son, a brother and an uncle. But for the past 18 years, I have been incarcerated on a life without parole sentence for murder, since I was 19 years old. At 19, I didn’t see a future for myself, didn’t have any drive, didn’t have any purpose, I was just trying to survive. When I was sentenced, the judge didn’t see a future for me either. But since then, I received my GED, I’ve become a college student, I’ve been attending therapy every week for at least an hour for the past 6 years. I now have the opportunity to look at the violence and abuse in my own life and past that put me on this trajectory, like surviving childhood abuse, attempted murder from my own mother, surviving being shot twice as a teenager, and the PTSD that came along with those traumas. On my own healing journey, I’ve been working to set others up for success who I see struggling around me with the same traumas, with addiction and hopelessness, depression. I hope for the opportunity to be able to show that I have healed and grown as a person and can thrive and be productive and positive in the community, if given the chance.”

Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, at a rate 25% higher than the next nearest state, Mississippi¹.

The Juvenile Restoration Act, which HB 853 builds upon, banned LWOP for those under 18 at the time of the crime and gave them the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. To now exclude others who also were teenagers when sentenced to LWOP, such as John, from even the opportunity for a second look hearing, while banning the use of LWOP for 17 year olds, is counter intuitive, and fails to recognize the ability for transformational change from a teenager to a man.

Thank you for the opportunity to share.

For these reasons, I encourage you to vote **favorable with amendments** on the **Maryland Second Look Act HB853**.

¹ Justice Policy Institute [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland](#) (2019).

ECI Testimony - 01.28.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

1-11-25

RE: SECOND LOOK ACT

TO WHOM IT MAY CONCERN:

MY MARYLAND SENTENCING GUIDELINES SAID THAT I SHOULD BE SENTENCED BETWEEN 4-33 YEARS.. MY SENTENCING JUDGE GAVE ME LIFE PLUS LIFE! ACCORDING TO WHAT I KNOW, THE JUDGE MUST PUT A REASON FOR SENTENCING ME OUTSIDE OF THE MARYLAND SENTENCING GUIDELINES, HE DIDN'T! MY SENTENCES WASN'T FAIR AND REASONABLE..

ON JUNE 6, 2013 THE PAROLE COMMISSIONERS TOLD ME ON MY FIRST PAROLE HEARING THAT THIS WAS MY FIRST AND LAST PAROLE HEARING AND I WAS NEVER GOING TO BE PAROLE IN THE STATE OF MARYLAND. THIS IS NOT FAIR AND REASONABLE.. THIS IS MY FIRST TIME IN PRISON AND MY SECOND TIME IN TROUBLE WITH THE LAW. THE FIRST TIME I WAS 15 YEARS OLD AND CHARGED

CONF

AS AN ADULT. WE NOW KNOW THAT THIS WAS NOT FAIR FROM RECENT CLINICAL STUDIES..

I WAS UNDER THE INFLUENCE OF CRACK COCAINE DURING THE COMMISSION OF THE CRIME. I WAS 30 YEARS OF AGE AND HOMELESS.. I TURNED MYSELF IN TO THE POLICE AND PLEADED GUILTY FROM THE VERY BEGINNING.. I DO BELIEVE THAT I DESERVE A SECOND CHANCE..

MY PUBLIC DEFENDER ASKED MY SENTENCING JUDGE TO GIVE ME A SECOND CHANCE AND HE SAID THAT "HE HAD A SECOND CHANCE WHEN HE WAS 15 YEARS OLD". I AM NOW 65 $\frac{3}{4}$ YEARS OLD AND I HAVE BEEN INCARCERATED FOR 35 $\frac{1}{3}$ YEARS.. MY CONSECUTIVE LIFE SENTENCES ARE PROBABLE LIFE SENTENCES.. THE PAROLE COMMISSION TURNED MY SENTENCES INTO LIFE WITH NO PAROLE.. THIS IS ANOTHER REASON WHY I NEED A SECOND CHANCE..

CONT

I CURRENTLY HAVE AT LEAST 30 OR MORE CLASSES UNDER MY BELT THAT ARE SELF-HELP GROUPS AND N.A, A.A.. I AM READY TO RETURN TO A FREE SOCIETY

FOR THE ABOVE REASONS THE SECOND CHANCE ACT COULD CORRECT THE ERRORS IN MY SENTENCING, PAROLE HEARINGS AND PASS RECORD ERRORS.. PLEASE HELP!

RESPECTFULLY,

ROBERT J. COOPER JR.

EASTERN CORRECTIONAL INSTITUTION

#209556/224126

Darnell Roberts #185247-387315
Eastern Correctional Institution
30420 Revells Neck Rd.
Westover, MD 21890

Family Support Network
3937½ Minnesota Ave., NE
PO Box 64093
Washington, DC 20029

January 1, 2025

Dear FSN:

Please accept this letter as my written testimony in support of the Md. Second Look Act. I further ask that this letter be shared with the House and Senate Judiciary Proceedings Committee.

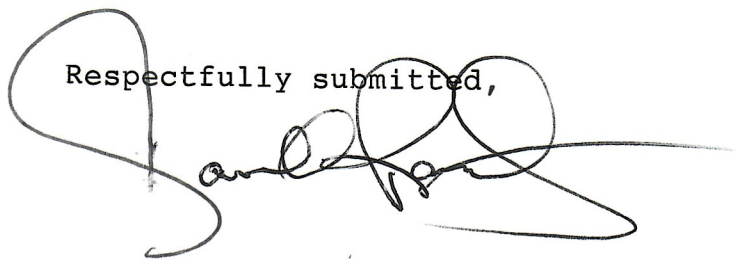
My name is Darnell Roberts and I'm 59 years old. In January 1987, while at the age of 19, I was sentenced to Life plus ten years in prison for a murder conviction. As of this date, I have spent nearly four (4) decades in prison as a result from this conviction. I truly understand that no crime should go unpunished, but the length of sentences being served today for crimes committed are far beyond what is deemed appropriate today. When I came to prison I was young, energetic, and misguided. Fortunately for me, I began taking advice from men who have been incarcerated for many years, some who are home today because of the "Unger" ruling, and listening to these men gave me direction on what it was that I wanted to do with my life. A great deal of this advice from these men were positive and meaningful. The men I listened to were fortunate enough to get a second chance at life prior to any discussion(s) of the Second Look Act being discussed. Taking advantage of this opportunity, these men who were released under the "Unger" ruling have thrived and succeeded in society since their release.

I am the president of the Lifer's Group here at the Eastern Correctional Institution in Maryland and I stress to our group plenty of times how important it is to lead a good and positive life. I stress to our group how we live now will carry over into how we will live when that day come to be released. This is my first ever incarceration. I'm not one who have been here before and returned. I know the importance of what a second chance can do, not only for you, but those in our families and communities. I know that if ever given a second chance at life in society, I would make the best from it because it is something I have worked hard at obtaining. I know that if the Maryland Second Look Act became law, so many men and women, incarcerated and free, will benefit from it. I personally have learned a great deal of respect for life and others during my incarceration. I only pray for the day to come to where I can get a second chance at life and prove to others that giving me a second chance was not a bad decision for those to make. I along with many others

are sitting here today with great minds waiting on the day to come where we can share our experiences and knowledge with others in attempts at keeping others from travelling down that road we did many, many years ago. I know I have learned from the mistake I made at such a young age and await on the day to come where I can atone for what I did as well as help our youth today in society who are being misguided as I was when I was their age.

Having the Maryland Second Look Act bill passed, it will not only gave the men and women incarcerated today hope, but the feeling to know all we have acquired throughout our incarceration can now be shared with others at attempts of helping those we have left behind from the mistakes we made years ago. I only pray that this bill gets passed so I, along with others can prove to society that although we made that mistake early in our lives, we can rebound from it and lead sound and productive lives in society as we all should. I thank you in advance for reading this and your acknowledgment of this letter will greatly be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Sanderson", written in a cursive style with a large initial "S" and a long horizontal flourish extending to the right.

TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

Greetings My Name is Tony Michael Chatman-Bey

As I sit down to write this letter, I am asking myself what can I possibly say that would convey to you that I am no longer the same self-indulgent, hedonistic young man that committed that horrific crime in 1987; for which I have served thirty-seven years and counting. After a lot of soul searching, prayer and with the help of completing just about every self-improving program that the state has to offer, I have come to understand a number of inescapable facts; (1) I take "Full Responsibility" for my crimes/actions. (2) In no way am I trying to minimize the seriousness of those crimes. (3) My only purpose in offering this statement is to try to give you some insight into the self-centered, immoral, and selfish person I was in the summer of 1987, as opposed to the wiser sixty-six-year-old man I am now in 2025. I have spent at least thirty of those years of incarceration doing everything in my power to make a 180% difference in my mind, body and soul.

Back in 1993 at the old Maryland Pen., I wrote an op-ed for the institution's magazine, the "Greystone". The title was *The Criminal Justice System: Punishment, Justice, or Revenge*.

The essence of the article was asking the vital question, why are people sent to prison? If it's about punishment and revenge, then nothing really needs to change, the system does that already. However, if it's about justice and/or that much over used word rehabilitation, then some major changes must be made. *The Second Chance Act*, is one of those much needed changes.

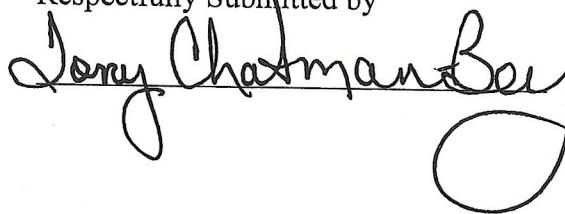
I could explain and give you numbers showing how people my age who have served as much time as me, have the lowest percentage of committing another crime. As members of the legislature you already know this, therefore, instead I am hoping my actions and achievements will show you that I am no longer a risk to society. I only request the (Second) chance to prove it. I am willing to prove this not only by my behavior, but I am willing to accept any conditions that are deemed necessary; home monitoring, sex registration, drug testing, etc.

When I came into the system back in 1987, I deserved to be here, the person I am now does not. I can do more to help change my community by being an example to the young men about what can happen if they don't change the way they are living.

I want to thank you in advance for your time and consideration in my request for a second chance to prove that I am indeed ready to be a law abiding citizen, and an asset to my family and community.

Please find enclosed a summary of the educational and rehabilitation programs that I have earned/competed over the years. I have done the work necessary to ensure that when given a second chance, I will not waste it!

Respectfully Submitted by



TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

CERTIFICATES & RECOMMENDATIONS

1. AVP LEAD FACILITATOR	BASIC	31 MARCH 19
2. AVP FACILITATOR	BASIC	3 AUGUST 17
3. AVP LEAD FACILITATOR	BASIC	8 FEBUARY 17
4. AVP FACILITATOR	T for T	27 OCTOBER 16
5. MEMBER IN GOOD STANDING	VETERANS	2015-16
6. AVP FACILITATOR	BASIC	30 JULY 15
7. CERTIFICATE of COMPLETION	COMMUNICATION	20 JULY 15
8. CERTIFICATE of ACHIEVEMENT	DLR REENTRY & EMPLOYMENT RESOURCES	12 MAY 15
9. AVP FACILITATOR	T for T	30 APRIL 15
10. CERTIFICATE/EVALATION	RELATIONSHIP	6 APRIL 15
11. CERTIFICATE of ACHIEVEMENT	GREAT TRUTHS of THE BIBLE	24 DECEMBER 14
12. V.P. CERTIFICATE of ACHIEVEMENT	LIFER'S ENCOUNTER GROUP #5	4 DECEMBER 14
13. AVP FACILITATOR	BASIC	28 SEPTEMBER 14
14. AVP FACILITATOR	ADVANCED	31 JULY 14
15. CERTIFICATE/ EVALATION	LIFER'S ENCOUNTER GROUP #4	10 APRIL 14
16. CERTIFICATE of COMPLETION	CONFLICT RESOLUTION I	24 MARCH 14
17. CERTIFICATE of COMPLETION	AVP T for T	5 FEBUARY 14
18. CERTIFICATE of RECOGNITION	1st PLACE POETRY COMPETITION	27 FEBUARY 14
19. CERTIFICATE of APPRECIATION	PAROLE PORTFOLIO & COMMUNICATION	12 DECEMBER 13
20. CERTIFICATE of APPRECIATION	ECI HONOR GUARD	2012-13
21. CERTIFICATION of APPRECIATION	FAMILY DAY WORKER	3 JUNE 13
22. CERTIFICATE of APPRECIATION	"POETRY WORKSHOP 1"	16 APRIL 13
23. CERTIFICATE of APPRECIATION & CONTRIBUTION	"THE FISHER HOUSE"	2013
24. COMMUNITY SERVICE PROJECT	MARINE CORPS LEAGUE	
25. CERTIFICATE OF APPRECIATION	FRIENDS OF A SAFE PLACE A CHILD ADVOCACY CENTER	
26. CERTIFICATE of COMPLETION		5 MAY 12
27. CERTIFICATE of PARTICIPATION	PAROLE SEMINAR	21 FEBUARY 12
28. CERTIFICATE HOLY CONVOCATION	PAROLE PROTFOILIO	6 DECEMBER 11
29. CERTIFICATE of COMPLETION	MEMBERSHIP "M.S.T of A."	23 APRIL 11
30. CERTIFICATE OF APPRECIATION	"BIG BROTHER OUTREACH	17 MARCH 10
31. CERTIFICATE of APPRECIATION	SUPPORT VICTIMS RIGHTS WEEK	18-24 April 10
32. CERTIFICATE HOLY CONVOCATION	U.S. ARMY SPECIAL FORCES ASSOC.	2009
33. CERTIFICATE BRANCH TEMPLE	MEMBERSHIP "M.S.T of A."	20 OCTOBER 06
34. INCENTIVE BANQUENT AWARD	MOORISH SCIENCE TEMPLE OF AMERICA, INC.	
35. CERTIFICATE of APPRECIATION		28 NOVEMBER 03
36. CERTIFICATE OF COMPLETION	MHC-ANNEX	27 SEPTEMBER 03
37. CERTIFICATE OF MEMBERSHIP	MHC-ANNEX	27 SEPTEMBER 03
38. CERTIFICATE OF APPRECIATION	DISCOVERING THE INTERNET	4 FEBUARY 03
39. CERTIFICATE OF MEMBERSHIP	VETS OF THE VIETNAM WAR, INC.	AUGUST 2002
40. CERTIFICATE OF APPRECIATION	M.S.T. of A. "SMALL CIRCLE"	30 DECEMBER 00
41. CERTIFICATE OF APPRECIATION	HOLY CONVOCATION	26 SEPTEMBER 00
42. AVP FACILITATOR	SLOW PITCH UMPIRE	1999
43. CERTIFICATE OF MERIT	FAST PITCH UMPIRE	1998
44. CERTIFICATE OF RECOGNITION	AVP BASIC	15 FEBUARY 98
45. BACHELOR OF SCIENCE DEGREE	CONCERNED VETERANS	9 NOVEMBER 94
46. CERTIFICATE OF COMPLETION	COPPIN ST. ALUMI ASSOCIATION	11 MAY 94
47. PROGRAM "IAC"	APPLIED PSYCHOLOGY	16 MAY 93
48. LETTER OF ENDORSEMENT	AVP T for T (FACILITATOR)	12 FEBUARY 93
49. CERTIFICATE OF COMPLETION	OZZIDDI THEATRE COMPANY	20 FEBUARY 93
50. CERTIFICATE OF COMPLETION	DR. LONNIE MITCHELL, Ph. D.	12 JANUARY 93
51. CERTIFICATE OF COMPLETION	PEER COUNSELING & DRUG ED. PREVENTION	
52. PROGRAM "IAC"		25 NOVEMBER 92
53. CERTIFICATE OF ACHIEVEMENT	AVP ADVANCE	19 AUGUST 92
54. CERTIFICATE OF PARTICIPATION	AVP BASIC	25 JUNE 92
55. CERTIFICATE OF MERIT	OZZIDDI THEATRE COMPANY	8 SEPTEMBER 90
56. OUTSTANDING SERVICES AWARD	LEFT BANK JAZZ SOCIETY	25 AUGUST 90
57. PROGRAM "IAC"	U.S. JAYCESS	1990
58. CERTIFICATE OF MERIT/MEMBERSHIP	OLD TOWN JAYCESS	19 JUNE 90
60. CERTIFICATE OF RECOGNITION	ROUND A.C. BOXING TEAM	26 MAY 90
61. CERTIFICATE OF COMPLETION	OZZIDDI THEATRE COMPANY	10 MARCH 90
62. LETTER OF COMPLETION	U.S. JAYCEES	28 JUNE 89
63. LETTER OF THANKS	MONTGOMERY COLLEGE	21 MARCH 88
64. CERTIFICATE OF COMPLETION	STREET LAW 1 with DISTINCTION	21 MARCH 88
	VERIOUS COURSES MONTGOMERY COLLEGE	
		7 MARCH 88
	DIRECTOR MONTGOMERY COUNTY DETENTION CENTER	
		31 DEC. 87
	SALESMANSHIP COURSE	29 OCTOBER 87

January 16, 2025
David Johnson
V. President LIFERS Group
Eastern Correctional Institution-East


House & Senate Judiciary
Proceedings Committee

I was convicted of murder at age 18 stemming from an incident that occurred in 1988. I am now 54 years old. Today, I have been incarcerated for 36 years. The Second Look Act would restore some legal rights that I lost due to my attorney's inactions.

My legal journey began with a plea offer from the State; that I would enter into an Alford Plea to two counts of Second Degree Murder in exchange I would receive 40 years of prison time. I declined the State's offer to elect a jury trial at which I was found guilty of two counts of First Degree murder and subsequently sentence to two consecutive Natural Life Sentences. I was told by my trial attorney that he would file the post-trial motion for modification of sentence and sentence review by a Three Judge Panel. After exhausting my direct appeal, I filed a pro se motion for post-conviction. I was informed by appoint attorney that he would file a supplemental petition for post-conviction to include claims that he discovered during his investigation of my case. Ultimately, my post-conviction attorney did not raise any claims on my behalf, leaving me with only one legal path to have the right to file the Motion for Modification restored which is a Reopening of Post-Conviction.

The passing of the Second Look Act would provide Incarcerated Individuals such as myself a clear path to have the right to file a motion for modification of sentence restored. More importantly, the individuals that will be affected by the passing of this piece of legislation are those that have had an opportunity to truly benefit from the rehabilitative services that DPSCS has offered. It would be a total waste of the rehabilitative process to continue one's incarceration after they have demonstrated positive change. Furthermore, it would be a dis-service to society to not benefit from the rehabilitated individuals whom have gained valuable life skills while incarcerated.

Respectfully submitted,


David Johnson 203354
30420 Revells Neck Rd
Westover Md 21890

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Phillip Jones

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

My name is Phillip A. Jones. I am an incarcerated individual who entered prison at the age of 19. After a drug fueled night which resulted in another young man being shot. Thank God, he did not die of his injuries. I have spent 33 years in prison for this offense. And now, at the age of 53, I have made many strides to restore justice. I am no longer the teenager who, due to my addiction, committed crimes which led to me being incarcerated.

For the past 19 years, I have done what was required to heal and rehabilitate myself. I have taken every program offered to me in prison, I have worked skilled jobs such as Data Entry Invoice Clerk, Accounts Payable. I have participated in numerous self help groups. I have maintained good conduct without infractions for several years. And I have pursued my education in whatever ways I could. Along with these, I also host a podcast. I am a youth consultant, teaching reentry classes, a public speaker and I am the author of two books. I use my experience and my story to steer the youth away from gang involvement and self-destructive tendencies.

Over the years of my incarceration, I have had to seek out external alternatives to education, and/or vocational programs, due to limited availability for lifers, in pursuit of degrees and certifications. We are often placed at the bottom of waiting lists or excluded altogether in order for short time incarcerated individuals with release dates to be prioritized. I am also a proponent of mental health as well as

restorative justice. I have taken 100% responsibility for the crime I committed as an adolescent. And with that, I have displayed remorse for causing injury to the victim in my case. Also making amends through consistent efforts to grow and develop into a pro-social human being. And finally, taking measures to address my own traumas in order for me to heal and be mentally and emotionally sound.

The Maryland Second Look Act would serve as a means to allow individuals like myself to go before the sentencing court and present evidence to the judge which demonstrates that one is deserving of a second chance. Having matured, adopted healthy values, and have done the work of rehabilitation, aside from parole, which only just became available widely to lifers with the removal of the governor, in Maryland lifers have no viable means of release, no matter how model of a prisoner they have become. I was an emerging adult (19 years old) which means I will spend more time incarcerated than any other demographic. Juveniles and adult prisoners do less time than emerging adults for the same offenses. Maryland has JRA for juvenile offenders, and adults in their 30s and 40s won't serve as much time due to life expectancy. Justice requires that something be done to make sentencing equitable and fair across the board in the state of Maryland. The Second Look Act will level the playing field.

Thank you,
Phillip A. Jones

ECI Testimony - 01.28.2025v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

Dontay Toliver

2025-Maryland General Assembly Legislative Session

-Md Second Look Act

Greetings,

-My name is Dontay Toliver I am currently housed at the Eastern Correctional Institution I'm serving a life sentence for a crime I committed when I was 15 years old, I've been locked up for 20 years and I'm now 44 years of age. I think the Md Second Look Act would benefit a lot of inmates who have been incarcerated for a long period of time who've worked on rehabilitation and have taken the proper steps through change of character, education, religion, etc. Many of us have been locked up for a long period of time with no appeals or outlets to look forward to but still work on ourselves to be able to re-enter society. I'm an inmate who benefited from the (JRA) Juvenile Restoration Act and I think the Second Look Act entails some of the same principals as the JRA. Many of my peers such as myself came to prison very young teenagers or early 20's. I think the Md Second Look Act should be passed to create opportunities for prisoners who are deserving and sincere about bettering themselves in the name of freedom. I can speak to this first hand I was a 15 year old boy when I first got incarcerated but over the years as I aged and matured I became a different person.

DEPT > MIND...
RELIGION ETC. Many of us have been locked up for a long
period of time with no appeals or outlets to look forward
to but still work on ourselves to be able to re-enter
society. I'm an inmate who benefited from the (JFA)
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Act entails some of the same principals as the JFA.
Many of my peers such as myself came to prison very
young teenagers or early 20's. I think the 2nd Look
Act should be passed to create opportunities
for prisoners who are deserving and sincere about
bettering themselves in the name of freedom. I can
speak to this first hand. I was a 15 year old boy
when I first got incarcerated but over the years as
I aged and matured I became a different person.
Yes I grew into a man naturally but threw cognitive
groups, education and programs that also assisted
my growth. In many cases after many years we find
to build up respectable resumes through the inst. inst.
programs but after years and years of being locked
up appeals eventually run out and the progression

Timeline doesn't match up with the appeal timeline, so after X amount of years that growth that we made those college courses or those traits we earned doesn't have a platform? I think the Second Look Act would fulfill that wish. And yes parole is a option but with a stiff sentence that might not be feasible. I myself was initially sentenced to a 3 life consecutive sentence that would have me up for parole after 15 years, 15 years for every life sentence.

The Md Second Look Act would provide a great opportunity to a ~~portion~~ nice portion of ~~inmate~~ prisoners who are not threats to the community anymore. Respectfully in my opinion I think the Md Second Look Act should be passed based on that testimony

Dontay Toliver
ECT 1/26/97
30420 Revell's Neck. Rd
Westover, MD
21890



David M. Fischer
ECI #262-021
30420 Revells Neck Road
Westover, MD 21890-3368

10 January 2025

House and Senate Judiciary Proceedings Committee
Attn: Senator Charles E. Sydnor, III
11 Bladen Street
Annapolis, MD 21401

RE: Testimonial in support of Maryland Second Look Act

Dear Senator Sydnor:

I learned from the *Family Support Network* (thefamilysupportnetwork.org) that the *Maryland Second Look Act* is coming up for consideration this session. As someone who has spent nearly 30 years incarcerated, I am glad that the bill is being given another look. I have been looking forward to its eventual passage for years. There exists a significant time gap between the 5-year cap for a potential Sentence Modification hearing by the judge, and a first parole hearing which may occur decades later. The prison system has many programs available designed to help rehabilitate individuals. These programs, combined with the life-altering experience of long-term incarceration, do work in many cases. However, these beneficial changes are diminished if there is no meaningful possibility of a second chance at rejoining society.

This is my first and only incarceration, but not my first brush with the law. Throughout my teenage years, to my incarceration on my current sentence, I was arrested a number of times. I suffer from "Social Anxiety Disorder," a condition which creates intense anxiety in social situations, making it extremely difficult to make friends. This contributed to my falling in with the only people who would accept me since I couldn't make friends with the people that I wanted to associate with. This "undesirable" crowd was impressed by actions – like shoplifting or breaking into cars –

rather than interesting conversations. As long as I was willing to go along with their criminal inclinations, I was accepted by someone, instead of being ignored by everyone.

I am in no way dismissing my actions. I went along with almost everything. I committed crimes. I am responsible for my conduct and deserve to be punished. I accept responsibility for my actions.

For nearly 30 years I have done everything possible to turn my life around and become a better person. Through the help of a number of Social Work and Case Management programs available in different institutions, I was able to determine how my life ending up going the way it did. And, I have been able to break through much of the social anxiety that was holding me back from making proper associations and friendships.

For most of my incarceration I have tried to help others, working primarily as a tutor in the education department of every institution I have been in. I have helped teach adult education for those with under a 4th grade reading level (Reading Academy), teaching students with learning disabilities (like dyslexia), English as a Second Language (ESL) students, GED students preparing to take their exams, and, my current assignment, teaching *Microsoft Office* to post-secondary students. Each position has had unique challenges, which I have enjoyed almost as much as seeing the differences I have made in hundreds of students' lives.

I have also held jobs in Maintenance as an electrician and in the MCE (Maryland Correctional Enterprises) Meatcutting Plant as the head of the Maintenance Department. I have earned dozens of certificates, letters from supervisors, and even a college degree from *Ohio University* with a perfect 4.0 average.

And, over the last few years, especially during our quarantine lockdowns, I have been looking to the future and what my post-incarceration life might look like. I have developed a plan to build a completely off-grid, 10-acre homestead, for myself and my family. Raising our own animals and crops to provide clean, organic food in a healthy environment. I have read every book on construction, farming, raising animals,

preparing food, land management, etc. that I could get my hands on, and turned that knowledge into a 300+ page plan covering every aspect of the homestead. (The letterhead icon is from my plan. I call it *MorningStar Ranch*.) And the entire construction will be funded by money I earned through 20+ years of investments in mutual funds (which I learned from a course at MCI-J).

For, literally, decades, I have done everything in my power to become a better person, to help others become better people, all in the hopes of someday being able to rejoin my family back in Baltimore County (Woodlawn) before something happens to one of my brothers or my parents. Without the passage of the *Maryland Second Look Act*, that may not be possible. I never received a sentence modification hearing, and parole is always a longshot, at best. I still have not even had my first parole hearing.

I have seen the types of people that are in prison, and I will be the first to admit that many of them are right where they need to be. Many of them will leave prison the same people they were when they entered. For them, rehabilitation has not happened. But for many of us, myself included, a significant change has occurred during our sentences. We deserve the chance of a "Second Look," and only you can make that happen. If the *Maryland Second Look Act* passes and becomes law, other inmates will see that staying out of trouble, hard work, and doing the right thing can actually yield results. More will be inspired to rehabilitate themselves, and incarceration can become more than just "locking them up and throwing away the key."

I urge you to pass the *Maryland Second Look Act*, for the many who have put in the work and deserve to be seen again. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. M. Fischer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David M. Fischer

David Logue #1336504-292463
30420 Revells Neck Rd.
Westover, MD 21890

January 6, 2025

To whom it may concern:

This letter is submitted to the House and Senate Judiciary Proceedings Committee in support of the Maryland Second Look Act.

My name is David Logue and I'm 62 years of age. I'm serving a life sentence and have completed 26 years of this sentence to date. I began this sentence at the age of 35.

I think the Maryland Second Look Act should be made into law because it has been proven that the people who was released on the Unger issue, all whom have served a minimum of 25 years, have not been in trouble and are productive members of society. Given the second chance, these individuals have proven to everyone that we can become productive members of society. No one who has served a minimum of 25 years of incarceration ever wants to return to prison which should be a factor going forward. We only want to be a part of those men who have become productive members of society and spend the remainder of their lives with our families. Health issues are also a factor for this bill. We are going to have many health issues. I am personally dealing with a second battle of cancer and I am the only one of many who have the same problems with health issues.

In closing, I strongly believe that if the many men and women who are incarcerated today for lengthy periods of time have learned a valuable lesson in life from our mistakes and if given a second chance, will not be a statistic in contributing to the recidivism rate in the state of Maryland. The Second Look Act will give us the opportunity to seek a second chance at life while contributing to society in positive ways which we all can benefit from. This bill should be passed because it is not us who have been here for decades contributing to the recidivism rate. I thank you for your time in this matter.

Sincerely,

David Logue

Adrian Ward 162802
Easton Correctional Institute
Westover Maryland 21890

January 8, 2025

Martina Hazelton
Co-Founder and Executive Director
Family Support Network

My name is Adrian Ward. I am sixty three years old. At the age of eighteen, my high school track coach, without preamble asked me to come along with him. Obediently I followed him down a hallway to a classroom full of fellow high school students. After placing me in front of the students, he began speaking of an incident that happened the day before. A young kid from a nearby middle school had approached him and inquired as to my whereabouts. The young boy had wanted to meet me to acquire an autograph. That coach, who had positioned me in front of those students many years ago, pointed to me and said, "All of you should aspire to be like Mr. Ward, a role model.., a person who people could look up to."

Today I am in prison. At present I am serving a life sentence, dating from 11-27-81, for rape. So far I have served 42 years of my sentence. I was born February 12, 1962, single and have a 12th Grade education. I graduated from Northwestern High School in North Baltimore in 1981 and attended Villanova University during the fall semester. My college studies were terminated by my arrest of the above offense. My work history prior to my arrest was limited to summer and part time employment.

During my incarceration, I have learned a lot about myself. Despite what I did, Insanely enough, I always considered myself a good person. I had good friends, average grades, and was active in several community activities. However a good person does not go out on a beautiful Sunday morning a terrorize another human being.

Since incarcerated, I had several parole hearings. At every parole hearing, I was always asked, "Do you think your sentence is fair?" I always said yes. If my sentence was designed to punish me, it certainly has. If it was intended for me to face what I have done, and reflect on the pain and suffering I've caused others. It has done that also. What it has not done was to give me a Second chance. My mother and father had lost a son. My younger brother and sister ostracized by their community because of the deeds of their older brother. But most of all, the victim did not deserve the pain and suffering that I caused them. I can only imagine that their suffer did not end with my assault. The fact that they not only survived, but had the strength and courage to face me in court, and look me in the eye without fear, or shame to tell their story, is to be admired.

ECI Testimony - 01.28.2025v2.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

ANTONIO STEWART SR.
30420 REVELLS NECK Rd.
WESTOVER, MD 21890

January 08, 2025

Family Support Network
SENATOR CHARLES E. SYDNOR III, ESQ
3937½ MINNESOTA AVE, NE
PO Box 64093
Washington, DC 20029

DEAR SENATOR SYDNOR,

I WAS TWENTY NINE YEARS old AT THE TIME OF MY OFFENSE. I HAVE SERVED APPROX. SIXTEEN YEARS OF MY 50 YEAR SENTENCE. IM CURRENTLY 45 YEARS old AND I BELIEVE BY THE PASSING OF THE MARYLAND SECOND LOOK ACT, WOULD BENEFIT THOSE OF US WHO HAVE MADE THE CHANGE TO BECOME APART OF SOCIETY AGAIN.

IN THE SIXTEEN YEARS OF INCARCERATION I HAVE HELD NUMEROUS POSITIONS SUCH AS; SEGREGATION WORKER, PRISON EXTERMINATOR, MCE SEWING SHOP AND CURRENTLY ADMINISTRATIVE CLERK FOR THE CHAPLAIN'S OFFICE. THESE JOBS HAS GIVEN ME A DIFFERENT OUTLOOK ON LIFE WHICH HAS BEEN IMPORTANT TO MY GROWTH.

I HAVE TAKEN ADVANTAGE OF PROGRAMS WITHIN THE INSTITUTION SUCH AS; ALTERNATIVE TO VIOLENCE LEVELS 1 AND 2, PURPOSE FOR DRIVEN LIFE, KAIBOS, MINISTRY TRAINING COURSE ALONG WITH CERTIFICATES FOR PARTICIPATING AND TRAINING OTHERS ON DIFFERENT INSTRUMENTS. I ALSO OBTAINED A 2 YEAR DEGREE THRU STRATFORD CAREER INSTITUTE FOR SECURITY AND POLICE SCIENCE.

I BELIEVE THE MARYLAND SECOND LOOK ACT SHOULD BE PASSED SO THAT IT WOULD GIVE AN OPPORTUNITY TO THOSE WHO ARE INCARCERATED HOPE FOR TOMORROW.

Sincerely,
Orlando Stewart Jr.

D.O.C 364-174

Joseph Middleton
ECI-East #198-133
30420 Revells Neck Road
Westover, MD 21890-3368

3 January 2025

House and Senate Judiciary Proceedings Committee
Attn: Senator Charles E. Sydnor, III
11 Bladen Street
Annapolis, MD 21401

RE: Second Look Act; Favorable/Support testimonial

Dear Senator Sydnor:

I was twenty-four years old at the time of my offense. I have served thirty-six years on a life sentence (with parole eligibility). I am sixty years old and I believe that I am the perfect example of why the *Maryland Second Look Act* should be passed. I am a highly energetic, hardworking, and dedicated person who has organized and lead Adult Education programs, self-improvement workshops, and seminars over the past fifteen years. This demonstrates my motivation as well as my desire to help others. Throughout this experience, I was able to practice my listening and communication skills in order to identify and respond to the needs of others.

My practical knowledge relative to mentoring includes mindfulness, self-reflection, and psychological approaches. I developed these techniques through years of reading and studying which has helped me to deal with many things in my own life, such as the loss of three sons, a granddaughter, a wife, and a father. It has also been vital to my ability to deal with my own depression and anxiety.

I have held a number of jobs during my incarceration, including Carpentry aide, special housing clerk, MCE Meatcutting Plant leader, maintenance plumber, Volunteer Activities Coordinator clerk, special project construction, academic aide, and SUI Metal shop fabricator. All of the skills relative to these jobs I've learned while incarcerated since 1989.

In addition to these things, I have taken advantage of every program made available to me. These include the Alternative to Violence program, Thinking/Deciding/Changing, N.A./A.A., Conflict Resolution, Jaycee's, and Victim Awareness. I have also been involved in a number of activities such as Big Brother's (2004-2009), Founder and President of Prison Awareness (2010-2016), Salisbury University Book Club (2016-2021), and an active member and leader in the Catholic Fellowship for over the past thirty years.

Lifers are never given the opportunity to change and show that they are ready to go back in to society. People who want to change and have taken every opportunity to improve themselves should have the chance to be evaluated and show that they have changed.

I desire and plan to take advantage of all of the skills and experience that I have obtained over the years of my incarceration and use them in the real world as a free citizen. It is for this reason and many others that I believe the *Maryland Second Look Act* should be passed so that men like myself would have an opportunity for a second chance at life.

Respectfully submitted,

Joseph E. Middleton Jr

HB 0853 - SECOND LOOK ACT - FSN - SENATE - MARTINA

Uploaded by: MARTINA HAZELTON

Position: FWA

March 25, 2025 @ 1:00pm (Senate Hearing)

Maryland General Assembly
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: HB 853 – Criminal Procedure – Petition to Reduce Sentence (Md Second Look Act)
SUPPORT WITH AMENDMENTS

Please accept my written testimony in support of House Bill 853 (HB 853). I am testifying on behalf of the Family Support Network (FSN) and from my personal experience.

FSN is a network of individuals with incarcerated loved ones, returning citizens and advocates that support one another and serve as a voice for those behind the wall. I have the lived experience and remain near to those that are dealing with the daily challenges of having an incarcerated loved one. Most of the FSN returning citizens and those still serving are lifers or have life equivalent sentences.

My husband was incarcerated at 16 years of age and served 28 years and 8 months in Maryland prisons. In 1993, he was sentenced to two consecutive life sentences plus 23 years. Given his sentence he was not eligible for his first parole hearing until he had served 40 years at which time, he would have been 56 years of age. With all his post-conviction options exhausted and parole out of sight. We thought all was lost. However, after retaining private counsel in March 2017, a Motion to Correct an Illegal Sentence was filed and through that motion it was discovered that there was illegality in his sentence. Subsequently, his original sentence was modified to correct the illegality and through that action he was able to file a second Motion for Reconsideration. His initial Motion for Reconsideration was denied in 1999. After 25+ years of incarceration, the second Motion for Reconsideration was granted and a hearing was scheduled. My husband was not the lost 16-year-old teenager that was engulfed in a situation where he found himself at the wrong place, at the wrong time, with the wrong people. He was now a man in his mid-forties that had matured, committed himself to being a better person, engaged in developmental opportunities whenever possible and ultimately was no threat to public safety. His impeccable institutional record and demonstration of growth garnered the State's support and recommendation of release. On November 8, 2021, his sentence was reduced to time served and by the grace of God he became a free man on November 9, 2021. Since his release he maintains full employment, supports our family, and makes positive contributions to strengthening our community. None of this would have been possible without a Second Look, we both know how fortunate he is and that his case is an exception and not the rule. The one thing that he expresses that lingers over his mind the most is that he left behind so many deserving men that are just like him. He says those men are trapped in a system that has forgotten about them and has left them for dead. He proclaims often that he is not special and that the same "Second Look" that God blessed him with should be bestowed upon others.

Maryland incarcerates the highest percentage of Black people in the country (71% of Md's prison population is Black – 2x the national average). Maryland leads the nation in its level of incarcerated black men ages 18 to 24 by sentencing young Black men to the longest prison terms at a rate 25% higher than the next nearest state (Mississippi). How did this happen? Bias and discrimination against Black and Brown people with low income has been well documented at every stage in Maryland's criminal legal system, to arresting and sentencing. It is my desire that you consider the legislation before you as a step in the right direction of fixing the systemic mass

incarceration of Black and Brown men in Maryland. The extreme level of incarceration did not occur overnight by one specific action. It took years and incremental actions that had negative affects throughout the legal system to get here. To undo the injustices and address this crisis it is also going to take several actions over a period of years to achieve real justice reform. In 2021, the Juvenile Restoration Act (JRA) was passed but, it ended on the day it was signed as it was retrospective legislation. I implore you to build upon that to ensure we give those most deserving of a second look an opportunity to do so after having served 20 years in prison regardless of their age at the time of the offense. The JRA in its current form abolished Life Without Parole (LWOP) for juveniles and did not have any exclusions based on type of crime or type of sentence. If the House really intended to expand JRA they should have kept the original language without any carve outs. Those serving LWOP are equally as deserving of a Second Look and should not be excluded.

FSN and the Md Second Look Coalition have been in communication with those behind the wall so they may also exercise their voices and participate in this legislative process. Please read their stories, lament the amount of time they have served and acknowledge that redemption is possible. Second chances are needed and necessary.

On behalf of myself, FSN and the Md Second Look Coalition I hope that you will unequivocally support this bill and move it forward with a **FAVORABLE WITH AMENDMENTS** to eliminate the exclusion of those serving LWOP.

Respectfully,

Martina Hazelton

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3937 1/2 Minnesota Ave, NE
PO Box 64093
Washington, D.C. 20029
Website: thefamilysupportnetwork.org



MCI-W Testimony - 01.22.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

Committee: House and Senate Judiciary Proceedings Committee Favorable Support

My name is Janet Johnson. I am currently incarcerated at Maryland's Correctional Institution for Women. I entered the system as an emerging adult at the age of 18 and at 19 was sentenced to 25 years to life with the possibility of parole.

The scientific community recognizes emerging adults as adolescents between the ages of 18 - 25. Youth between the ages of 18 -25 are classified as emerging adults because, while they have exceeded the age required for classification as a juvenile, their brain hasn't reached the stage of development required to classify them as an adult. Farrington, Loeber and Howell explain in their research article Young Adult Offenders that the higher executive functions of the brain, which includes planning, verbal memory and impulse control, are not usually developed fully until the age 25.

I am now 37 years old and have worked hard at becoming the woman I am today. On May 31, 2024 I graduated from Goucher College with Honors. I achieved honors by defending my thesis that questioned "Have cultural norms shifted to signify that eighteen is no longer the marker at which an adolescent transitions into adulthood? Science supports that brain maturation within an adolescent is not reached until the age of 25. What does this mean for emerging adults within Maryland's criminal justice system?"

I spend my time giving back by tutoring my peers and training to become a peer recovery specialist. I have all of the hours required for certification and am just waiting to take the test. I enjoy creating programs that assist in the rehabilitation of the women in my community. I share this with you because I want you to know that I am not the same person I was at the age of 18. I have grown and am working hard to prevent at least one at-risk youth from making the same mistakes that led me to prison by sharing my journey of growth.

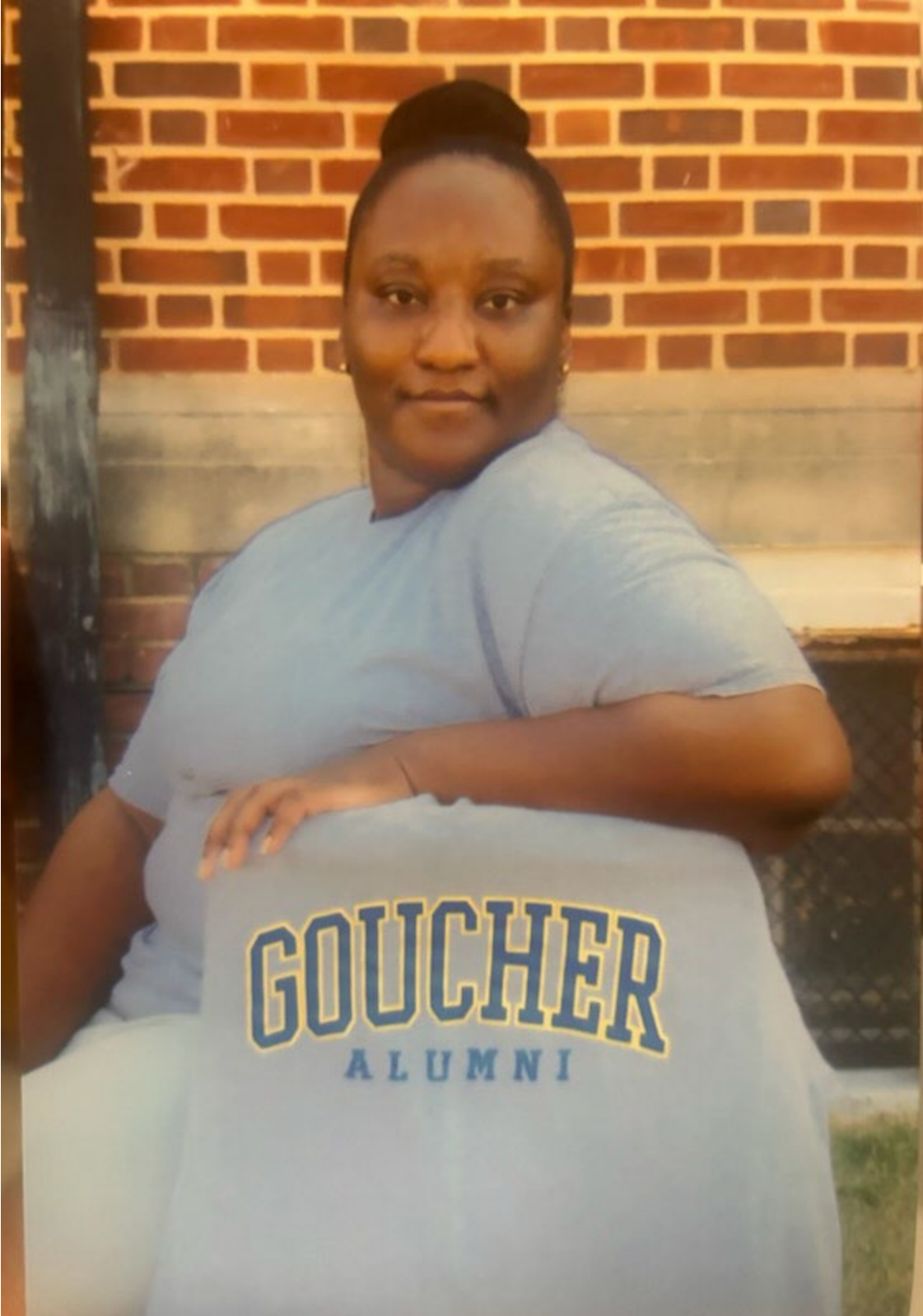
I am an adult who was incarcerated at the age of 18. I believe that I needed to be held accountable for my decisions that led me here. Someone lost their life and that is something I have to live with for the rest of my life. Although I do have parole eligibility, because of my sentences, there is no guaranteed timeline for release. I was given a 10 year hit as a result of my parole hearing in 2020. My next hearing is in 2030. If given a recommendation for release, I would still have to have a risk assessment. The process for a risk assessment has been lengthy. For most people, the process has been three years.

Passing the Second Look at would mean a realistic release date for emerging adults like me. I didn't fit the criteria for the Juvenile Restoration Act of 2021 because I was 18 at the time of my offense. However, the scientific data that renders juveniles less culpable than adults includes emerging adults as being less culpable as well.

I thank you in advance for your time and support of this bill.

Respectfully,

Janet Johnson # 923246
7943 Brockbridge Road
Jessup, Md 20794



MCI-W Testimony - 01.28.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

My name is LaTronda Jackson

I came to prison by way of very unfortunate events and an Alford Plea. I have taken full responsibility for my part. I relapsed and found myself in fight or flight situation. No other way for me to describe it. I had been clean since 2004 when I gave birth to the third of my six beautiful children. My life went wrong at the age of 5. I felt abandoned, unloved, unwanted and was molested, abused and broken by the same people who said they loved me. Throughout my entire existence I experienced those things, thinking the whole time it was my fault, thinking that I did something to deserve it.

When I got clean, had therapy, counseling and gained the understanding that I was a child and wasn't responsible. I was a victim. It mess me up. I needed help not drugs. I knew better so I begin to do and wanted better. I not only wanted better for myself but also for my children. I begin to be a Mom, productive member of society, husband (Islamic marriage) a roof over our heads and living drug free. I had just had my youngest daughter she was 3months plus when, I found out my husband was cheating on me and selling drugs. He had 7 children plus my six that I cared for most of the time. They all went to family member's homes for visits and it should have been just me and him. It wind up only being me. I was devastated, possibly suffering from PTSD and I broke down turned to that pain reliever instead of using the coping skills and my NA sponsor. It was biggest mistake of my life. 2 hours. I went through the neighbor, meet with the guy. I had money. In the end he wanted what I wasn't willing to give. He decided he wanted to take it. Here I sit with 35 years in prison for defending myself. I thank good every day for saving my life. It could have been me and I might not have made it back from that relapse.

During my time in MCIW I have remained infraction free. I stayed available as much as I can for my children participating in classes, Family and Children's days. I continue to take group and classes that will allow me to be a better stronger person than I was when I got here. I have maintained a job my whole duration. I have an abundance of certificates and certifications and am aiming for more. When I am release I will prove to the world I am deserving of the freedom rewarded. I miss my children most of all. Changing the cycle.

To Whom It May Concern,

Before my incarceration I was so lost, checked out, unaware, misguided, suffering and suffering from so much abuse mentally, physically, sexually, and emotionally. Not knowing who I was from day to day. I was smothering myself with drugs and alcohol just to be numb. I didn't want to bare the pain and heartbreak I felt constantly from being unwanted, unloved, and abandoned. I was in and out of Foster homes and mental institutions. I have been incarcerated since January 23rd, 2009. I was 19 yrs. Old. I am now 35. Since being behind these walls I have learned and accomplished so much. I have achieved my diploma and 40 certificated from multiple self-help group and classes. I am a mentor for The Youth Challenge Program. I have a job working for Maryland Correctional Enterprise being the line leader of my department. I have overcome everything I was suffering from before my incarceration. I thrive each and every day to put my best foot forward. I am full of humility. I have self-discipline, self-love, self-respect, ambition, integrity, dignity and a heart is so much better. I also have graduated from a 6 month program called ATP(Addiction Treatment Protocol). I attend regular meetings Of Al-Anon, AA. I even buff the floors within the institution. If this bill was to pass, it would mean to me that I have another chance to live my life the proper way and utilize the excellent tools I have obtained. I will be a wise and virtuous human being, giving back to the community, showing that I am worthy of living in society among everyone else. I can show my greatness. I would like to help guide the youth and help them to not make the same mistakes I have. This bill would affect my life because I now know my purpose. I am a leader, a teacher, and a role model. So many are lost, we all live and learn and if I could help save someone's life before heading to that dead end. Then that just what I would do. I want to be to society and my community what I didn't have. I know who I am and I know life will show up but there is a different me now. I know how to look hardship in the face and not run. There is nothing that will stop me from living out my purpose. Please allow me the second chance and an opportunity to show you everything I have written in the lines above. Thank you.

Respectfully Submitted, :

Josiah (Brittany) Barkley #924902

J. Barkley

1

My name is Cynthia Levening
I am 62 years of age. I have
been incarcerated for 34 years.
There has not been one day
or one minute to pass in those
almost 35 years that my heart does
not ache because of my actions or
the lack of them. all of my life
is full of remorse and regret.
I was sentenced to life plus 75 years
without parole. I only knew my co-defendant
for 30 days. I accepted a ride with a
stranger; he took me to a room in
a house in which I was held against
my will, I was sexually assaulted and
forced to smoke PCP repeatedly over
a course of days. a drug I
never liked or used to even
self medicate which I did most of my
life. I do believe I was at the lowest
point of my pitiful life. I had no
desire to live. This would explain
to me why I did not run away
once I gained my co-defendants
trust. and he untied me. In the

beginning I was tied up on that room on the mattress on the floor. I do recall a very big dog in the room as well. I do not have much memory of the events thereafter; not only was I forced to smoke PCP I also self medicated with my prescribed medications Valium and Placidyls which I did abuse; but were prescribed by DR RUBIN.

I cannot fathom the person I am today committing such a heinous and senseless act as the one I am charged with. It has been hard to live with myself, not to mention forgiving myself. So that I may also be forgiven by God. My heart will never not hurt, and the remorse will forever consume me. I am 62 years old now. I do not know how many years I may have left of life but I wish with all my heart & soul I too, like many of the 'people' I have met here many years ago with like charges who are now home

There is an extreme disparity in sentencing depending upon where you go to trial and its jurisdiction in which that trial took place. I was offered a plea of life w/ Parole if I plead guilty but I did not accept; I regret that today. I was given life w/o Parole plus 75 years.

I do not know the criteria that is used to determine who gets a second chance and who does not. But I have known many who have. They are all doing great for which I am pleased and proud of them.

My first 20 years I tried to accomplish what I could to better myself. I received my GED in 1996. I worked for MCE for about 20 years in various shops. With all my experience + training in the 20 years I worked for MCE, I never received a work related infraction. I have developed transferable skills with the 4 different shops in

which I worked. I earned
many certificates to include master
Bee Keeping which I loved. I also
worked and kept the gardens up
for my first years here.

But after 17
years I became hopeless feeling
and very depressed. I had no
sense of hope or incentive and
the quiet I felt for all the
lives my actions I affected
consumed me. Today I am working
through the quiet by having
a relationship with the Lord,
reading his word and much prayer
I know he has forgiven me
I only hope I pray that
humor kind will also forgive me.
So that I may live my
remaining years free and
trying to give back with
love and compassion where
it is needed. God has put
many good people in my life
who have been true blessings

for which I am forever grateful.
I have been married now
since 1999 and have a loving
husband & family. I pray you
may find it in your heart
to also forgive me and
consider a second chance
in whatever life I may have
left to live.

Respectfully,

Cynthia Leveing

I attend Lutheran St Dymas
service and have been for the
last 25 years. I wish to go to
the Marian House a structured transitional
housing program where I would receive
intensive & holistic support during
my return to society. The Marian House
is in Baeto, Md & provides comprehensive
programming for formerly incarcerated women.
I also have the support of my
husband of 25 years, Daniel Freeman

MCI-W Testimony - 01.28.2025v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

Committee: House and Senate Judiciary Proceedings Committee Favorable Support

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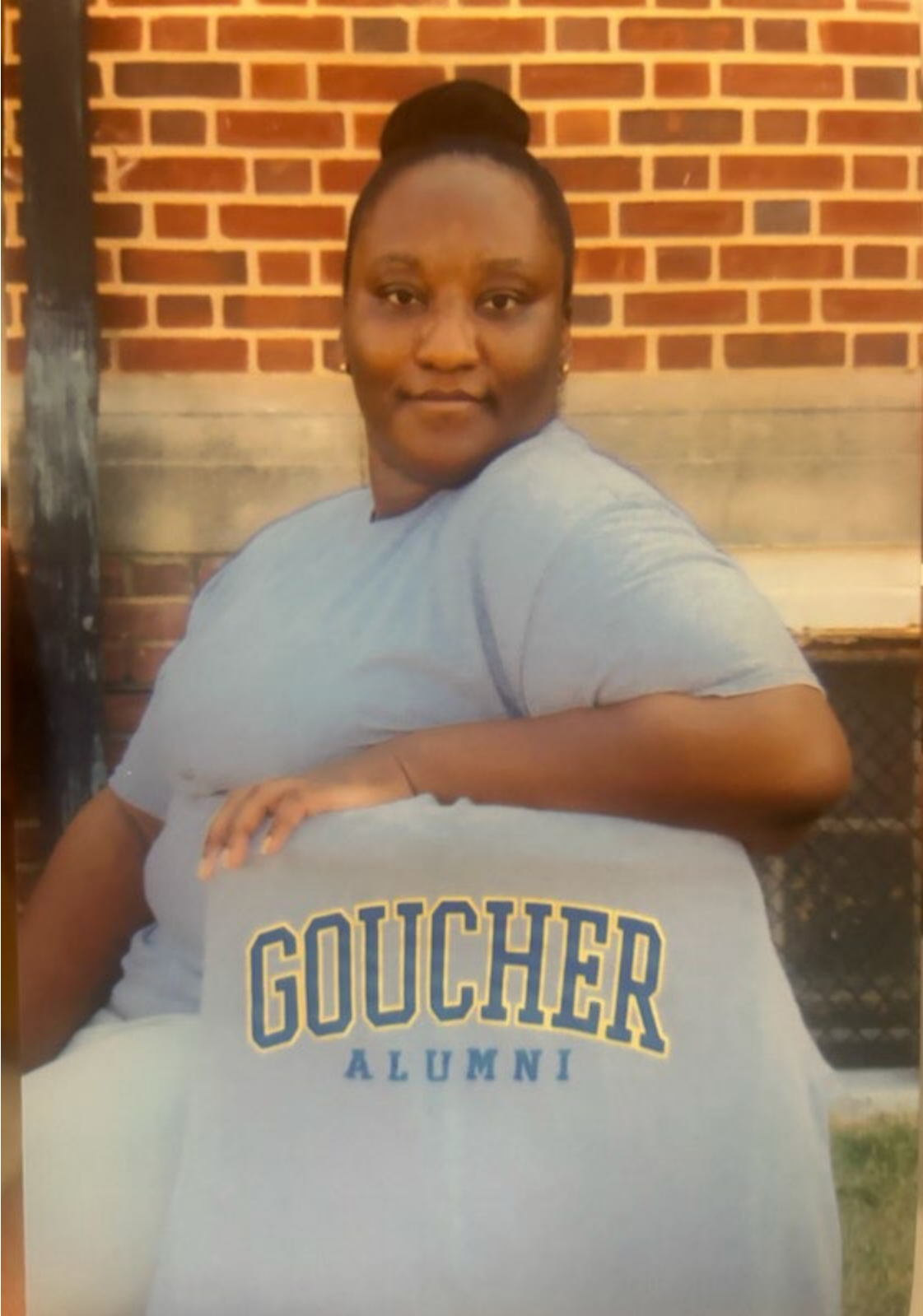
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Janet Johnson # 923246
7943 Brockbridge Road
Jessup, Md 20794



My name is LaTronda Jackson

I came to prison by way of very unfortunate events and an Alford Plea. I have taken full responsibility for my part. I relapsed and found myself in fight or flight situation. No other way for me to describe it. I had been clean since 2004 when I gave birth to the third of my six beautiful children. My life went wrong at the age of 5. I felt abandoned, unloved, unwanted and was molested, abused and broken by the same people who said they loved me. Throughout my entire existence I experienced those things, thinking the whole time it was my fault, thinking that I did something to deserve it.

When I got clean, had therapy, counseling and gained the understanding that I was a child and wasn't responsible. I was a victim. It mess me up. I needed help not drugs. I knew better so I begin to do and wanted better. I not only wanted better for myself but also for my children. I begin to be a Mom, productive member of society, husband (Islamic marriage) a roof over our heads and living drug free. I had just had my youngest daughter she was 3 months plus when, I found out my husband was cheating on me and selling drugs. He had 7 children plus my six that I cared for most of the time. They all went to family member's homes for visits and it should have been just me and him. It wind up only being me. I was devastated, possibly suffering from PTSD and I broke down turned to that pain reliever instead of using the coping skills and my NA sponsor. It was biggest mistake of my life. 2 hours. I went through the neighbor, meet with the guy. I had money. In the end he wanted what I wasn't willing to give. He decided he wanted to take it. Here I sit with 35 years in prison for defending myself. I thank good every day for saving my life. It could have been me and I might not have made it back from that relapse.

During my time in MCIW I have remained infraction free. I stayed available as much as I can for my children participating in classes, Family and Children's days. I continue to take group and classes that will allow me to be a better stronger person than I was when I got here. I have maintained a job my whole duration. I have an abundance of certificates and certifications and am aiming for more. When I am release I will prove to the world I am deserving of the freedom rewarded. I miss my children most of all. Changing the cycle.

To Whom It May Concern,

Before my incarceration I was so lost, checked out, unaware, misguided, suffering and suffering from so much abuse mentally, physically, sexually, and emotionally. Not knowing who I was from day to day. I was smothering myself with drugs and alcohol just to be numb. I didn't want to bare the pain and heartbreak I felt constantly from being unwanted, unloved, and abandoned. I was in and out of Foster homes and mental institutions. I have been incarcerated since January 23rd, 2009. I was 19 yrs. Old. I am now 35. Since being behind these walls I have learned and accomplished so much. I have achieved my diploma and 40 certificated from multiple self-help group and classes. I am a mentor for The Youth Challenge Program. I have a job working for Maryland Correctional Enterprise being the line leader of my department. I have overcome everything I was suffering from before my incarceration. I thrive each and every day to put my best foot forward. I am full of humility. I have self-discipline, self-love, self-respect, ambition, integrity, dignity and a heart is so much better. I also have graduated from a 6 month program called ATP(Addiction Treatment Protocol). I attend regular meetings Of Al-Anon, AA. I even buff the floors within the institution. If this bill was to pass, it would mean to me that I have another chance to live my life the proper way and utilize the excellent tools I have obtained. I will be a wise and virtuous human being, giving back to the community, showing that I am worthy of living in society among everyone else. I can show my greatness. I would like to help guide the youth and help them to not make the same mistakes I have. This bill would affect my life because I now know my purpose. I am a leader, a teacher, and a role model. So many are lost, we all live and learn and if I could help save someone's life before heading to that dead end. Then that just what I would do. I want to be to society and my community what I didn't have. I know who I am and I know life will show up but there is a different me now. I know how to look hardship in the face and not run. There is nothing that will stop me from living out my purpose. Please allow me the second chance and an opportunity to show you everything I have written in the lines above. Thank you.

Respectfully Submitted, :

Josiah (Brittany) Barkley #924902

J. Barkley

1

My name is Cynthia Levening
I am 62 years of age. I have
been incarcerated for 34 years.
There has not been one day
or one minute to pass in those
almost 35 years that my heart does
not ache because of my actions or
the lack of them. all of my life
is full of remorse and regret.
I was sentenced to life plus 75 years
without parole. I only knew my co-defendant
for 30 days. I accepted a ride with a
stranger; he took me to a room in
a house in which I was held against
my will, I was sexually assaulted and
forced to smoke PCP repeatedly over
a course of days. a drug I
never liked or used to even
self medicate which I did most of my
life. I do believe I was at the lowest
point of my pitiful life. I had no
desire to live. This would explain
to me why I did not run away
once I gained my co-defendants
trust. and he untied me. In the

beginning I was tied up on that room on the mattress on the floor. I do recall a very big dog in the room as well. I do not have much memory of the events thereafter; not only was I forced to smoke PCP I also self medicated with my prescribed medications Valium and Placidyls which I did abuse; but were prescribed by DR RUBIN.

I cannot fathom the person I am today committing such a heinous and senseless act as the one I am charged with. It has been hard to live with myself, not to mention forgiving myself. So that I may also be forgiven by God. My heart will never not hurt, and the remorse will forever consume me. I am 62 years old now. I do not know how many years I may have left of life but I wish with all my heart & soul I too, like many of the 'people' I have met here many years ago with like charges who are now home

There is an extreme disparity in sentencing depending upon where you go to trial and its jurisdiction in which that trial took place. I was offered a plea of life w/ Parole if I plead guilty but I did not accept; I regret that today. I was given life w/o Parole plus 75 years.

I do not know the criteria that is used to determine who gets a second chance and who does not. But I have known many who have. They are all doing great for which I am pleased and proud of them.

My first 20 years I tried to accomplish what I could to better myself. I received my GED in 1996. I worked for MCE for about 20 years in various shops. With all my experience + training in the 20 years I worked for MCE, I never received a work related infraction. I have developed transferable skills with the 4 different shops in

which I worked. I earned
many certificates to include master
Bee Keeping which I loved. I also
worked and kept the gardens up
for my first years here.

But after 17
years I became hopeless feeling
and very depressed. I had no
sense of hope or incentive and
the guilt I felt for all the
lives my actions I affected
consumed me. Today I am working
through the guilt by having
a relationship with the Lord,
reading his word and much prayer
I know he has forgiven me
I only hope I pray that
human kind will also forgive me.
So that I may live my
remaining years free and
trying to give back with
love and compassion where
it is needed. God has put
many good people in my life
who have been true blessings

for which I am forever grateful.
I have been married now
since 1999 and have a loving
husband & family. I pray you
may find it in your heart
to also forgive me and
consider a second chance
in whatever life I may have
left to live.

Respectfully,

Cynthia Leveing

I attend Lutheran St Dymas
service and have been for the
last 25 years. I wish to go to
the Marian House a structured transitional
housing program where I would receive
intensive & holistic support during
my return to society. The Marian House
is in Baeto, Md & provides comprehensive
programming for formerly incarcerated women.
I also have the support of my
husband of 25 years, Daniel Freeman

NBCI - 01.31.2024.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

Warren X Stuckey #241-212
North Branch Correctional Institution
14100 McMullen Hwy., S.W.
Cumberland, Maryland 21502

RE: Support and Consolidation for Justice
Reform to Change Laws to Protect Against Intermecine Harms

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3957 1/2 Minnesota Avenue, NE
P. O. Box 64093
Washington, DC 20029

Dear Ms. Hazelton:

This letter is being written on behalf of the men who reside in North Branch Correctional Institution-(**herein after 'NBCI'**)-; because we wish to share our sentiment with you and the Attorney General (Mr. Anthony Brown) for the rebel endeavor in which you'll have taken upon yourselves.

All of the letters of the men who support the many who are advocating for us really wish you to know that we are with you in spirit. As the Student Minister of the Nation of Islam, I am in a continuous struggle (**though worth every second**) for self-development and reform which entails doing that which is in line with producing a reformative mind through efforts of remorse; enabling one to grow beyond the deplorable thinking and behavior patterns. It isn't until the human being learns how to truly evolve the self, that he/she is able to reform and give the same to others.

Since coming to prison in 1983, for the murder of a childhood friend (Larry "Woodie" Erickson), I have spent my time trying to figure out what was causative enough to transform a young mind to do that which troubles the innate propensity for right thinking. Of course, we can all concede to how certain conditioning has been the culprit to belie and distort that which the communities (i.e. **"culture"**) in Black and Brown areas suffers from, and pass them off as mere slippages of those languishing therein; however, those understanding the power of having a voice knows better. For whenever you take the ability of people to articulate their feelings (i.e. **like human beings should**); what depreciates as a result is more than just the gift of expression; they become what they see. And, this means to lose that ability altogether.

Children moves in errant due to what the eye catches; because they lack the know how of distinction between right and wrong. This is precisely why parents and other guardians sometimes find it difficult to grasp "why?" Now, after years of research and experiments; it becomes obvious that the mind capacity of even early adults lack true comprehension of a wide tendency to produce for that mind, clarity of measuring a full impact for deviation. We learn this empirically. This is why the task; as well as the path, assured by those like yourselves are of extreme importance. They help to facilitate a better lens from which to see how entangled goes this intermecine problem.

Each individual whose names affixes this show of support, most of whom have endeavored to prove ourselves worthy of such advances on your parts, by living a life that could be easily

braved to support the argurent against giving us a second chance to live in a wellness state outside of these confines.

We are extremely hopeful of the Bill passing with respect to this regard. If you haven't seen or been told by the many you represent in these laborious undertaking; know that our gratitude speaks volures of your worth in the cause of justice and devotion. WE thank you; and say, "Mizpah!"

Sincerely,

Warren X Stuckey ("Warren Muhamrad")

CC:MS

Anthony G. Brown

200 Saint Paul Place

Baltimore, MD 21202

Greeting Mr. Brown,

First and Foremost I would like to start off by thanking you for your concerns and your efforts in reducing Mass incarceration and also establishing meaningful reform in Maryland's criminal legal system.

As an incarcerated individual serving a sentence of life without the possibility of Parole, I feel discriminated against because of my sentence. Serving a life without Parole sentence doesn't allow me to move throughout Maryland's prison system to be able to take advantage of certain programs or special Trades other institutions may have to offer. I believe that there should be a criteria met that would allow incarcerated individuals the opportunity to advance throughout the prison system. The idea of reform is for one to improve on self, the system doesn't allow individuals to do that.

I would also like to thank you and your constituents for your work and support in trying to get the Second Look Act Bill passed. I believe in second chances for individual who have earned it, I also believe that they shouldn't be taken lightly. I am amongst some men who are well deserving of a second chance, and I pray that one day they'll get that chance because they have so much to offer to society.

Mr. Brown I can't even express to you the importance of this bill and the affect that it will have on individuals who are so eager to do the right thing, to re-enter society and be productive citizens to there communities.

Again Mr. Brown, thank You and all who support the cause for reducing mass incarceration and establishing meaningful and effective reform in the legal systems.

Sincerely,

James Turner

James Turner

364-875

November 26, 2023
10:07 AM

ABRAS MORRISON
N.B.C.I. - 227630/136197
4100 Mc-Mullen Hwy, 50
Cumberland, MD 21502

Dear Honorable Anthony G. Brown;

Goodmorning Sir!

Sir, first allow me to Thank you for reviewing and supporting the Second Look bill in Maryland, to change the mass incarceration of Blacks and other marginalized people. Yes Sir, you are correct and it has been proven that lack of educational, services, equality and care leads to us making negative decisions. One of the main reasons for men and women spending 3 to 5 decades incarcerated, is because when errors are raised to the courts, the circuit courts use their discretion instead of applying the Md. law. In my case, my co-defendant pled guilty, did 29 yrs on his life sentence, had his sentence modified twice & freed June 2020. I did not plead guilty received life without parole sentence. I have raised the claim with verifiable proof that the State's Attorney lied to the court for me to receive the enhanced/increased penalty. Up to now no one from the State's Attorney office, including

415

The State's Attorney have said that my claim is untrue. I say again, no member of the opposing party has said, nor can they say, my claim is untrue. Yet, up to now, every judge has just denied the motion or petition with no opinion. In Gregory Daniel Lambert's situation, he did exactly what you told him to do pertaining to his Md. R. 4-351 claim, he even used the exact case and motion you said he should have filed. Yet, the circuit court judge denied his claim with NO OPINION. So, as you can see Sir, the circuit court judge are not using the Md. law to address errors, they are using their discretion, which many times leaves you and the appellate courts to deal with the claims. Please make sure that in the Second Look Act bill, it is stated that, ONCE AN INCARCERATED PERSON SATISFIES THE requirements, juvenile or not, the court must modify the incarcerated person's sentence. Otherwise Sir, the judges will use their discretion and deny the modification, every 5 yrs., leaving MASS INCARCERATION OF BLACKS AND OTHER marginalized people UNCHANGED.

Thank you Sir, for reading these words.

2

Sincerely,
Abner Morrison

DEAR HONORABLE ANTHONY G. BROWN;

GOOD DAY SIR!

I PRAY THIS LETTER REACH YOU IN THE BEST SPIRIT.

I WOULD LIKE TO FIRST THANK YOU FOR YOUR SUPPORT OF THE SECOND LOOK ACT BILL. AS YOU KNOW, MANY BLACK MEN, WOMEN AND CHILDREN ARE DISPROPORTIONATELY INCARCERATED IN MARYLAND AND ALL ACROSS THIS COUNTRY. PART OF THE REASON FOR THIS PROBLEM OF MASS INCARCERATION IS NOT ONLY THE CULTURAL, ECONOMIC, SOCIAL ILLS, ETC., OF BLACK PEOPLE, BUT ALSO THE STATES ATTORNEYS AND JUDGES THAT DON'T FOLLOW THE LAWS/MD. RULES WHEN ERRORS ARE MADE BY THE STATE, THE COURT OR LAW ENFORCEMENT. INSTEAD OF GRANTING BLACK MEN, WOMEN AND CHILDREN RELIEF ACCORDING TO THE MD. RULES/LAWS OR EVEN THE PROGRESS/GOOD BEHAVIOR OF THE INCARCERATED, THE STATE AND/OR THE COURT CHOOSES TO KEEP US INCARCERATED; THEREFORE PERPETUATING THE MASS INCARCERATION OF BLACK MEN, WOMEN AND CHILDREN. PEOPLE SUCH AS YOURSELF ARE IN A POSITION TO HAVE MERCY ON US. THANK YOU FOR YOUR TIME AND ENERGY.

SINCERELY,



GREGORY DANIEL LAMBERT
327-299/1528429
N.B.C.I.

14100 MCMULLEN HWY, S.W.

CUMBERLAND, MD. 21502

11-27-23

DaJuan Marshall #400088 #2102583

14100 McMullen hwy, S.W

Cumberland, Md. 21502

Mr. Brown,

I am writing on the behalf of myself and the many other incarcerated men, women, and children throughout Maryland. I thank you for having interest and considering the Second Look Bill. As you know there are many of us incarcerated looking towards, fighting towards, and deserving of a second chance at life and the Privilege of freedom. From those who have languished behind bars for a crime committed in their childhood, or to those of us who are truly innocent but were still convicted, or to those who've truly transcended from their past self. This second look gives hope and would be in the best interest of Justice and morality.

As I enter my 16th year of incarceration, I think of the men and women who have been in bondage for 20, 30, 40+ years, and to what end?

Is it humanly possible to not evolve past the mistakes or faults committed in our youth? We should all be deemed worthy of rehabilitation, redemption, and reconciliation. For crimes one is convicted of should punishment be the end all, say all?

I have met the genuine at heart, and some of the greatest minds on this journey, and surely their families and society would receive a great service by their presence. The Second Look act would bring fair balance on the scale of Justice, so once more on the behalf of the often forgotten and exiled... I thank you, and thank you for taking time to read my words. Sincerely,
DaJuan Marshall

In The Name of Allah, The Beneficent

The Most Merciful

As-Salaam Alaikum (Peace and Blessing be upon you)

Mr. Brown first, before I begin to address any subject matter. I would be remiss if I don't thank you and all of those who stand/work shoulder to shoulder with you on the Reduction of Mass Incarceration, and Restructuring this broken Maryland Criminal Legal System.

Now as a Incarcerated Individual (II) serving a life with parole sentence, by guilty plea; which is a high rate in itself. I have been confined since 2009, and what the system calls a model (II) and still hasn't gotten all the system has to offer. I believe as a Lifer we should've multi-option that will maximize the potential for Self-Improvement, and Higher Education. Because in doing so this gives the person the opportunity to show and prove his/her Rehabilitation; isn't this suppose to be the goal for the prison system?

So working to pass the Second Act Bill is very much needed. So those who has qualified themselves as Redeemed (II)'s, will then in return be the solution to the problem in society. Me and many other Brother's are willing to be The Price of Redemption to save one life. I hope and pray that all parties argue their proportion of the bill and why it should pass like their children's life depends on it, because it does. Now why I said that is because your children ~~are~~ either growing up in some of the same or similar environment.

my final thoughts, and suggestion is to jump start this Reform in the Maryland Criminal legal System. ONE I believe it should be a Integrity Unit inside Baltimore County and in any state that doesn't have this Integrity Unit (IU) in place; Because the unit establish responsibility and accountability from the Highest to the Lowest, (from Police officers, Prosecute's, and Judges etc.) Our Criminal legal system has all type of Rules and Regulation Md-Rules, Criminal Procedure etc. that (must) be followed to the Letter; not circumvent. So whenever The Law is precisely shadow it creates Balance and Justice brings peace.

Mr. Attorney General, what you are witnessing in our city streets is the lack of Balance. Mr Brown our goal is to correct misconduct of any kind of the root. So let's continue to work haed to restore our communities. Thank you for all your Support Sir!

your truly
Robert X Crowder 364-717

"Where there No Justice, there No Peace"

Marvin L. Warner
14100 Mcmullen hwy, SW
Cumberland, MD 21502
December 22, 2023

Dear Attorney General Anthony Brown,

Hello sir! My name is Marvin L. Warner. I'm currently incarcerated at North Branch Correctional Institution, serving a life sentence. I'm writing you in reference to (Maryland Second Look Act). I would be remiss in my duties as a reformed man, if I didn't express my gratitude to you and your administration for supporting the second look act. The second look act, ~~the~~ is a great step towards criminal justice reform in the state of Maryland.

I know that the keys to making the state of Maryland a safer environment reside in the hearts of the men at N.B.C.I, with a second chance

and proper Funding, I and many others
will become a great asset to the
communities within the state. Myself
and many other men and women look forward
to benefiting from this. Thank you sir!

Sincerely
Marvin Warner
Mar Warner

Dec 15, 2023

To: Attorney General - Anthony G. Brown

I Am writing you this letter to show my appreciation and admiration towards you, for supporting and advocating for the passing of The Second Look Act that's coming up for a vote next year. I am a individual who fits under the criteria of this Bill. I was arrested at the age of 18 yrs old and convicted at 19 yrs for a murder, and sentenced to a life sentence without the possibility of parole. This Bill will help me greatly, in achieving my freedom back giving me the opportunity, to make something out of my life on a positive note. And giving back to my community. My family support me and they also support's you, and the advocacy of this Bill. I would like to know who else I need to contact and support with my family to get this Bill passed into law.

Thank you! For listen Sincerely Mr. Jerome Blawie Jr

SI# 1662295 N.R.C.F

Cumberland, MD 21502

14100 McMillen Hwy S.W

(Time of my arrest 1996)

NBCI - 01.31.2024v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FWA

MR. ANTHONY BROWN:

12-22-23

MY NAME IS ERIC CLARK AND I AM CURRENTLY INCARCERATED AT M.B.C. IN CUMBERLAND, MARYLAND. I AM RESPECTFULLY ADDRESSING THIS LETTER TO YOU IN REFERENCE TO YOUR APPRECIATED SUPPORT AND ASSISTANCE WITH THE SECOND LOOK ACT BILL. MR. BROWN, THIS LETTER ISN'T JUST ABOUT ME THANKING YOU ON BEHALF OF MYSELF; SIR, THIS IS A LETTER ON BEHALF OF ALL OF THE MEN AND WOMEN HERE IN MD AND ACROSS THE COUNTRY, WHO ARE ACTUALLY UNABLE TO SAY "THANK YOU". SO MANY MEN AND WOMEN WHO ARE INCARCERATED REALLY DO DESERVE A SECOND CHANCE — A SECOND LOOK AT LIFE. MANY OF US CAME TO PRISON AS LITTLE BOYS AND GIRLS WITH UNDEVELOPED MINDS; MEANING, WITHOUT ANY VALUES OR TRUE GOALS. YET, OVER THE PAST 20, 25, 30 YEARS ALOT OF THESE SAME YOUNG BOYS AND GIRLS HAVE EVOLVED, GROWN AND MATURED INTO MEN AND WOMEN OF AND WITH HONOR, INTEGRITY AND RESPECT. ELEMENTS OF VALUES AND PRINCIPLES THAT DIDN'T EXIST IN OUR EARLIER UN-NURTURED YEARS. THIS IS WHY THE SECOND LOOK ACT BILL IS SO NEEDED, SO IMPORTANT AND SO POWERFUL. THIS BILL GENERATES AN INCENTIVE TO SO MANY TO CONTINUE TO GROW AND TO CONTINUE TO DO GOOD. THIS BILL IS A POWERFUL ENCOURAGEMENT TO MEN AND WOMEN TO CONTINUE TO PROPERLY REHABILITATE THEMSELVES IN A MORE POSITIVE AND MORE STRONGER MANNER. THAT'S MENTALLY, MORALLY, EMOTIONALLY, SOCIALLY AND SO ON. YET; HOW CAN WE DEMONSTRATE OUR TRUE GROWTH FOR SELF AND OTHERS, IF WE AREN'T AFFORDED ~~AN~~ ^A GENUINE OPPORTUNITY TO BE OUR TRUE REHABILITATED SELF. THAT'S ONE WHO DOESN'T TAKE LIFE OR IT'S BLESSINGS FOR GRANTED. ONCE AGAIN, ON BEHALF OF ALL THE MEN AND WOMEN THIS BILL AND YOUR ACTIONS HELP — "THANK YOU" ⁰⁰⁰ ₀₀₀

ERIC CLARK #188-711

Dear Att. General Brown, I'm writing to you in reference to the Second Chance Act, as well as the traumatic issue being the mass incarceration within our community in our state. I am in full support of the initiative and any necessary actions needed to be taken in the form of programming and rehabilitation. I believe that between the misunderstandings and complexities in the cases of charged and convicted persons and the bias nature in which we are judged in these cases, as well as taking the next steps in remedies within the Honorable Courts and judges not using law to fulfill the requests in such errors is another issue. Judges shouldn't be able to use discretion at the least, when their responsibility is to strictly exercise the law. Sir I believe that everything ties into problems needing to be addressed in the form of mental health aid. I hope that all parties involved can work together to reach the ultimate goal of correcting these matters at hand, and I would like to personally thank you for taking the time to address such matters.

Respectfully submitted,

Quanta' Warrell
secret
492031

Dear Atty. Gen. Anthony Brown,

My Name is Myron X & I'd first like to thank you in advance for taking time to read my letter.

I submit it in Prayer, seeking your assistance or/and instructions as to how I may receive relief regarding an error in my sentence, as it pertains to Md. Rule 4-351(a)(5) governing Commitment Records.

Specifically on Jan. 1998 I was sentence to Double Life + 50 Years. However, during my sentencing, the Judge failed to follow the guidelines established by 4-351(4) In stating when my Sentences were to end & the next was to begin, with multiple consecutive sentences. For simplicity & clarity, I've included a 2 page copy from my transcripts to display for you exactly that which my complaint is in reference to.

Mr. Atty. Gen., I hope & pray that you can offer some insight that'll ultimately sport me relief in this matter. Again, thank you much for your time.

Mr. Anthony G. Brown
Attorney General of Maryland
Office of the Attorney General
Criminal Division
200 - Saint Paul Place
Baltimore, Maryland 21202

Bro. Edward J. X (Ford), Jr. 475837/45189
North Branch Correctional Institution
14100 - Mc Miller Hwy, S.W.
Cumberland, Maryland 21502-5777
December 17th, 2023

RE: THE SECOND CHANCE ACT

Dear, Attorney General Brown

It is with a heavy heart that has been filled with aspiration caused by the introduction of THE SECOND CHANCE ACT. It is with the high hopes of the possibility of acquiring your support and overall endorsement of said legislation, that I am initiating this communication. Not that I am one who is so adept at coining petty phrases, or so gifted with my word usage, however, I do sincerely pray that my words as, herein, will cause you to reflect in thought.

As the State of Maryland has for quite a number of years has not even considered ever granting parole to its prisoners, who had been sentenced to serve (parole-eligible) life sentences. That is, even if over many years of incarceration the prisoners in question had clearly demonstrated their "rehabilitation", which was being done "solely" for political purposes. As the state has a new progress governor now, it is hoped that Maryland will leave that antiquated political way of thinking in the past, as we are now living in the twenty-first (21st) century!

In support my position is this: the prisoners in this category has caused a bottleneck to develop, which has and is the direct cause of prison over-crowding; exorbitant prison budgets;

along with under staffing, etc. But even more to the point, Stanford University conducted a study which clearly demonstrated that older prisoners, who had spent lengthy periods of incarceration were less-likely to return to a life involving criminal activity. And there are mountains of other behavior studies that has arrived at the self-same conclusion. Lastly, crime is the product of poverty; the lack opportunity; racism (in some cases); environment, and of course, many would say "GREED". However, from my personal situation at that juncture in my life, it was "the only" means that I had open to myself to survive!

Only if hind-sight was our fore-sight, none of the life altering mistakes that people make ~~would~~ of ever come about! Even more real and consequential over time, people do change; Thus, the need to belief in reform, redemption, and the possibility of rehabilitation. In closing, let me just say this: the yester in the DMV see out there running amok and those of us who they would willingly listen to, are here warehoused in prison; that is, when we should be out there straighten-out those yester and improving our neighborhoods. I close wishing you and your family continued good health, and a very happy holiday.

Respectfully Yours,
Mrs. Edward J. X (1/01), Jr

Mr. Anthony G. Brown
Attorney General of Maryland
Office of the Attorney General
Criminal Division
200 - Saint Paul Place
Baltimore, Maryland 21202

James Logan
347025/2039203
17100 Mc Mullen Hwy, SW
Cumberland, Md 21502
December 19th 2023

RE: The Second Chance Act

Dear, Attorney General Brown

After learning about the Second Chance Act and the possibility of acquiring your support and overall endorsement I had to write this letter. The Second Chance Act is not only a great thing for the Maryland Prisoner, but also for the Maryland Justice Prison System. Mass incarceration is becoming a big problem for the United States. The Maryland State Prison system alone is overcrowded. Most incarcerated individuals after spending a substantial amount of years say 8 years are really trying hard not to return to prison or a criminal lifestyle for that matter. Many men and woman in the Maryland State Prison System are serving life sentences and have spent more than 25 years incarcerated. Majority of these individuals have been rehabilitated and ready for a Second Chance. It is my sincere prayer and hope that you endorse this Second Chance Act and give these men and women a Second Chance.

Sincerely,
James Logan

12-20-2023

to Whom this letter is concern I AM
LLOYD Walters at North branch Correctional
Institution doing life +20+20. the second
Chance act is in need of pushing from A body
of people in power and people of Control and
people of influence. the second Chance
act is what people like me need but the prob
lem is there is know one pushing for it behind
the second Chance act. the problem is know
one is concern like the people that need it the
most like me. I AM sorry for the individual
that got the chance to do right but did wrong.
the second Chance act need pushing need
ever one in power to be pushing for the second
Chance act. I LLOYD Walters is in need of the
second Chance act because I have A son that
is seven that need is daddy and mommy to grow
him up right and not wrong. to Whom this
letter is concern please push for the second
Chance act please.

Lloyd Walters

Peace & Blessings

12-22-23

Dear Sir

My name is Thomas D. Cook I'm sending you this letter thanking you for supporting the second look act giving someone like myself hope of not having to spend another 15 years in prison.

I don't have the best adjustment history and I've been lock up for over 25 years. Now,

I've been able to grow and come to an understanding of who I am and my worth. I have completed some programs while being housed here at N.B.C.I.

When you spoke about mass incarceration, I see the men and women who look like myself.

I don't proclaim to be innocent, but I will say that everytime I broke a rule, a penalty was to be paid. So when the judge says that he would use my sentence as a deterrent for other. Never once did he say anything about rehabilitation being apart of my sentence. This is a real issue that should be address.

So again thank you for not only speaking on this but putting action behind your words.

Sincerely
Thomas D. Cook #283-827

From: North Branch Correctional Institution
 Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
 AND my support for Maryland Second
 Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Served
1.	Abram Morrison	Abram Morrison	52	32
2.	Dajuan Marshall	Dajuan Marshall	42	16
3.	THOMAS W. COOK	THOMAS W. COOK	48	26
4.	Travis Thaniel	Travis Thaniel	43	20
5.	Eric Athinson Jr	Eric A. Athinson	36	20
6.	Nasiruddin Bey	Nasiruddin Bey	46	25
7.	Daniel Sullivan	Daniel Sullivan	43	12
8.	Roberto A Murillo	Roberto A Murillo	40	16
9.	Danny McGee	Danny McGee	67	27
10.	Andre Lawson	Andre Lawson	40	23
11.	John Falkenstein	John Falkenstein	67	10
12.	Eugene James	E. J.	30	5
13.	Mark A. [unclear]	Mark A. [unclear]	53	21
14.	DaQuan Dickerson	DaQuan Dickerson	27	7
15.	John Garcia	John Garcia	56	21
16.	Donald Peoples	Donald Peoples	32	12
17.	Bill Phillips	Bill Phillips	38	3
18.	Marvin Warner	Marvin Warner	37	13

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Keith Jones	Keith A Jones	48	18 yrs
20.	Forbes B	Forbes B	48	24 years
21.	Alvaro Hernandez	Hernandez	41	14
22.	Lamont Brown	Lamont Brown	50	18 years
23.	Ernest Rivers	Ernest Rivers	56	17 years
24.	Andre Chavis	Andre Chavis	64	21 years
25.	FREDERICK VAUGHN	F. Vaughn	35 35	20
26.	Gary Qualls	Gary Qualls	33	16
27.	Nathaniel Appleby	N. Appleby	72	50
28.	David Hunter	D. Hunter	36	12 1/2
29.	Demetrius Thompson	Demetrius Thompson	28	5 1/2
30.	Dominic Daniel	Dominic Daniel	31	7
31.	Douglas Starlip	Douglas Starlip	44	23
32.	Tron Johnson	Tron Johnson	22	15 1/2 months
33.	Wycliff Butler	Wycliff Butler	33	
34.	Antonio Davis	Antonio Davis	28	7
35.	Cordell Chase	Cordell Chase	38	18
36.	Wanken Taylor	Wanken Taylor	43	13
37.	Arthur Smith	Arthur Smith	40	18
38.	Gary Qualls	Gary Qualls	33 33	16
39.	DERRICK DAVIS	Derrick Davis	53	30
40.	Dominic Webster	Dominic Webster	64	15
41.	D. Lewis	Derrick Davis	32 32	10
42.	Frederick Christian	Frederick Christian	44	14
43.				
44.				
45.				

From: North Branch Correctional Institution
 Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
 AND my support for Maryland Record
 Look At (2024):"

Print Name	Sign Name	Age of I.I.	Years Behind
1. ABRAS MORRISON	Abras Morrison	52	32
2. Robert Bryant	Robert Bryant	47	24
3. Quinton Heardsk	Quinton Heardsk	47	8 1/2
4. AVON TULL	Avon Tull	29	6 1/2
5. Nathaniel Nelson	Nathaniel Nelson	43	22
6. TEDDY SHANNON	Teddy Shannon	35	7
7. Gregory Barber	Gregory Barber	39	17
8. Lanie Walker	Lanie Walker	44	16
9. Devin Lee	Devin Lee	32	8
10. Corey Thomas	Corey Thomas	34	12
11. RUSSELL HARDEN	Russell Harden	41	15
12. Tremayne Lewis	Tremayne Lewis	35	10
13. Rodney Holloman	Rodney Holloman	43	8
14. Jason Herring	Jason Herring	42	7
15. Mark Canty	Mark Canty	51	25
16. Adrian Outten	A. Outten	37	17
17. Martin Harris	M. Harris	39 II	12
18. Robert Hanna	Robert Hanna	43 II	23

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Elgin Phelps	Elgin Phelps	FI 58	21 YRS
20.	Ryan Holden	Ryan Holden	II 26	6 years
21.	Ricardo Henriquez	Ricardo Henriquez	IF 57	32/YRS
22.	Anthony Bowers	Anthony Bowers	II 38	6 years
23.	Miguel Duke	Miguel Duke	II 27	6 years
24.	Irvn Brown	Irvn Brown	II 41	22 yrs
25.	Sean Jenkins	Sean Jenkins	II 29	11 years
26.	ERIC CLARK	Eric Clark	II 55	36 years in
27.	Mark Hemphill	Mark Hemphill	46	27 yrs
28.	Michael Wallace	Michael Wallace	FI 38	17 years
29.	Shawn Clark	Shawn Clark	II 49	30 years
30.	George Murray	George Murray	II 43	11 years
31.	Yasamin Vann Sheed	Yasamin Vann Sheed	II 49	20 yrs
32.	Jamal Chapman-Bey	Jamal Chapman-Bey	II 46	15 yrs
33.	Lateef Mapp	Lateef Mapp	II 35	3 yrs
34.	JAVON SANDS	Javon Sands	II 42	23 yrs
35.	Red Cannon	Red Cannon	ID 50	24 yrs
36.	Donta Matthews	Donta Matthews	33	14 yrs
37.	Russell Cole	Russell Cole	41	20 yrs
38.	T. Webb	T. Webb	27	14 yrs
39.	Dayvin Cooper	Dayvin Cooper	18	6 years
40.	Dayvin Cooper	Dayvin Cooper		
41.	George Skights	George Skights	49	29
42.	JISHUA EDWARDS	J. Edwards	36	16
43.	Warren X Stuckey	Warren X Stuckey	52	31
44.	GREG LAMBERT MASTER GX	Greg Lambert	49	20
45.	Robert X Crowder	Robert X Crowder	44	15

From: North Branch Correctional Institution.
 Incarcerated Individuals

To: General Assembly of Maryland (2024)

Purpose: "With my signature, ~~and~~ I declare the need and my support for Maryland Second Look Act."

Print Name	Signature	Age of II	Years served
ABRAHAM MORRISON	Abram Morrison	52	32
Enrique Gonzalez	Enrique D. Gonzalez	48	30
Dominick Simons	Dominick Simons	33	Since 2014
Ryan Johnson	Ryan Johnson	23	4 years
DAVON MARKHAM	Davon Markham	35	50
Richard D. Mose D. Mose	Ron D. Mose	39	7
Tyrrell Bogden	Tyrrell Bogden	38	25 years
Derrick Sellman	Derrick Sellman	36	30 years
Korey Stevenson	Kory Stevenson	38	43 years
DWAYNE HARRIS-EL	D. Harris-El	54	33
JOHN C JOHNSON	John C Johnson	48	29
Donald Vaughan	Donald Vaughan	40	26
James F. Young III	James F. Young III	29	7
ERIC V. POOLE	Eric V. Poole	55	22 years
Nicholas Cottman	Nicholas Cottman	29	13

1.

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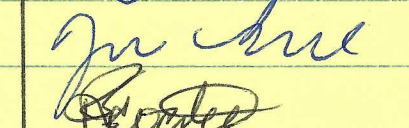
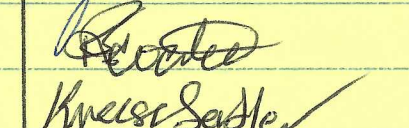
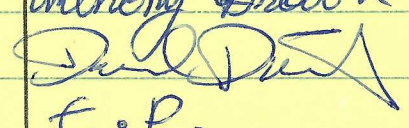
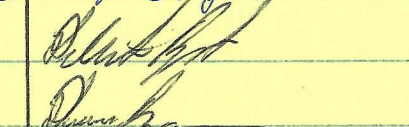

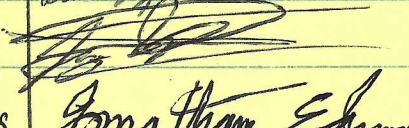
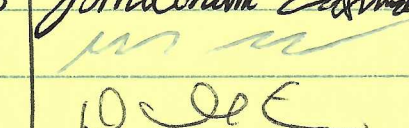
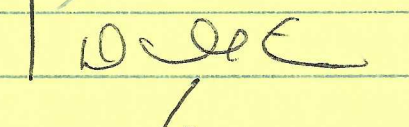
Position: FWA

NAME	SIGNATURE	Age	Years incarcerated
HARRY DAVIS	Harry Davis	32 year old	14 years in
Arthur Phillips	Arthur Phillips	43 years old	17 years in
Janeal Thompson	Jane Thompson	32 years old	11 years in
Kristopher Stull	Kestell	41 yrs old	5 yrs in
John Kidwell	John Kidwell	35	3 yrs in
Charles Mayberry	Charles Mayberry	48	25 yrs
Walter Grey	Walter Grey	44 years old	18 years
Ronald Russell		10 years	1-C-53
Frank Thodos	Frank Thodos	18	36 7 yrs
Edward Knight	Edward Knight	52	28 years in
R. Rahman	R. Rahman	49	22
Bill Wallace	Bill Wallace	51	31
Juan Brown		55 years	5
Yahya Jibed	Yahya Jibed	38 year	8 years
Nike Hicks	Nike Hicks	29 Years	7 Years
Jeffrey Corbett	Jeff Corbett	38 years	14 years
Kennell S. Williams	Kennell S. Williams	53 53 years old	34 years
Shawn Jones	Shawn Jones	52 years old	54 years
EDGAR DAVIS	Edgar Davis	52 yrs	27 years

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Behind
1.	Abram Morrison	Abram Morrison	52	32
2.	Andre Chavis	Andre Chavis	44	21
3.	James Coombs	James M. Coombs	52	30
4.	Jerrell Jones		36	17
5.	Thomas Taylor		20 42	17
6.	Jason Mitchell		44	22
7.	Ken Scudder		63	34
8.	Kwasi Sadler	Kwasi Sadler	30	7
9.	Anthony Brown	Anthony Brown	63	33
10.	Desmond Dickey		52	23
11.	ENRIQUE PIZARRO	E.P.	39	17
12.	Polycarpus Long	P. Long	41	19
13.	Delonte Bryant		30	9
14.	Dayven Byrd		30	2
15.	Tony Cooter		31	12
16.	Jonathan Edmonds	Jonathan Edmonds	34	16
17.	WAYNE BOOR		24	15
18.	Darnell Rinkin		33	13

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Mario Rodriguez	---	35	17
20.	A. Torres	Torres	24	8
21.	D. Markham	---	35	16
22.	W.C. Turner - 41	W.C. Turner	41	5
23.	J Woodley	J Woodley	39	10
24.	Terence Butts	Butts	31	
25.	TERRENCE BUTTER	Terence Butts	35	31
26.	Christian Brooks	Chris Brooks	# 40	17
27.	JUAN RANOLPH	Juan Ranolph	36	8 1/2
28.	harry Hirsch	Harry Hirsch	31	14
29.	Malik Shalour	Malik Shalour	26	8
30.	☉ Cody Russ	Cody Russ	26	
31.	DWAYNE HARRIS - 54	D. Harris - 54	54	33
32.	Ricky Horton	Ricky Horton	35	Double life Plus 90 years
33.	JARREN WITMER	Jarren Witmer	37 54	37
34.	PAUL DUFFY	Paul Duffy	35	10
35.	Danzel Phipps	Danzel Phipps	28	10
36.	ROBERT ANDERSON	Robert Anderson	34	11
37.	John H. Dunn	John H. Dunn	# 41	14
38.	Adrian Washington	Adrian Washington	33	15
39.	DARRON TAYLOR	Darron Taylor	32	13 1/2
40.	Orey Smith	Orey Smith	25	7
41.	Christopher X	Chris X	32 1/2	9
42.	Robert Hylton	Robert Hylton	# 33	5
43.	Jordan N. Jennings	Jordan N. Jennings	# 1	
44.	Kerrin Cospell	Kerrin Cospell	# 35	2 1/2
45.	Michael Martin	Michael Martin	# 52	10

From: North Branch Correctional Institution
 Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
 AND my support for Maryland Record
 Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Behind
1.	Bro. Edward J-X (Ford), Jr	Bro. Edward J-X (Ford), Jr	76	43+
2.	Brandon Morris	Brandon Morris	39	20
3.	Elwood Green	Elwood Green	35	48+10
4.	Kim Hargett	Kim Hargett	39	17 1/2
5.	Orlando Green	Orlando Green	28	8 1/2
6.	LAMONT A. CURTIS	LAMONT A. CURTIS	52	28 1/2
7.	Harold Singfield	Harold Singfield	11	9
8.	D. Smith	D. Smith	10	6+
9.	R. Stroud	R. Stroud	13	21
10.	Maurice Smith	Maurice Smith	#14	40
11.	Tyre Jones	Tyre Jones	#15	Life, SAB-55
12.	Joseph Jackson	Joseph Jackson	#39	30 years
13.	Leonte Richardson	Leonte Richardson	33	10 1/2
14.	T. Howe	T. Howe	38	Life
15.	Dorly Powell	Dorly Powell	32	30
16.	D. Brooks	Dorla Brooks	#44	25 1/2
17.	Arnold Davis	Arnold Davis	44	17
18.	D. McFadden	D. McFadden	20	20

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Brian W. Hanson	Brian W. Hanson	27	14 years
20.	Brian Jenkins Trevin Jenkins	Trevin Jenkins	32	13 years
21.	Volany Smith	Volany Smith	38	16 1/2
22.	Diana Bessessauer	Diana Bessessauer	26	7 1/2
23.	Keith Edmonds	Keith Edmonds	44 yrs	27 1/2 yrs
24.	Eber Umancor	Eber Umancor	28 yrs	10 yrs
25.	Lamont Anthony Johnson	Lamont Johnson	39	15 yrs
26.	Darryl T. Powell	Darryl T. Powell	36 yrs	18 yrs
27.	Tawn Malone	Tawn Malone	38	17 yrs
28.	William Taylor	William Taylor	35	32
27.	Nathaniel Coates	Nathaniel Coates	24	12 yrs
30.	David Brigham	David Brigham	46	27 yrs!
31.	Shaun D. Joyce	SHAUN D JOYCE	43	15 yrs!
32.	Anthony A. Ablonczy	Anthony A. Ablonczy	38	7 yrs
33.	Alphonso Johnson	Alphonso Johnson	23	27
34.	William Stewart	William Stewart	51	28.5
35.	James Earl	James Earl	32	16 yrs
36.	James Macbride	James Macbride	34	11 yrs
37.	HARRIS DAYTON	HARRIS DAYTON	43	16 yrs
38.	James Logan	James Logan	45	21 yrs
39.	Jody Miles	Jody Miles	54	27 yrs
40.	Reginald Williams	Reginald Williams	53	18 yrs
41.	Ryan Hollebon	Ryan Hollebon	45	8 yrs
42.	Ron Shandwick DAVIS	Ron Shandwick DAVIS	70	25 years
43.	Pick Stallings	Pick Stallings	42	17 yrs
44.	Myles Gray	Myles Gray	31	11
45.	William A. Geyer III	William A. Geyer	64	16 yrs

HU-20

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

	Print Name	Signat Name	Age of I.I.	Years Reversed
1.	BRO. EDWARD J. X (BROD), JR.	BRO. EDWARD J. X (BROD), JR.	76	43+
2.	John P. Hicks	John P. Hicks	46	7
3.	LLOYD WALTERS	Lloyd Walters	57	6
4.	Eugene Waller	Eugene Waller	51 51	19
5.	Gregory Holder	Gregory Holder	41	11
6.	D'ANGELO HEMSLEY	D'angelo Hemsley	47	7
7.				
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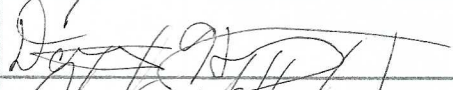
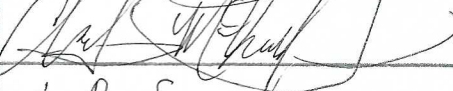



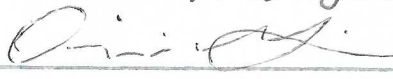



From: North Branch Correctional Institution
 Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
 AND my support for Maryland Record
 Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Behind
1.	Bro. Edward J. X (Ford), Jr.	Bro. Edward J. X (Ford), Jr.	76	43+
2.	John P. Hicks	John P. Hicks	46	7
3.	LLOYD WALTERS	Lloyd Walters	57	6
4.	Eugene Waller	Eugene Waller	51 51	19
5.	Gregory Holder	Gregory Holder	41	11
6.	D'ANGELO HEMSLEY	D'angelo Hemsley	47	7
7.	DAVID PATRICK	David Patrick	40	20
8.	Michael Boyer	Michael Boyer	50	20
9.	WALTER HALL	Walter Hall	58	34
10.	GARY SWANN Gary Swann	Gary Swann	68	38
11.	Michael VAUGHN	Michael Vaughn	42	20
12.	Vernon Evans	VERNON EVANS	74	40
13.	Edward Bell	Edward Bell	48	20
14.	Larry Davis	Larry Davis	68	17
15.	JIMMY BROWN	Jimmy Brown	59	16
16.	Evan D. Smyth	Evan D. Smyth	60	20
17.	Charles W. Selby	Chal. W. Selby	56	16
18.	Nyckell Butler	Nyckell Butler	33	14

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	GREGORY HILTON	Gregory Hilton	23	20
20.	Charles Burns	Charles Burns	52	19 19
21.	Johann Yarbrough	John Yarbrough	52	17
22.	Jose Ulloa	J. Ulloa	50	28
23.	HERB CRAWFORD	Herb Crawford	46	27
24.	Fabian Stipm	Fabian Stipm	58	17
25.	TERRELL Bush	Terrell Bush	43	18+
26.	TROY NASH	Troy Nash	62	15
27.	TAMAR Dudley	Janet Dudley	44	25
28.	Wallace Ball	Wallace Ball	65	29
29.	Keith Carroll	Keith Carroll	45	25
30.	LEON A. COSTLEY JR	Leon A. Costley Jr	58	21
31.	Darrell MATTHEWS	Da Matthews	52	14 1/2
32.	Christopher Grizzle	Christopher Grizzle	34	14
33.	NEIL Lawrence	Neil Lawrence	31	13
34.	Richard Jenkins	Richard Jenkins	59	36
35.	Jerry N. N-B	Jerry N. N-B	60	29
36.	JERMIAN Blackwell	Jerman Blackwell	41	21
37.	BARY MICK	Gary Mick	49	24
38.	Richard Miller	Richard Miller	60	16
39.	Wm. Brown	Wm. Brown	56	15
40.	Ricardo Watson	Ricardo Watson	52	18
41.	Butchie Stemple	Butcher Stemple	49	22
42.	Charles's Hanks	Charles Hanks	73	17
43.	Charles Duckett	Charles Duckett	50	17
44.	Vince Wade	Vince Wade	56	31
45.	S. Davis	Thomas Davis	67	25

	PRINT NAME	SIGN NAME	AGE OF I.I.	YEARS SERVED
46.	Randy Clayton		38	12
47.	Raymond Wilson	Raymond Wilson	63	25
48.	James Harley Jr		45	7
49.	Thomas Krenn		33	14
50.	Michael Farmer	Michael Farmer	40	22
51.	Damien Stallworth	Damien Stallworth	47	26
52.	Alexis Jordan	Alexis Jordan	37	19
53.	Otis Edwards	Otis Edwards	48	22
54.	Jibrayl Shaked	Jibrayl Shaked	54	31
55.	Dawn Wiggins	Dawn Wiggins	38 43	23
56.	Derrick Taylor	Derrick Taylor	45	19
57.	Raymond Williams	Raymond Williams	49	14
58.	Dominick Hursey		50	7
59.	Clark McKnight		56	12
60.	Rashad Eady	R E	36	13
61.	Gerald Sears		44	14
62.	Robert Garner Jr	R Garner Jr	39	19
63.	Carlos Ovalle		48	15
64.	HERMAN BOLLING, JR.	Herman Bolling Jr.	73	15
65.	Charles Martin		46	15
66.	Charles L. Bellamy	Charles Bellamy	41	17
67.	Dominic Givens		32	12
68.	Malcolm Pulliam	Malcolm Pulliam	47	14
69.	Emanuel Tardis		70	7
70.	SMITH H. DEAN III	Smith H. Dean	65	27
71.	John Reed		48	28
72.	Ellsworth Slye		44	19
73.	VINCENT THOMAS	Vincent Thomas	52	15

	PRINT NAME	SIGN NAME	AGE OF I.I.	YEARS SERVED
74.	Jose R Mejia-Varela	JRMV	33	12 Years
75.	JAMES TRIMBLE	James Trimble	60	43
76.	TIMOTHY C. WEINMERSKA	Timothy C. Weinmerska	65	16
77.	Jamaal G. Alexis	J. Alexis	37	16
78.	Gregory Wilson	Gregory Wilson	47	20 yrs
79.	SONG YUN	Song Yun	52	33 yrs
80.	JAMES HADKEY	James Hadkey	55	15 yrs
81.	William Brown	William Brown	42	14 yrs
82.	ANTHONY BROWN	Anthony Brown	50	26 yrs
83.	Charles Thomas	Chuck	59	15 year
84.	Rodney Pitts	Rodney Pitts	50	29 years
85.	Joseph Stanley	Joseph Stanley	38	15 years
86.	Laymond Kirby	Laymond Kirby	56	26 yrs
87.	Sulio Aguilar	Sulio Aguilar	43	19 years
88.	Hector Mosquera	Hector Mosquera	35	18 yrs
89.	Antoine Adams	Antoine Adams	55	20 yrs
90.	Karlief Moya	Karlief Moya	47	7 yrs
91.	John A. Miller	John A. Miller	51	26 yrs
92.	Tony Bunker	Tony Bunker	32	19 yrs.
93.	Michael Harrod	Michael Harrod	55	13 1/2 yrs
94.				
95.				
96.				
97.				
98.				
99.				
100.				
101.				
102.				

Senate Testimony Warren Allen Testimony House Bill

Uploaded by: Nicole Porter

Position: FWA



Testimony of Warren Allen

Campaign Associate,
The Sentencing Project

In support of House Bill 853 with amendments - the Maryland Second Look Act

Submitted to the Maryland Senate Judicial Proceedings Committee
March 21, 2025

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

I am Warren Allen, Campaign Associate at The Sentencing Project. I was among the first recipients of a second look remedy under DC's Incarceration Reduction Amendment Act. I was sentenced to life imprisonment and was one of the people deemed beyond repair or forgiveness.

The Sentencing Project supports House Bill 853 and recommends an amendment that authorizes **all persons** who served at least 20 years to request a sentence reduction. Currently, House Bill 853 expands the Juvenile Restoration Act (JRA) to persons who were under 25 years of age at the time of conviction but excludes sentence reduction eligibility for persons who were convicted of sex-related offenses and persons sentenced to life without parole.

Sentencing policies should be reformed to hold individuals accountable, advance public safety, reflect research, and account for mitigating factors and individuals' capacity for change. Reoffending by persons who have been released from long-term or life sentences is rare. Research tells us that desistance is the norm, even for sex-related offenses.¹ People who have already served 20 years in prison or were originally sentenced to life without parole, including those who have a sex-related conviction offense, are just as capable of living successful and productive lives upon release as others sentenced to lengthy incarceration.

Implementing a more robust second look sentencing review process will create a more effective and efficient criminal legal system in Maryland that focuses resources on policies that enhance public

¹ Budd, K. M. (2024). [Responding to Crimes of a Sexual Nature: What We Really Want Is No More Victims](#). The Sentencing Project.

safety rather than warehouse people who could otherwise be contributing members of our communities.

My Journey from a Life Sentence to Activism

During my time inside I studied at Georgetown University. I became a leader inside the walls, someone who kept the peace; I was referred to as Black Love. I became a man of devout spirituality. I spent time and grew up with people who have benefited from DC's Second Look Act, which allows people who committed crimes under the age of 25 to petition for resentencing after serving 15 years.

It is an honor to submit written testimony as one of 200 people released on Second Look in DC. We are violence interrupters, elected officials, youth mentors, key staffers for organizations fighting for a better city and world, religious leaders, parents, and good neighbors. We are the ones best able to turn young people around when they are heading down the wrong path.

If you want that for the state of Maryland, then House Bill 853 with amendments to expand eligibility is common sense legislation.

I can tell you for a fact that this is not a get out of jail free card. Gaining a second look is hard earned. Everything about persons seeking a second look, including their institutional record, is scrutinized. We made ourselves worthy of a second chance in an environment that is antithetical to rehabilitation.

Second look is for those who have put in decades of hard work to better themselves and take responsibility. It is for those who are ready to come back and atone with their commitment to making the community better.

Maryland's Extreme Sentences

Maryland incarcerates approximately 15,000 people in its state prisons, of which 21% are aged 51 or older.² The overuse of extreme sentences, limited mechanisms for reviewing these sentences, and ineffectual parole systems have resulted in a large number of aging people with no meaningful process for release. Of the 3,628 people serving life, life without parole, and sentences over 50 years in Maryland, 36% are 55 years old or older.³

Given that Maryland disproportionately imprisons its Black population, lawmakers should create opportunities to determine whether sentences imposed decades ago remain appropriate. Nearly 72% of Maryland's incarcerated population is Black, compared to 32% of the state population.⁴ Among those serving life sentences in the state, 76% are Black—this figure increases to 82% for those serving life for crimes committed under age 25.⁵

² Maryland Department of Public Safety, Inmate Characteristics Report, FY 2022.

³ Nellis, A., Barry, C. (2025). [A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States](#). The Sentencing Project.

⁴ Maryland Department of Correction. (2024). [FY 2023 population overview: DOC inmate demographics](#) [Data dashboard].; U.S. Census Bureau. (2022). [Hispanic or Latino Origin by Race, American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B03002](#).

⁵ Nellis, A., Barry, C. (2025). [A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States](#). The Sentencing Project.

Second look laws offer a solution. A judicial review of a person's sentence, after serving 20 years, allows for a robust, meaningful adversarial process to determine who can be safely released. Savings from ending unnecessary incarceration can then be reinvested in community-based programs that directly address crime prevention.

Reviewing the sentences of those incarcerated for 20 years or longer is a data-driven public safety approach. Evidence suggests that most criminal behavior ceases after 10 years, and as people age, they usually desist from crime.⁶ Even people who engage in chronic, repeat offenses that begin in young adulthood usually desist by their late 30s.⁷ A robust body of research shows that people released after decades of imprisonment, including for murder, have low recidivism rates.⁸ Moreover, recidivism rates are lowest among those convicted of the most serious violent crimes for which people generally serve the longest sentences—sexual offenses and homicide.⁹

200 Aging Lifers Released from Maryland Prisons

Maryland's real-life experience with releasing people from medium and maximum-security prisons, who had been incarcerated for decades for serious crimes, demonstrates that people age out of crime and can be safely released back into the community. As of March 2024, the recidivism rate for new convictions was 3.5% for all 200 individuals eligible for release under *Unger v. State* court decision. This decision held that those convicted at jury trials prior to 1982 were entitled to a new trial based on unconstitutional jury instructions.

From 2013 through 2018, 199 men and 1 woman were released from Maryland prisons as a result of the decision in *Unger*, which has become known as the *Unger Project*. All of the releases were convicted of either 1st degree premeditated murder, 1st degree rape, or felony murder. Their ages at the time of release were between 53 - 83 years old. Since release, 14 men have passed away from natural causes without any new violation or conviction. Of the remaining 186 releases, three violated probation based on a technical violation; four were convicted of new misdemeanors, and four were convicted of new felonies.¹⁰

Conclusion

I was once a young man on the wrong path. Today, I am the father of a beautiful daughter. A husband. A taxpayer. A staff member of The Sentencing Project.

Second chances are something we all need. You can offer those safely with a favorable vote for House Bill 853 - Maryland's Second Look Act with amendments to expand its impact and build a more effective criminal legal system in Maryland.

⁶ Komar, L., Nellis, A., Budd, K. (2023). [Counting Down: Paths to a 20-year Maximum Prison Sentence](#), p. 3. The Sentencing Project.

⁷ Nellis, A., Barry, C. (2025). [A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States](#). The Sentencing Project.

⁸ Nellis, A. (2022). [Nothing but Time: Elderly Americans Serving Life Without Parole](#), p. 17. The Sentencing Project.

⁹ Ghandnoosh, N. (2021). [A Second Look at Injustice](#), p. 10. The Sentencing Project.

¹⁰ Staff. (2024). [Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems](#). The Sentencing Project.

Nable-Juris HB853 Favorable with Amendments.pdf

Uploaded by: Nikola Nable-Juris

Position: FWA



The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

BILL: **House Bill 853**
TITLE: Postconviction Review – Procedure to Reduce Duration of Sentence
DATE: March 21, 2025
POSITION: **FAVORABLE WITH AMENDMENTS**
COMMITTEE: Judicial Proceedings Committee
CONTACT: Nikola Nable-Juris (nikola@cfsy.org)

Chair Smith and members of the Senate Judicial Proceedings Committee:

The Campaign for the Fair Sentencing of Youth (CFSY) respectfully submits this testimony for the official record to express our position as **favorable with amendments** for HB 853.

CFSY is a national organization. We recognize that all children, even those who commit serious offenses, are capable of growth and change. We advocate for all children serving lengthy sentences to receive meaningful opportunities for review and we provide support for them to thrive after release.

CFSY exclusively advocates for children under 18. We recognize, however, that redemption and rehabilitation are possible at any stage of life. We also acknowledge the growing body of brain science research about young adults and the evolving standards of decency in criminal sentencing. Sentences that foreclose all meaningful opportunities for review deny individuals the ability to demonstrate how they have changed throughout the course of their incarceration. Such sentences also remove critical incentives for positive growth and behavior in prison. Therefore, while we take no formal organizational position on HB 853's impact on individuals who were age 18 and older at the time of their offense, we recognize the importance of considering these scientific and moral advancements in sentencing and review practices.

CFSY's position is **favorable with amendments** to ensure that all children under 18 receive the opportunity to file a motion to the court to reduce their sentence. HB 853, as currently written, impacts children under 18 because it amends Maryland Criminal Procedure § 8-110. In 2021, the General Assembly passed § 8-110 into law via SB 494, the Juvenile Restoration Act (JUVRA). SB 494 (2021) arose out of seminal U.S. Supreme Court cases, including *Roper v. Simmons*,¹ *Graham v. Florida*,² *Miller v. Alabama*,³ and *Montgomery v. Louisiana*,⁴ that acknowledged children are constitutionally different from adults for the purpose of criminal sentencing. Passing HB 853 in its current form would inadvertently create inequities where future individuals aged 18 to 24 at the time of their offense could file a motion to the court for sentence reduction while future individuals under 18 could not.

CFSY advocates for an amendment on page 5, line 22, to clarify that the provisions of Criminal Procedure § 8-110 should apply to children under 18 who were sentenced before, *on, or after* October 1, 2021.



The CAMPAIGN for the
FAIR SENTENCING
of YOUTH

CFSY is grateful for your serious consideration of this bill and urges this Committee to support an amendment that would clarify that all children under 18, regardless of when their sentencing occurred, should be eligible to file a motion to the court for sentence reduction.

Thank you,

Nikola Nable-Juris, J.D.
National Legal and Policy Director
The Campaign for the Fair Sentencing of Youth

¹ *Roper v. Simmons*, 543 U.S. 551 (2005).

² *Graham v. Florida*, 560 U.S. 48 (2010).

³ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁴ *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

O. Moyd Testimony - HB 853 - Second Look Act (Marc

Uploaded by: Olinda Moyd, Esquire

Position: FWA



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

Clinical Program

March 25, 2025

Senate – Judicial Proceedings

**Testimony in Support of HB 853 FAVORABLE WITH AMENDMENTS - Postconviction Review –
Procedure to Reduce Duration of Sentence
(Maryland Second Look Act)**

**Submitted by Olinda Moyd, Esq.
Director, Decarceration and Re-Entry Clinic
American University Washington College of Law**

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 for 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 reconciled from the harm they caused. Our clinic believes that every human being deserves a second chance and that every human being has redemptive value.

HB 853 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. 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.

We oppose the proposed amendments that eliminate individuals who are serving Life without the Possibility of Parole (LWOP) Sentences or those who are registered sex offenses. First, the nature of the offense is one of the factors that the court reviews in making resentencing decisions. In my experiences in representing several JRA eligible individuals before the Maryland Courts, every single judge reviews the nature of the offense in great detail. Secondly, this legislative body cannot ignore the fact that sentences in the state vary depending on the jurisdiction. In jurisdictions where individuals are more likely to be sentenced to LWOP for offenses that might result in parole-eligible sentences elsewhere, they should not be excluded merely because they were sentenced in a particular jurisdiction. Our clinic represents several individuals with varying

types of offenses and sentences, including those sentenced to serve LWOP sentences. Many of these individuals serve their time under a cloud of hopelessness. One such individual was recently released under the JRA and since his release 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.

We support the opportunity for court review after the service of 20 years in prison. 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 and women captured in our encarceral system and held in Maryland prisons, our communities of color have suffered in their absence. Many can serve as a valuable resource upon their return as evidenced by those who have walked out of prison doors directly to serving their community. All people need is an opportunity and HB 853 merely creates an avenue for such.

We strongly support this bill and urge a favorable vote to foster hope and open an avenue for release for the men and women in our prisons who meet with criteria and demonstrate they are worthy of a sentence reduction based on rehabilitation – a basic premise of imprisonment.

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

YEJ Clinic Testimony - HB 853 (Favorable with Amen

Uploaded by: Rianna Mukherjee

Position: FWA

**Testimony Concerning House Bill 853
Postconviction Review – Procedure to Reduce Duration of Sentence (Maryland Second
Look Act)**

Position: Favorable with Amendments

To: Senator Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

From: Rianna Mukherjee, Student Attorney, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: March 21, 2025

I am a student attorney in the Youth, Education, and Justice Clinic (“Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, or other means, as well as individuals who have served decades in Maryland prisons for crimes they committed as children and emerging adults. The Clinic supports House Bill 853 and respectfully urges the committee to issue a favorable report with amendments. Specifically, we ask the Committee to amend the bill back to its original version, so that more individuals are eligible to file a court motion to reduce their sentence after they have served at least 20 years.

Research shows that recidivism drops at high rates as people age.¹ In a 2021 study, the United States Department of Justice’s Bureau of Justice Statistics (“BJS”) examined data from 24 states between 2008 and 2018.² BJS found that released individuals aged 24 or younger were substantially more likely to be arrested than those aged 40 or older.³ Consistent with this research, in 2021, the Maryland General Assembly passed the Juvenile Restoration Act, allowing individuals who received life sentences as minors to petition a court for a reduction of sentence.⁴ While the Juvenile Restoration Act has been successful,⁵ Maryland continues to deny people who were convicted for crimes committed when they were at least 18 years of age and who have

¹ MD. DEP’T OF PUB. SAFETY AND CORR. SERVICES, RECIDIVISM REPORT 14-15 (Nov. 15, 2022) (demonstrating that recidivism rates in Maryland decrease dramatically with older age and when individuals have served longer sentences) https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf.

² LEONARDO ANTENANGELI & MATTHEW R. DUROSE, U.S. DEP’T OF JUST., BUREAU OF JUST. STAT., RECIDIVISM OF PRISONERS RELEASED IN 24 STATES IN 2008: A 10-YEAR FOLLOW-UP PERIOD (2008-2018) 1 (2021), https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfup0818/Web%20content/508%20compliant%20PDFs.

³ *Id.* at 2.

⁴ Md. Code Ann., Crim. Proc. § 8-110.

⁵ *See generally* MD. OFF. OF THE PUB. DEF., THE JUVENILE RESTORATION ACT, YEAR ONE – OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (Oct. 2022), https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf.

been incarcerated for decades the opportunity to petition a court for a reduction of sentence—failing to fully recognize that people change over decades.

Our clients, who have all served decades in prison, have changed and grown dramatically as they have aged. They have earned high school diplomas and college degrees. They have had meaningful careers, including training service animals to aid individuals with disabilities and building furniture for state institutions. They have earned myriad certificates and awards. They have nurtured family relationships, mentored youth and adults, and positively benefited people inside and out of the prison system. They are deeply remorseful for the crimes they committed decades ago and dedicated to positively impacting and enhancing public safety in our communities if released. They, and many others, deserve the opportunity to be considered for sentence reconsideration.

Also, passing HB 853 is a crucial step in decreasing the disproportionate incarceration of Black people in Maryland. Here, over 70% of incarcerated people are Black, even though Black people make up 31% of the population.⁶ Notably, disparities are the highest for people incarcerated as “emerging adults” (18-24) serving long sentences. According to the Justice Policy Institute, “[n]early [8] in 10 people who were sentenced as emerging adults and have served 10 or more years in a Maryland prison are Black. That is the highest rate of any state in the country.”⁷ Understanding the racialized mass incarceration crisis in Maryland, the Maryland Attorney General and the Maryland Public Defender forged a historical collaboration—the Maryland Equitable Justice Collaborative (“MEJC”)—that is committed to addressing these disparities. Notably, on March 13, 2025, the MEJC published its report and recommendations.⁸ The MEJC set forth 18 recommendations, one of which is that the Maryland General Assembly expand second look laws to “allow[] courts to revisit cases and evaluate whether continued incarceration serves the interests of justice and public safety.”⁹

Moreover, incarcerating people for decades is an expensive use of taxpayer dollars. At a time when legislators, other elected officials, and Marylanders are increasingly concerned about the State’s structural budget deficit, HB 853 offers a means for Maryland to be fiscally responsible. Maryland spends on average \$862,096,200 every year incarcerating people.¹⁰ These incarceration costs only increase as people age.¹¹ Thus, allowing people who have

⁶ JUST. POL’Y INST., RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND 1, 2 (Nov. 2019), https://justicepolicy.org/wp-content/uploads/2022/02/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁷ *Id.* at 4.

⁸ MD. EQUITABLE JUST. COLLABORATIVE, BREAKING THE 71%: A PATH TOWARD RACIAL EQUITY IN THE CRIMINAL LEGAL SYSTEM (2025), https://www.marylandattorneygeneral.gov/reports/MEJC_Report.pdf.

⁹ *Id.* at 57.

¹⁰ MARYLAND MANUAL ONLINE, MARYLAND AT A GLANCE (in FY 2023, the monthly cost of room and board, and health care per incarcerated individual was \$4,970, and the average daily number of sentenced incarcerated individuals in Maryland was 14,455) <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>.

¹¹ Emily Widra, *The Aging Prison Population: Causes, Costs, and Consequences*, PRISON POL’Y INITIATIVE (Aug. 2, 2023), <https://www.prisonpolicy.org/blog/2023/08/02/aging/>.

rehabilitated the opportunity to petition a court for sentence reconsideration that could lead to their release will reduce the financial burden on Maryland taxpayers.

For these reasons, the Clinic respectfully asks the Senate Judicial Proceedings Committee to issue a favorable report with amendments.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

HB0853 crossfile FWA - Criminal Procedure - Petiti

Uploaded by: Richard KAP Kaplowitz

Position: FWA

HB0853_RichardKaplowitz_FWA

03/24/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

**TESTIMONY ON HB#0853 - POSITION: FAVORABLE WITH AMENDMENTS
Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act)**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support with amendments of HB0853, Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act)

The House version of bill HB0853 passed 89-49 with amendments on 03/17/25 without any weakening amendments. There was no cross-filed Senate bill. Please reconcile and pass this important bill and send it to the House for action.

I respectfully urge this committee to return a favorable report with its amendments on HB0853.

HB853 Testimony FWA JSexton.pdf

Uploaded by: Serena Lao

Position: FWA

HB 853; Favorable with Amendments
Senate Judicial Proceedings Committee
March 25, 2025
Testimony by: John Sexton

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

With the proposed Second Look Act, you are missing out on the chance to deal with a significant population of people:

-Those who have already served over 30 years.

There is a significant group of people who have served well over 30 years and, in many cases, 40 or 50+ years. A demographic that has demonstrated excellent rehabilitation, statistically aged out of errant behavior decades ago, and would be assets to their communities if given the chance. But instead, they are languishing and costing the state exorbitant amounts of money to keep them in prison. This despite the fact that they are not a danger to the public and have not been for decades.

The infrastructure and capacity of Maryland systems to process this demographic has been decimated over the course of past decades; consequently, they have never been given the chance that their original sentence at least implied they would have. You should include in this Second Look Act any individual who has already served over 30 years, whose record demonstrates that they are worthy of a second look.

-Those with a life without the possibility of parole (LWOP) sentence.

Whenever someone mentions “life without parole”, most have an automatic thought process that reflects a perception of the worst of the worst, incorrigible, irredeemable. The predominant belief is that any person receiving this sentence must be a wretched soul indeed. While that may have been the designated purpose of the sentence, the reality is that LWOP has not been utilized pursuant to sentence design and has been applied way beyond the scope and import of its stated objective.

How do we know that?

LWOP was enacted by Chapter 237, Acts of 1987 [HB 693 of 1987]. It was dubbed as a “compromise” bill, and its stated need was to address cases in which the death penalty would have otherwise been appropriate but not available. The example given was “serial killers who are not eligible for the death penalty” (Senate Judicial Proceedings Committee Summary of Committee Report, Department of Legislative Reference 1987). The report also went on to cite the administrative costs of death penalty proceedings. Clearly, LWOP was created as the death penalty alternative, and accordingly, the cases in which it would be warranted, both pursuant to stated legislative intent and the morals of humanity, should have been limited to cases where the death penalty would have been appropriate.

A look at the numbers leaves no doubt that the stated intent of LWOP has been cast aside and, in its utilization, abused. Any notion of only being given to the worst offenders is patently false. Maryland executed a total of about 310 people between 1638 and 2005¹. That’s almost 370 years that it took Maryland to execute 310 people. LWOP was created in 1987- it’s

taken Maryland less than 40 years to have 424 people serving LWOP². Put another way, if we were to follow the stated intent of LWOP by the General Assembly in 1987, we would have to accept that we believe Maryland should have otherwise executed 424 people in less than 40 years, when it took 370 years to execute 310 souls. Let's look at another 40-year period. Between 1973 and 2013, 53 people received the death penalty³. A total of 53! And this includes the so-called "superpredator" era- but somehow, in the last 40 years, 424 people would have otherwise deserved that punishment. Really?

Including LWOP cases in the Second Look bill would only give the court the opportunity to ensure the appropriateness of LWOP in a given case. That's it!

None of us should be okay with the notion that Maryland thinks 424 souls warranted being executed in the past 40 years.

I urge you to make a practical difference by including those who have served long sentences, as well as those with LWOP, in the passing of the **Maryland Second Look Act, HB 853**.

Thank you,
John Sexton
sextonj783@gmail.com

¹ https://en.wikipedia.org/wiki/List_of_people_executed_in_Maryland

²The Sentencing Project; A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States, 2025.

³Bureau of Justice Statistics, Table 17. <https://bjs.ojp.gov/content/pub/pdf/cp13st.pdf>

HB853 Testimony FWA SLao.pdf

Uploaded by: Serena Lao

Position: FWA

HB 853 (Maryland Second Look Act)
Senate Judicial Proceedings Committee
Hearing Date: March 25, 2025

Position: FAVORABLE WITH AMENDMENTS

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

I, Serena Lao, am testifying in support of HB 853, the Maryland Second Look Act, with amendments. My soul friend (there's no cage for the soul), John, has been incarcerated for 36 years in Maryland prisons.

The bill currently excludes those sentenced to life without the possibility of parole (LWOP), and I urge you to amend this group back into the bill. It is simply not true that only “the worst of the worst” receive this sentence. Two cases in Maryland might have very similar circumstances, yet one may receive a parole-eligible sentence while the other is sentenced to die in prison. The systemic inequities are most pronounced among those sentenced to LWOP, as can be seen in large disparities between jurisdictions giving out this sentence. Those serving extreme sentences in our state are perhaps the most disadvantaged, and allowing for the opportunity to revisit those sentences is necessary if we are dedicated to fairness. The rationale behind the Juvenile Restoration Act (JRA)—acknowledging the neuroscientific evidence for incomplete brain development in adolescents and young adults into their mid-20s—should apply here as well, including those serving LWOP, as they were not excluded from getting a second look through the JRA. These are partners, parents, children, siblings, friends, and mentors who deserve second looks too.

Last summer I had the great privilege of sitting down with the father of the deceased victim in John's case. I had the opportunity to listen as he described the days of the crime and the unimaginable heartbreak that he and his family suffered in the aftermath. This father told me about the boy he lost—about the beautiful soul that this world lost 36 years ago. And he was able to express his anger that John never reached out to apologize or make amends with his family in all these years. I explained to him the DPSCS policy that offenders could not contact their victims, and that the state's attorney should have made him aware of his rights (to initiate contact if he wanted) a long, long time ago. Every one of John's attempts to make amends had been blocked over the decades. I even reached out to the victim services unit at the state's attorney's office to see what was possible in terms of a mediation dialogue; as soon as I specified that it was John's case, they stopped responding. The father had no idea that John had such remorse for what he had done. He told me that learning this new information gave him a completely different perspective and finally some peace. Of course, I am not attempting to speak for him, but this is the kind of blockage to healing and understanding that occurs for some victims who have never been given real agency to pursue healing in the ways that they need.

Keeping people locked up for decades unfortunately does nothing to prevent the creation of more victims. However, when someone understands on a deep level the harm that they've caused and has devoted themselves to a path of transformation rather than destruction, allowing their return to society can play an important role in preventing more violence. The only way to stop cycles of victimization is to allow those who have learned from their mistakes to reach those who are on

the verge of going down the same path. So many returning citizens are doing that every day (including those who had been sentenced to LWOP and were fortunate enough to receive a second chance), and we need to uplift those stories rather than point fingers when something devastating happens in our communities.

One thing I've noticed in being around so many returning citizens is that they are all filled to the brim with gratitude. I believe they are so well-versed in gratitude because the practice of gratitude becomes essential when you are deeply deprived for so long and still need to survive. Those who deserve a second chance are incredibly resilient souls, and those very souls translate into strengthening the resilience of our communities out here. Our society and their soul friends need them.

And a quote from lawyer Bryan Stevenson to conclude: "An absence of compassion can corrupt the decency of a community, a state, a nation. Fear and anger can make us vindictive and abusive, unjust and unfair, until we all suffer from the absence of mercy and we condemn ourselves as much as we victimize others."

Thank you for reading, and I urge you to vote **favorably with amendments** on the **Maryland Second Look Act, HB 853**.

Sincerely,

A handwritten signature in cursive script that reads "Serena Lao".

Serena Lao
serenalao16@gmail.com

HB853_FWA GLevi.pdf

Uploaded by: Serena Lao

Position: FWA

Senate Judicial Proceedings Committee

March 25, 2025

FAVORABLE WITH AMENDMENTS

Submitted by: Gwendolyn Levi

Chair Smith, Vice Chair, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Gwendolyn Levi, am testifying in support of HB853, the Maryland Second Look Act. I am submitting testimony as a previously incarcerated woman and a community member of District 41.

Passage of the Maryland Second Look Act would create meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that all individuals after serving decades should have the ability to demonstrate their transformation, achievements and rehabilitation. I am grateful for this opportunity to tell why this bill is so important.

As a former federal sentenced individual, I was privileged to serve nine (9) years of my 400 month federal sentence at the Maryland Correctional Institution for Women. Remaining a federal resident, I became aware of the many issues facing our women, especially our senior women. We created a movement while working with the administration (Women of Wisdom; WOW group) that was instrumental in addressing the needs of our women; (wheelchair lifts, ramps and other programs). Like I said I was privileged; after being diagnosed with lung cancer, I became aware of the limited avenues available to state residents to receive a second look. Due to the length of their sentences, most had exhausted their few post-conviction efforts available to them. Returning to federal custody due to my illness in 2016, I was able to avail my self of the various opportunities to receive a second look. Through the First Step Act, my sentence was reduced to 292 months (2019), allowing me to receive home confinement under the CARES Act in 2020, and eventually freedom through Judicial Compassionate Release (2021). Not get out of jail free cards but chances to demonstrate my transformation. All opportunities for second chances not available to those I left behind in Maryland. If I had been a state sentenced individual, I would still be at MCIW until the ripe old age of 93. The Second Look Act is not just a morally imperative, pragmatic strategy, it would help alleviate the burden on the financial deficit created by continuation of long-term confinement of those who have been rehabilitated, but have no avenue to show that they have prepared themselves to become assets to their returning communities.

Unjust convictions have come to light over the past few decades, and those sentenced to long term/life sentences often would not receive that same sentence today. Due to the public recognition of mental health, addiction and poverty factors, there is a shift in public opinion. We clearly see with JRA and Unger releases, there is a very low recidivism rate. The passage of HB853 would assure that Marylanders do not continue to languish inside, after doing exactly what our judicial/penal system is supposed to do, REHABILITATE. I urge you to vote favorable on HB 853 with Amendments. Thank you.

HB853_FWA RHarris.pdf

Uploaded by: Serena Lao

Position: FWA

TESTIMONY ON HB 853

MARYLAND SECOND LOOK ACT

Senate Judicial Proceedings Committee

March 25, 2025

FAVORABLE WITH AMENDMENTS

Submitted by: Rochelle Harris

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

I, Rochelle Harris, am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as my husband served more than 20 years in prison.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look under this bill. However, to affect real change, more is needed, as Maryland leads the nation in sentencing young Black men to the longest prison terms.

I urge you to vote favorable with amendments. As the current bill language stands, it excludes my husband serving seventy years.

They can address harsh sentences, acknowledge rehabilitation, and potentially reduce prison populations, while also allowing for a more just and humane approach to sentencing.

TESTIMONY ON HB 853.pdf

Uploaded by: Serena Lao

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: Deborah Shipman

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I Deborah Shipman am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as a impacted family member in District 23.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I am grateful for the opportunity this bill creates for those who would be eligible for a second look under this bill. However to affect real change, more is needed, as Maryland leads the nation in sentencing young Black men to the longest prison terms, which includes Life Without Parole Sentences, at a rate 25% higher than the next nearest state, Mississippi.

I urge you to vote **favorable with amendments**. As the current bill language stands, it excludes my love one, individuals over 24 at the time of the offense, individuals incarcerated for a sex offense, and others. Many are placed in solitary confinement for long periods of time. I truly believe lifers without parole can also be a great asset to our community just give them a second chance as well. Many have completed all their requirements and exceeded some of them. Look at everyone as an individual, case by case.

The Juvenile Restoration Act, which HB 853 builds upon, banned Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP the Second Look process while allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully

mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking.

For these reasons, I encourage you to vote **favorable with amendments** on the **Maryland Second Look Act HB853**.

Thank you.

JPR_HB853 Testimony 03.21.25 pdf.pdf

Uploaded by: Shabree McDonald

Position: FWA

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: **Shabree N McDonald**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Shabree McDonald am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as my husband **Diontre Lamont Stanton is my incarcerated family member.**

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that after having served decades of incarceration, all individuals should have the ability to demonstrate their growth and rehabilitation.

I am grateful for the opportunity this bill creates for those eligible for a second look. However, to achieve real change, more must be done. Maryland leads the nation in sentencing young Black men to the longest prison terms, including Life Without Parole (LWOP), at a rate 25% higher than the next nearest state, Mississippi. This disproportionate sentencing reflects systemic issues that must be addressed through legislative action.

I urge you to vote **favorably with amendments**. As currently written, **the bill excludes individuals serving life without parole and those over 24 at the time of their offense. This exclusion denies a second chance to people who have demonstrated growth and rehabilitation. When a loved one goes to prison, the impact extends beyond the incarcerated individual—entire families suffer. True justice must include an opportunity for redemption, regardless of the severity of the original sentence.**

The Juvenile Restoration Act, which HB 853 builds upon, banned Life Without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process while allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking¹.

¹ Martha Lally & Suzanne Valentine-French [Lifespan Development: A Psychological Perspective](#) (2025)

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- *Whether a life without parole sentence is imposed depends significantly on the jurisdiction and who was in office at the time, leading to jurisdictional disparities in Maryland.*
 - *Studies show very low recidivism rates for individuals released from decades-long sentences, including for violent crime. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case Maryland v Unger, who have a less than 4% recidivism rate².*
 - *The Act would require the judge to consider the victim's input, should the victim or the victim's representative choose to offer a statement. Victims, too, prefer, by 2 to 1, a criminal legal system that focuses more on rehabilitating people who commit crimes than punishing them.³ —by a margin of 2 to 1.*
-

For these reasons, I strongly encourage you to vote **favorably with amendments** on the **Maryland Second Look Act, HB 853**. Expanding eligibility to include individuals sentenced to LWOP and those over 24 at the time of their offense is necessary to ensure fairness, equity, and a justice system that values rehabilitation and second chances.

Thank you.

² Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

³ Alliance for Safety and Justice: [Crime Survivors Speak 2022: National Survey Of Victims' Views On Safety And Justice](#) (2022)

WRITTEN TESTIMONY HOUSE BILL 853 WITH AMENDMENTS T

Uploaded by: Sharon Blake

Position: FWA

**TESTIMONY ON HOUSE BILL 853
MARYLAND SECOND LOOK ACT
Senate Judicial Proceedings Committee
March 25, 2025**

FAVORABLE WITH AMENDMENTS

Submitted by: Sharon Y. Blake

Chair Smith, Vice Chair Waldstreicher and honorable members of the Judicial Proceedings Committee:

I, Sharon Y. Blake, am testifying in favor of the Maryland Second Look Act, House Bill 853, with amendments. I am submitting this testimony as a Baltimore County resident in District 10. Although I have had no one in my family impacted by an extended sentence of twenty years of incarceration in the Maryland penal system, I believe, as a citizen and an educator, that I have sufficient interest in this matter. I served 43 years as an educator in the Baltimore City Public School System, the majority of which was as a teacher of History at the high school level. In this role, I saw students end up in the Maryland prison system and I believe that serving twenty years in prison can bring about positive change as these young people reach adulthood. Adults who have demonstrated intellectual advancement, spiritual development, remorse, rehabilitation, I believe are no longer a risk or danger to society. Twenty years later, they are very different people. They are now mature persons who tend to have “aged out of crime” and are very unlikely to impact public safety in an undesirable manner. This is made evident by the landmark case of Maryland vs. Unger, where two hundred (200) Marylanders serving life sentences were released and thereafter had less than a four percent (4%) recidivism rate. The Maryland Second Look Act would provide a meaningful opportunity for sentence modification of these now reformed adults.

While I appreciate the greatly needed opportunity this bill provides for eligible incarcerated people, more is needed to impact real change, given it is disgraceful that Maryland is the frontrunner of states that sentence young Black men to the longest prison terms, at a rate twenty-five (25%) higher than the state of Mississippi including those serving Life Without Parole.

Therefore, I urge this honorable committee to vote favorably with amendments on House Bill 853, Maryland Second Look Act.

Thank you.

The Second Look Act HB 0853.pdf

Uploaded by: Towanda Fenwick

Position: FWA

To the Committee:

I would like to thank you for considering to vote **Yes** for the Second Look Act Bill, HB 0853.

I would like to take this time to introduce you to my daughter's father who is incarcerated at Western Correctional Institution. His name is Benjamin F. Boisseau Jr. He has been incarcerated since the age of 22 that's 33 years and he's been a modeled inmate. While incarcerated he has held many jobs including working in the kitchen, wood shop, tutoring, sanitation, property, building clerk, building representative etc.... He is highly involved in teaching, reading, exhibiting and modeling what his religion and GOD expect him to do on a daily basis. He has been diagnosed with Stage 4 Cancer and he is still working a job and giving leadership advice to the others who are incarcerated. He exhibits the change that qualifies him and many others for the Second Look Act (HB 0853).

As the bill stands right now he would not qualify for HB 0853, because **Lifers Without Parole** has been excluded from the bill. **Felony Murder** is what Benjamin was sentenced under. **He was the co-defendant who didn't intend to harm anyone and couldn't, but received the same amount of time as the perpetrator.** There are a small number of people who fit in the same category as Benjamin. I am praying that reconsideration is given for lifers without parole.

We are asking that you vote **Yes** for HB 0853, so that those that have shown maturity, growth and change can have a second chance. Thank you, Towanda Fenwick

ADDITIONAL:

As your constituent, please support the Maryland Second Look Act.

At every stage in Maryland's legal justice system, we see documented cases of racial profiling by police and racial discrimination in arresting and sentencing. In fact, Maryland is the state that incarcerates the highest percentage of Black people. 71 percent of our prison population are Black people, more than twice the national average and far outranking states like Mississippi and Alabama. We urgently need to remedy this issue, which affects Black families and communities across our state. This legislative session, I am calling on you to pass the Maryland Second Look Act.

The Second Look Act would reduce the existing racial disparities by creating more meaningful avenues for sentence reconsideration for Marylander's who have demonstrated their rehabilitation after serving 20 years of incarceration.

The Second Look Act would not guarantee anyone release, but it would create more fairness and strengthen communities decimated by mass incarceration. Marylander's

who are incarcerated will get the opportunities to express genuine remorse, focus on transforming for the better, support their loved ones, find ways to give back to the community, and not give up on their rehabilitation due to lack of meaningful avenues for release. According to the 2022 National Survey of Victims' Views, victims prefer by 2 to 1 that the criminal legal system focus more on rehabilitating people who commit crimes rather than punishing them. Additionally, the current system encourages excessive litigation over the validity of convictions, which can be deeply harmful to victims. The goal of the Second Look Act is to promote a more restorative approach.

Research shows that young adults are still developing, and recidivism rates decrease among people released from prison in their 40's and beyond. All the available evidence we have in Maryland also supports the fact that people serving extreme sentences are the least likely to re-offend. In the 12 years since the Maryland Supreme Court held that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident. These young adults, 90 percent of

whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities decades earlier. In the last two years, the dozens of people to return to the community through parole or the Juvenile Restoration Act have shown similarly compelling success rates.

In the not-so-distant past Black people were excessively sentenced and denied parole based on shameful and now repudiated “super-predator” mythology. Allowing courts to take a second look at the sentence, decades after the crime, is crucial to ensure that excessive sentences due to racism and other biases do not go unchecked.

I feel ashamed that Maryland is known for incarcerating the highest percentage of Black people compared to all other states in our nation. As a constituent in your district, I am calling on you to pass the Maryland Second Look Act to address this problem.

Let’s continue to fix racial disparities in Maryland’s carceral system. Vote “**Yes**” on HB 0853 to pass the Second Look Act.

Thank you

SWASC Testimony HB 853 - FWA.docx.pdf

Uploaded by: UM SWASC

Position: FWA

TESTIMONY IN SUPPORT WITH AMENDMENTS ON HOUSE BILL 853

Maryland Second Look Act
Senate Judicial Proceedings Committee
March 25, 2025

Social Work Advocates for Social Change (SWASC) strongly supports HB 853, the Maryland Second Look Act, as originally introduced, which allows Marylanders who have been incarcerated for 20 years or more to apply for resentencing. Second look policies establish a process for the critical reexamination of sentences for people currently serving extreme sentences of incarceration, and provide the opportunity for people with few other options for release to return to their communities. SWASC strongly believes that people who have demonstrated growth and rehabilitation should have this opportunity to petition for release from prison and contribute to their communities.

HB 853 will improve safety for all Marylanders. There is broad evidence that long prison terms run counter to public safety. Recidivism rates for people who have been released after decades of incarceration are low, and rates are lowest for those with the most serious convictions.¹ Further, incarceration is disruptive and harmful to individuals and their broader communities. Neighborhoods that lose a large number of members to incarceration may see increases in crime because of the loss of these community ties.² Prison itself can be so destabilizing that it increases the likelihood of future crime.³ **Enacting the Second Look Act would potentially save the state significant money in the cost of incarceration, which could be invested in community-based programs that foster health and safety for all Marylanders.**

HB 853 promotes racial equity and justice. People sentenced to ten years or longer make up over two-thirds of the prison population in Maryland, and nearly 20 percent of people incarcerated in Maryland are serving a life or virtual life sentence, one of the highest rates in the nation.⁴ Punitive sentencing policies have resulted in deeply racially disproportionate impacts: nearly eighty percent of people sentenced as emerging adults who have served ten or more years in prison in Maryland are Black, the highest rate in the country.⁵ The Second Look Act is a critical step toward addressing these racial disparities and providing relief from inequitable sentencing practices.

¹ The Sentencing Project, *Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems* (2024).
<https://www.sentencingproject.org/fact-sheet/second-look-laws-are-an-effective-solution-to-reconsider-extreme-sentences-amidst-failing-parole-systems/>

² Vera Institute of Justice, *A new paradigm for sentencing in the United States* (2023).
<https://vera-institute.files.svdcn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf>

³ Vera Institute of Justice (2023).

⁴ The Sentencing Project, *Still life: America's increasing use of life and long-term sentences* (2023).
<https://www.sentencingproject.org/reports/still-life-americas-increasing-use-of-life-and-long-term-sentences/>

⁵ Justice Policy Institute, *Rethinking approaches to over-incarceration in Maryland* (2019).
https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

HB 853 builds on Maryland's efforts to address the harms and injustices of long-term incarceration. Maryland's Juvenile Restoration Act (JRA) of 2021 enacted second look legislation for people who were convicted as minors.⁶ After the first year of implementation, none of the people released under the JRA were charged with a new crime or found to be in violation of their conditions of release.⁷ The Maryland Second Look Act is a natural expansion of this policy that has already been safely implemented.

HB 853 centers rehabilitation over continued punishment, recognizing the diverse perspectives of survivors of harm. Policymakers in Maryland and across the U.S. have begun to recognize that change is necessary to promote community well-being and safety. Many victims of crime are also aligned with reforms that address excessive sentences: victims prefer methods of accountability through options outside of just prison by a margin of 3 to 1.⁸ Extreme sentencing also does not improve the well-being of survivors of violent crime.⁹ Further, existing services for victims are often inadequate and exclusionary.¹⁰ Investing money saved on the cost of incarceration in programs that promote safety, healing, and support for victims will help to improve these services. By allowing resentencing for those who have demonstrated rehabilitation, HB 853 offers a vital opportunity to foster safer and healthier communities for all Marylanders.

HB 853 will align Maryland with other states and national organizations recommending and adopting second look legislation. Second look laws are recommended by many national expert organizations.¹¹ In passing HB 853, Maryland can join Connecticut and the District of Columbia in implementing second looks laws that allow people sentenced as adults to petition for resentencing, aligning with these expert recommendations.¹²

As the current bill language stands, many people would be unnecessarily excluded from consideration for resentencing based on their age at conviction or sentence type. The exclusions are not based on assessment of individual rehabilitation or readiness to return to the community. Categorical exclusions like these severely limit the impact of needed reforms and willfully ignore research on the ineffectiveness of incarceration as a response to violence.¹³ **Social Work Advocates for Social Change urges a favorable report with amendments - that revert the bill to its original posture - on HB 853.**

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁶ Equal Justice Initiative, *Maryland bans life without parole for children* (2022). <https://eji.org/news/maryland-bans-life-without-parole-for-children/>

⁷ Maryland Office of the Public Defender, *The Juvenile Restoration Act: Year One - October 1, 2021 to September 30, 2022* (2022).

https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁸ Alliance for Safety and Justice (ASJ), *Crime Survivors Speak 2022: National Survey of Victims' Views on Safety and Justice* (2022).

<https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>

⁹ Sered, D. (2019). *Until We Reckon*, The New Press.

¹⁰ Office for Victims of Crime, *Vision 21: Transforming Victim Services: Final Report* (2013).

https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/Vision21_Report.pdf

¹¹ The Sentencing Project, *The Second Look Movement* (2024). <https://www.sentencingproject.org/app/uploads/2024/05/Second-Look-Movement.pdf>

¹² The Sentencing Project (2024).

¹³ Jones, A., *Reforms Without Results: why states should stop excluding violent offenses from criminal justice reforms* (2020). Prison Policy Initiative.

<https://www.prisonpolicy.org/reports/violence.html>

HB853_FWA_ACLUMD.pdf

Uploaded by: Yanet Amanuel

Position: FWA



Testimony for the Senate Judicial Proceedings Committee

March 25th, 2025

HB 853 – Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

FAVORABLE WITH AMENDMENTS

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The ACLU of Maryland supports HB 853, which would allow people serving extreme sentences who committed crimes between the ages of 18 to 25 and have served at least 20 years of their sentence the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation. The bill allows a circuit court judge to modify a sentence if it is in the interests of justice and the petitioner poses no danger to the public, based on the court's consideration of several factors that include "the nature of the offense" and any statement offered by a victim or victim's representative. However, as amended, the bill excludes individuals sentenced to life without parole and those classified as sex offenders under §11-701 of the Criminal Procedure Article.

The need for a comprehensive Second Look Act in Maryland is evident. Maryland incarcerates the highest percentage of Black people in the country, at 71 percent of our prison population, and 76 percent of those serving life sentences, which is more than twice the national average.¹ Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next nearest state – Mississippi.² Additionally, Maryland ranks among the states with the highest rates of life sentences for women, with more than one in six women in prison serving life.³

¹ See demographic data compiled by the Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/MD.html#visuals>; Barry, Ashley Nellis and Celeste. "A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States." *The Sentencing Project*, 17 Jan. 2025, www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/.

² "Rethinking Approaches to over Incarceration of Black Young Adults in Maryland." *Justice Policy Institute*, 28 Oct. 2021, <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-young-adults-in-maryland/>.

³ Barry, Ashley Nellis and Celeste. "A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States." *The Sentencing Project*, 17 Jan. 2025, www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/.

The status quo does not afford meaningful opportunities for release for people serving extreme sentences

Due to the devastating “lock them up and throw away the key” mentality from the last thirty years that led to harsh changes to law and policy, Maryland’s prison system is filled with Black people who were excessively sentenced or denied parole based on the “superpredator” mythology. Similarly, for more than a quarter of a century, Maryland’s parole system was not available to lifers, contributing to the bloated prison system and its extreme racial disparities. Although the Governor has finally been removed from the parole process, this is not enough to remedy decades of wrongful denials nor provide relief to those whose sentence structure may prevent timely parole consideration.

For many years, Maryland judges retained a broader ability to review sentences, ensuring an important safety valve for extreme sentences. Unfortunately, ever since these revisory powers were limited by a rule change in 2004⁴, the main way for someone in Maryland serving an extreme sentence to have their sentence reviewed is by challenging the constitutionality of the conviction itself. There is currently no statutory mechanism for their sentence to be changed solely because they have been rehabilitated, or because the sentence was excessive, disproportionate, or biased. Thus, the current legal framework incentivizes people serving extreme sentences to challenge the conviction and avoid ever conceding guilt because doing so might jeopardize any future chance of release. As a result, people who have been harmed by serious crimes may never hear an explanation or expression of the remorse the person feels. A “Second Look” provision would change this dynamic, ensuring that people are able to express their genuine remorse and maintain focus on their transformation without worrying that conceding guilt would eliminate any hope of resentencing.

Parole is not enough

Parole is not available to people before they reach eligibility or to those who are never eligible. For example, someone with an extreme sentence may not be eligible for parole for 40 years—not because they are more culpable, but because of how the sentence was imposed. And unlike court hearings, parole is an administrative proceeding, where people have very limited due process guarantees and no right to access legal representation to prepare a strong presentation.

The purpose of the Maryland Second Look Act is to establish an opportunity for people’s sentences to be reconsidered based on their demonstrated rehabilitation. The parole commission does not have the authority to change any sentence and is generally bound by the original conviction and sentencing.

⁴ Court’s Standing Committee on Rules of Practice and Procedure. “RULES ORDER.” Maryland Courts, COURT OF APPEALS OF MARYLAND, 2004, www.courts.state.md.us/sites/default/files/import/rules/rodocs/ro158.pdf.

Furthermore, judges are especially well positioned to review sentences that the court was responsible for imposing. Unlike parole, petitioners have the opportunity to present evidence and witnesses with the assistance of counsel, giving judges a better understanding of the factors that led to the individual's incarceration and the likelihood that they can safely return to the community.

HB 853 will lead to safer prison environments and cost savings

The potential opportunity for individuals to reduce their sentences is a compelling incentive to comply with facility rules and maintain good behavior. Good conduct credits are a behavioral incentive and a means of reducing prison overcrowding.⁵ This in turn lowers the threat of violence and other risks and challenges faced by people living and working inside correctional facilities, including officers and staff. Maryland spends over \$59,616 annually per incarcerated individual, with costs rising significantly for aging prisoners due to increased healthcare needs.⁶ By creating a pathway for sentence reconsideration for those who pose little to no public safety risk, Senate Bill 291 allows the state to reallocate funds toward initiatives that enhance public safety, such as reentry programs and mental health services. For example, an analysis of the release of over 200 individuals under the *Unger* decision projected state savings of \$185 million.⁷

People age out of crime

There is a large body of evidence showing a rapidly declining likelihood to commit violent crimes (including murder) with age. Dozens of studies have found that the typical ages at which people are most likely to engage in violence fall dramatically beginning in one's mid-to late-twenties.⁸ This is consistent with understandings of psychosocial development in emerging adults.

Additionally, recent Bureau of Justice Statistics studies on 400,000 individuals released in 30 states in 2005 found that those convicted of violent offenses are less likely to be re-arrested within three years for any offense compared to their nonviolent counterparts.⁹ This underscores the potential for rehabilitation and

⁵ *Stouffer v. Staton*, 152 Md. App. 586, 592 (2003).

⁶ HB0209 2022-01-21 Testimony to House Judiciary, http://mgaleg.maryland.gov/cmtc_testimony/2022/jud/1BxSiD13nGr4LdKt2m4dYOa4Hw2nboPrP.pdf.

⁷ "Building on the Unger Experience: A Cost-Benefit Analysis of Releasing Aging Prisoners." OSI Baltimore, JFA Institute and The Pandit Group for Open Society Institute Baltimore, Jan. 2019, <https://www.osibaltimore.org/wp-content/uploads/2019/01/Unger-Cost-Benefit3.pdf>

⁸ Ashley Nellis, Ph.D. and Niki Monazzam. "Left to Die in Prison: Emerging Adults 25 and Younger Sentenced to Life without Parole." The Sentencing Project, 15 May 2024, www.sentencingproject.org/reports/left-to-die-in-prison-emerging-adults-25-and-younger-sentenced-to-life-without-parole/.

⁹ Alper, Mariel, and Joshua Markman. "2018 Update on Prisoner Recidivism: A 9- Year Follow-up Period (2005-2014)." BJS, U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, May 2018, <http://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>.

successful community reintegration among individuals who have committed violent offenses.

All the available evidence we have in Maryland also supports the fact that people serving extreme sentences are the least likely to reoffend. In the 12 years since the Maryland Supreme Court held in *Unger* that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident.¹⁰ These young adults, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities' decades earlier. In the last two years, the dozens of people to return to the community through parole or the Juvenile Restoration Act have shown similarly compelling success rates.¹¹

The ACLU of Maryland recommends the following amendments to ensure the law does not impose categorical exclusions based solely on factors such as age or type of offense.

The intent of this bill is to allow for evaluations based on a holistic assessment of each individual without categorical exclusions based on how the crimes were charged or the sentence structure, which otherwise serve as barriers to parole for people regardless of demonstrated rehabilitation. With that in mind: First, we urge the committee to strip the amendment that excludes those convicted of Life Without Parole from being eligible for a second look. The Juvenile Restoration Act (JRA), which HB 853 builds upon, banned Life without Parole (LWOP) for minors sentenced as adults and gave individuals convicted as adults for crimes committed under 18 the chance to request a sentence reduction after serving 20 years, including those originally sentenced to LWOP as minors. Excluding LWOP from the Second Look process for emerging adults while allowing it under the JRA just doesn't make sense. Research consistently shows that brain development continues into the mid-to-late 20s, with the prefrontal cortex, the part responsible for decision-making, among the last to fully mature. Emerging adults still share many of the same risk factors as youth, such as increased impulsivity, greater risk-taking, poor decision-making, and difficulty with long-term thinking.

Furthermore, bias in the criminal legal system against indigent defendants and Black people has been widely documented at every stage. These disparities are evident when examining life without parole (LWOP) sentences, specifically. Nationally, Black people are significantly overrepresented among

¹⁰ “The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars.” Justice Policy Institute, 19 Jan. 2024, <https://justicepolicy.org/research/reports-2018-the-ungers-5-years-and-counting-a-case-study-in-safely-reducing-long-prison-terms-and-saving-taxpayer-dollars/>

¹¹ Per unpublished data from the Maryland Office of the Public Defender compiled in November 2024.

LWOP sentence servers.¹² In Maryland, an estimated 69 percent¹³ of those serving LWOP sentences are Black, despite Black people making up roughly 30 percent of Maryland's population.¹⁴ These racial disparities result from disparate treatment of Black people at every stage of the criminal legal system, including stops and searches, arrests, prosecutions and plea negotiations, trials, and sentencing. In Maryland, there is no specific criteria for when LWOP sentences should be handed down. Rather, it is at the discretion of prosecutors to seek these sentences. The degree of discretion in LWOP sentencing has resulted in a situation where the severity of one's sentence is highly dependent on the individual proclivities of prosecutors which vary from jurisdiction to jurisdiction. For example, just as it did with the death penalty, Baltimore County imposes LWOP at an estimated higher rate than other jurisdictions.¹⁵ When examining LWOP sentences compared to total population, there are more people serving LWOP sentences as a result of Eastern Shore sentences than areas with historically higher murder rates.¹⁶

For eligible individuals who may have faced bias by law enforcement, the courts, or corrections, the Second Look Act would lead to more just outcomes by taking a second look to ensure their sentences were correctly decided. For members of the public who already distrust the justice system, it would provide additional assurance that the state is taking steps to recognize and correct past instances of bias and is committed to ensuring that people in its custody receive fair treatment.

Secondly, we urge the Committee to strip the amendment that bars petitions by anyone serving a sentence for a conviction requiring sex offender registration as defined in 11-1701 of the Criminal Procedure Article. Such a categorical exclusion, without room for considering any mitigating facts or an individual's demonstrated rehabilitation, severely undermines the spirit of this bill. This category of convictions covers an extremely wide spectrum of offenses, including fourth-degree offenses and other convictions requiring registration for 15 years as tier I offenses, all the way up to the wildly different tier III offenses requiring lifetime registration. These differences necessitate individual consideration of each circumstance rather than wholesale preemptive exclusion.

Providing an opportunity for consideration in these cases would in no way require release or diminish the salience of facts demonstrating severe ongoing

¹² "Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing." ACLU, American Civil Liberties Union, 27 Oct. 2014, www.aclu.org/sites/default/files/assets/141027_iachr_racial_disparities_aclu_submission_0.pdf.

¹³ Per estimates compiled by the Prison Policy Initiative based on data from the US Census Bureau, the Bureau of Justice Statistics, and unpublished data provided by the Maryland Second Look Coalition.

¹⁴ See <https://business.maryland.gov/plan-your-move/demographics/>.

¹⁵ Per unpublished Maryland Division of Corrections data provided to Prison Policy Initiative by the Maryland Second Look Coalition.

¹⁶ Per unpublished Maryland Division of Corrections data provided to Prison Policy Initiative by the Maryland Second Look Coalition.

harm, as judges would be instructed to consider a variety of factors when weighing the decision to reduce a sentence. Among these factors is the nature of the crime. If the weight of one's conviction outweighs any demonstrated rehabilitation, this will be reflected in the judge's decision.

This bill would not release anyone from their responsibility for their crime. It would simply provide to those who meet the eligibility requirements the small gesture in this bill's title: a second look.

For the foregoing reasons, we urge a favorable report on HB 853, with the aforementioned amendments.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

Angela Fulton - HB0853 - 3.25.25.pdf

Uploaded by: Angie Fulton

Position: UNF

My name is Angela Fulton. I am here today to oppose House Bill 853. I am here on behalf of my family, my deceased brother, Warren Steven Slayman and countless other victims of violent crimes. It was over 30 years ago that Stevie was murdered. It seems like yesterday to my sister and me. If this bill were to pass, not only will we have to relive the most horrific time in our lives but our faith in the lawmakers and the justice system will forever be lost. The day he was murdered, he was shot three times, once in the chest and two times in the head and left in a culvert for dead. I wonder what Stevie was thinking whilst he lay there for the next several hours until he succumbed to his wounds. Was he thinking, will I get a second chance at a life? He was shot by someone who thought that Stevie was gay. My brother's murderer was 17 but only a few days shy of his 18th birthday.

I will never understand why lawmakers in the state of Maryland will continue to change or amend bills to give violent offenders second chances. I would bet not one of you has ever experienced the loss of a loved one at the hands of someone else. I have, and the absolute torment these bill proposals and amendments put me and my family through are unacceptable. How is it justice to give a murderer who was sentenced to life plus 15 a second look? Are you going to give my brother a second look and a second chance? I beg you to listen to each and every one of us today and to read the letters in opposition to HB853 and not just hear the impact a decision like this would have on many people but feel it with your heart and soul. Because that is where we are speaking from. We don't deserve this, our deceased loved ones don't deserve this disservice of justice. These criminals made their choices when they committed the crimes. We shouldn't have to go through this emotional turmoil time and time again. Thank you.

Testimony for Maryland Senate.pdf

Uploaded by: Christopher Boothe

Position: UNF

Testimony for Maryland Senate

On December 28, 2018, my whole life and the lives of my family changed forever when my sister Jaclyn (Jackie) Mcguigan was murdered by her own son Kevin Justin Mcguigan. The next three years between his arrest and finally his sentencing were the longest of my life. No one in our family felt safe, living in fear that he might get bail or be released for some reason. I know personally anytime I was at a home that I knew he knew about I would never feel fully comfortable and would often think about what I should do if I opened the door and he was on the other side. This fear stemmed from knowing that he had killed the one person who loved him most in the world, my sister Jackie, while previously trying to kill his own brother. My parents were never the same and have both died since this happened, likely sooner than they would have for some of the same fears. Before the trial came, we learned two incredibly horrible things. First that my nephew had tried to kill someone else while in custody and second that a life sentence only actually meant 30 years (15 with parole). The trial came and thankfully for us he decided to plead guilty and more importantly the judge sentenced him to 80 years in prison (40 with parole). He showed no signs of remorse nor did he apologize for his actions. I thought for my life that it was over. I would be likely dead before the first parole hearing. I would not be asked to relive what he did to my family. I was wrong the second the house passed the bill saying because he was under 25, he would essentially be eligible for a sentence reduction after 20 years. If this bill is passed now I have to worry about "Is he going to show up on my doorstep and slash my throat or my wife's throat?". Is he going to get out and terrorize his own brother and sister? To me passing this bill is re-victimizing anyone that has been part of a violent crime. And if you have never had someone you love be part of one, you don't know how it feels to think about them daily. My nephew being sentenced to 80

years meant we at least had 40 years to heal. So at a minimum, I ask that in addition to sex offenders, any violent crime be added to the exclusion list from this bill.

Dawn Collins - HB0853 - 3.25.25.pdf

Uploaded by: Dawn Collins

Position: UNF

Dawn Collins Testimony - Oppose HB0853

My name is Dawn Collins. I am a wife and mother to two children. I am an American, I am a patriot, and my son, Richard, was a third-generation service man.

My son, 2LT Richard Collins III, became a man at Bowie State University, a Historically Black College and University producing exceptional scholars, educators and dedicated service men and women.

My son, 2LT Richard Collins III, was murdered at a predominantly white institution by Sean Urbanski - a student at the University of Maryland, and a follower of white supremacist ideals.

I am urging representatives to oppose HBO853 and the “no limits” approach of this bill in how it would benefit mass murderers, serial rapists, child sex offenders, and those who have committed hate crime murderers - like the one that took my son.

There are a number of things that didn't make the process of grieving our son any easier or any less painful. At the time of Richard's murder, hate crime laws were inadequate, there were no victim or survivor-centered conversations, there wasn't any compensation considerations for supporting families involved in these tragedies, statewide definitions of hate-crimes didn't always trickle down to the local level, and my son did not receive his full military honors because of a technicality.

When my son 2nd Lieutenant Richard Collins III told me that *the world would know his name*, his murder by way of hate crime, was not the legacy he or our family wanted to be left with, but here we are - doing what we can to stand up, speak up, and call out injustice.

God has been gracious in the midst of grief, along with the help of many legislators, civil rights organizations, and community leaders, who have helped shape the work and impact of the 2nd Lt. Richard Collins III Foundation, created in honor of our son.

This bill would undermine the small justice that's been given in the case of our son's murder. Uplifting my son's legacy means keeping the convicted murderers behind bars to complete their sentences as the least bit of consolation for the upheaval, grief, and violence that my family has had to endure since 2nd Lt. Richard Collins murder.

Please, for the sake of families across the State of Maryland, still grieving, recovering, and trying to make meaning out of the events that forever changed our family's lives, oppose HBO853.

Gale Seaton - HB0853 - 3.25.25.pdf

Uploaded by: Gale Seaton

Position: UNF

Dear Delegates,

Please do not pass House Bill 853.

McDonald Abraham 3rd, the man that paid for the murder of our late daughter, Stacey Lynne Seaton, aged 17, in 2005, should STILL be incarcerated, as his 30-year sentence doesn't end until 2039. However, he gamed the system, by repeating courses multiple times, (he repeated one five times), thereby "earning" more diminution credits than other offenders. He also worked two half-day jobs, earning diminution credits for two separate jobs. He was actually **eligible for parole at 7 1/2 years**, due to the extra diminution credits he "earned", and was released after serving 10 years, in 2019. Pretty sweet for receiving both a 20 year and a 30-year sentence. Corrections kept him for as long as possible.

While he's still on parole for over 10 more years, we're concerned he will be involved in another serious crime (because his nature is to outsmart others). While Abraham told the parole commissioners Stacey was only an acquaintance, he could not explain why his current wife, looked just like Stacey. He actually said he could not explain that.

Since Abraham's release, he received citations for driving 70-mph in the middle of Ocean City, MD, in a 35-mph zone, and then 80mph on rt. 270, in a 55-mph zone. These infractions are only what is publicly known. However, we know he has not learned any lessons, and he certainly has not changed. Our hearts are with his next victim(s).

The impact on me, upon upon viewing my Stacey, lying lifeless, in Bowie, MD was immediate. I literally passed out, while still standing. I could not see anything, for almost a minute. The EMTs held me upright, as they saw my situation. I still have challenges focusing, at times, and had to leave my job in the Intelligence Community at Ft. Meade.

Once Abraham found Stacey never crossed him, he still unrepentant, and mocked my efforts to get Justice. He encouraged me to take my own life, stating society would be better off, with me dead. Absolutely **ZERO SYMPATHY OR REMORSE**.

I was in the Intelligence Community, supporting both our National Agencies, and warfighters, and while I tried to focus on work, I had lost the ability to remember what I used to know extensively. It was brought to my attention several times, I wasn't "the Gale everyone remembered." In an effort to maintain my level of professionalism, I took several years off, trying to regain the memory I used to have, get Justice for Stacey, and to heal. Unfortunately, that never happened. Many colleagues, military, Intelligence Community leaders, and neighbors all told me I changed. It crushed me to leave the workforce, but it was best.

We spent a lot of money trying to obtain Justice, and my not working impacted us significantly. This is what McDonald Abraham III did to me. Abraham never took responsibility for Stacey's murder, and learned how to play the diminution system, while incarcerated. He knew how to duplicate the credits he "earned", thereby reducing his sentence. By any stretch of the imagination, he should still be incarcerated. What once used to mean the death penalty in Maryland, became a Misdemeanor.

McDonald Abraham III **was eligible for parole after serving only 7 1/2 years**, and released after serving only 10 years. What if this was your loved one? The leniency afforded murderers, in Maryland, is both shameful and insulting. Please make the punitive measures stronger, and keep convicted murderers incarcerated for AT LEAST 20 years.

Sincerely,

Gale and Michael Seaton

Senate Committee Opposition to HB 853.pdf

Uploaded by: Joanna Mupanduki

Position: UNF



Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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March 21, 2025

Re: Unfavorable to HB 853

Dear Chair Smith and Members of the Committee,

I am writing to express my strong opposition to HB 853, a bill that proposes allowing violent offenders to petition for resentencing after serving just 20 years of their sentence, regardless of its original length (with the narrow exemption for those serving Life without Parole sentences). This legislation raises serious concerns about public safety, the rights of victims, and the overall impact on our justice system.

Having worked in the criminal justice system across multiple states, I can say that no other state exhibits the same level of confusion and disregard for crime victims as Maryland. I have been an attorney for over 17 years, serving as a prosecutor in Washington State, California, and Maryland. Additionally, I spent four and a half years as in-house counsel at the California Department of State Hospitals, which provides psychiatric care for individuals in the criminal justice system, including those deemed incompetent to stand trial and those identified as sexually violent predators.

For the past three years, I have served as a victim rights attorney at the Maryland Crime Victims Resource Center (MCVRC) and recently became the Deputy Director. This role has been the most rewarding of my career, allowing me to support crime victims during their most challenging times.

First and foremost, we must recognize that violent offenders have committed acts that not only infringe upon the rights of their victims but also deeply affect families and communities. Allowing these individuals to seek resentencing after just two decades risks undermining the severity of their crimes and the suffering endured by their victims. Victims should not be forced to relive their trauma every few years as they face the possibility of their attackers being released. Such a system fails to provide the necessary closure and healing that victims and their families need.

Moreover, the proposal to allow offenders to petition for resentencing every five years places an additional emotional burden on victims. These hearings can serve as painful reminders of the violence they endured and can hinder their ability to move forward with their lives. The constant uncertainty surrounding the status of the offender creates an environment of fear and anxiety for victims, who deserve assurance that their safety and well-being will be prioritized.

Furthermore, the focus of our justice system should be on protecting innocent individuals rather than catering to finding more ways for violent offenders to get out jail early. Granting such frequent opportunities for resentencing diminishes the importance of accountability for one's actions. The message sent by HB 853 is that violent crime may not result in the long-term consequences that both the victims and society expect and deserve. The caveat in the bill that ignores the twenty years served if the State's Attorney's Office files for reduction of the sentence is alarming. This is not a power that should be given to the State's Attorney's Office and the Maryland State Attorney's Association does not stand behind this concept. Please listen to the victims' families and those who are still mourning their loved one's death, and do not allow there to be an exception to the twenty years served.

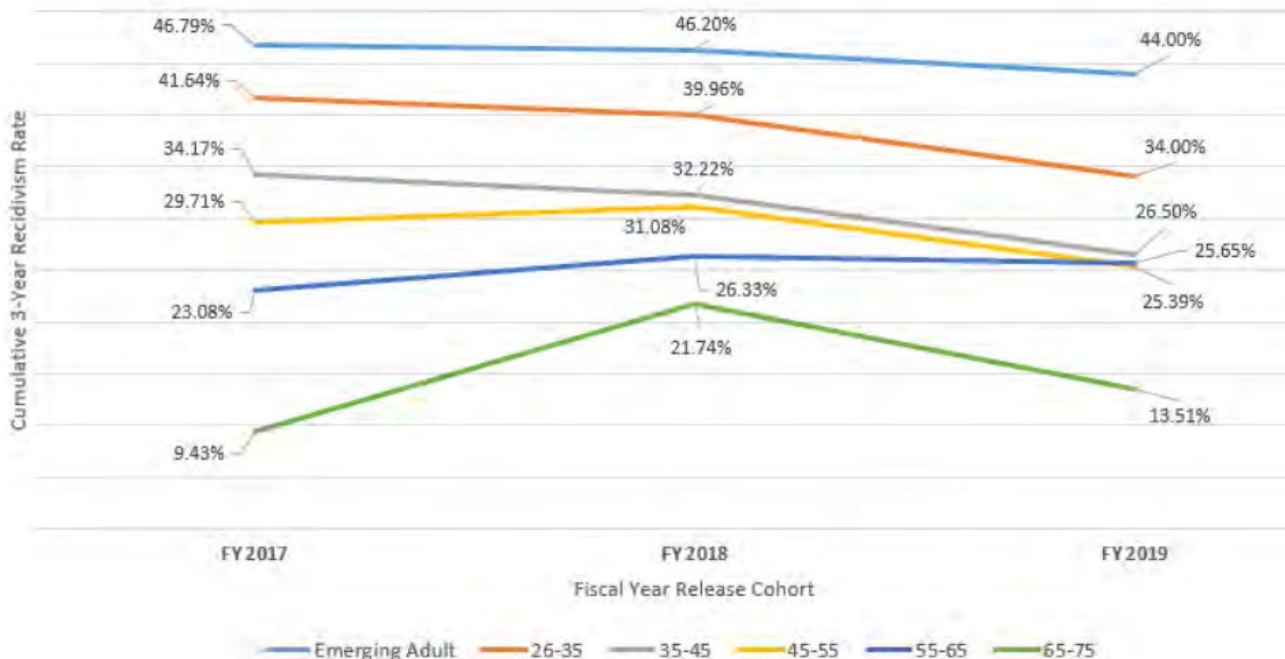
The release of convicted murderers from prison poses significant dangers to society. While it is true that older offenders often exhibit lower recidivism rates, it is misleading to assume this equates to a negligible risk. According to the Department of Public Safety and Correctional Services (DPSCS), the chance of re-offending for those released between 2017 and 2019 is alarmingly between 9-21%. This statistic represents a substantial risk, particularly when considering the severity of the crimes committed.

Society must prioritize the safety of its citizens above all else. The implications of allowing individuals who have taken lives to reintegrate into the community, even with the potential for decreased risk, are profound. And, a 9-21% chance of recidivism is a high chance of further behavior placing the public at risk.

Each release could mean the threat of future violence, trauma for victims' families, and the erosion of public trust in our justice system. Rather than embracing a potentially dangerous approach to rehabilitation that could endanger lives, we should seek to implement comprehensive rehabilitation programs while keeping those who pose a significant risk to society incarcerated. The potential for re-offense, even at the lower end of the spectrum, is simply too great to ignore. It is crucial that we continually assess and prioritize the safety of our communities over opportunities for leniency in the justice system.

Please consider the graph below prepared by DPSCS showing recidivism rates for Maryland parolees:

Figure 7: 3-Year Recidivism Rates by Age at Release



In conclusion, I urge you to reconsider the implications of HB 853. The safety and well-being of victims must take precedence over the interests of those who have committed violent offenses. Our justice system should strive to protect those who have been wronged and provide them with the peace of mind they need to heal. Rather than facilitating the early release of violent offenders, we should focus on supporting victims and ensuring that justice is served in a way that respects their experiences and needs.

I urge an unfavorable finding on HB 853.

Sincerely,

Joanna D. Mupanduki

Joyce Conyers HB-853 Written Statement .pdf

Uploaded by: Joyce Conyers

Position: UNF

Bill: HB-853

Position: Unfavorable

Contact: Joyce Conyers

Good afternoon,

Thank you for taking the time to hear our side for the non-treatment of victims in Maryland. My name is Joyce Conyers. I am the mother of Willie Herman Baskerville Jr, age 23 who was assassinated by Desmond Perry in December 2001 only a couple of days after Christmas. My son, Willie, had no knowledge of Perry or that his life was endangered for merely celebrating the Christmas holiday.

I am before you today to remind you of how victims have been treated by Maryland's State Attorney's office. To be clear, they have aggravated victims' pain and sorrows. Furthermore, our voices have been cut off without representation.

In many cases victims have been neglected and kept in the dark, while murderers and criminals that committed unspeakable crimes get numerous hours with the States Attorney's office to plead their cases.

In my case, I found it absurd that at least two other State attorneys - which had previously represented our family in this case, were denied the opportunity to speak on the case and were not allowed to speak with the lead detective and chief of police. In fact, the prosecuting attorney told our victims of crime representative attorney that he had no place in the courtroom and really could not speak.

This was not only unfair to the people that are trying to live a decent life and work for a living just to be struck down by the rhetoric of the Progressive Party telling us that after a few years we should be able to cope with whatever has happened and allow these murderers to continue with their lives and to be a part of society.

Then I am left with my beautiful grandson having to look a young man in the eye and say forget the person who assassinated your father only because he spent 20 years in a prison box as a model citizen. Because this is basically what was told to me.

We have murderers testifying in court for other murders that have been rehabilitated inside four walls for a few years. So, they should be giving 2nd, 3rd, 4th and 5th chances while all the while they have done one thing to a better society.

I want to thank you for your time and your patience. I know that you have a hard job and a hard decision. Just like law enforcement staff spend countless hours away from their families so that these criminals can go to court and their pathetic cries and plead for release. While victims' cry falls on deaf ears. Hear us, we are here, and you need to hear us.

In addition to the devastation these heinous criminals have already caused, an overwhelming 90% of them never pay back the restitution they owe—a clear and blatant violation of their parole. Yet, this critical requirement is overlooked 99% of the time, as if it were a mere suggestion rather than a court-ordered obligation. It feels like a slap on the wrist, with offenders catching break after break while victims are left to pick up the pieces. The Second Look Act only adds fuel to this

injustice, serving as yet another gateway for defendants to be released early—only for many of them to walk free without following parole conditions or repaying the restitution that was supposed to provide victims with some measure of justice.

I challenge State Delegate Clippinger to put himself in the victims' place and feel the intense pain of sorrow. Furthermore, Delegate Sandy Bartlett is a mother of two, therefore she is in a perfect position to deeply reflect on, and experience the unbearable pain of losing a son. My son will never receive reconsideration to return to life, therefore a criminal should not receive reconsideration to enjoy freedom.

Finally, I pray that you get the support that is required to bring justice back to the blind eye which it was instituted.

Very Respectfully,

Joyce M Conyer

Katey Cooke - HB0853 - 3.25.25.pdf

Uploaded by: Katey Cooke

Position: UNF

March 20, 2025

House Bill 853

To whom it may concern,

I am the mother of Malakai Cooke who was stalked, set up and murdered April 16, 2021 in Frederick, MD at the age of 17. My son started residing with a close friend four months before his murder to protect his family. We spoke all the time and I saw him almost every day. He came to me and told me someone wanted him dead but it was okay that he was going to die. Imagine hearing this from your own child. Malakai was one of a kind, outgoing, full of life. He started being stalked in March of 2021. On the evening of April 16, 2021 we spoke over the phone he was in great spirits. I was suppose to pick him up the next morning. He went out with a few people to get food and just talk and one of the people he was with (who also came to my house several times) called the person who was after my son and told him where he was. My son was dropped off a few hours later walked back into where he was staying for the night. Malakai left his headphones in the persons car, he received a phone call from the person he was with to come back outside he would be there in ten minutes. During this time that person met behind the location with the one that murdered him, told him Malakai was about to come back out. He hid up in the trees, my son came out got into the car for less then five minutes before getting back out of the car. He was walking back inside, they pulled off and the one who murdered him came down the hill and shot my son who did not see him. He wasn't shot once but he was shot four times. Twice in the back, once in the arm and once in the chest and died on scene before the police could get to him.

I attended every single court date for both the person that set him up and the murderer. There wasn't a finalization through the courts until 2024. It was a long, frustrating, devastating situation. I have no fail in the court system after all of this. The one that set him up was suppose to spend the rest of his life in jail but since he was 17 at the time of this crime, a new law was just passed allowing him to plea down to juvenile. He spent one year in the detention center, then went to a juvenile facility where he went from first degree murder to reckless endangerment. He was released one month later because he was going to testify against the one that killed my son. He violated probation several 10 out of 11 times and NOTHING ever happened. He got off probation and house arrest a year later. It's like he didn't do a damn thing. I was destroyed when they let him out. The person

who murdered my son was suppose to get life in prison. A long story made short he got life suspend all but 40. JUSTICE WAS NOT SERVED FOR MALAKAI. He was tragically taken from his family and friends. Our lives will NEVER be the same again. I struggle every since day over the loss of my son.

The thought of defendants who serve 20 years of their sentence being entitled to resentencing every five years is disgusting and has to be a joke. Do you not understand that people are being murdered, their life is lost, the family/friends are torn. This should not be an option at all. Personally, I believe the death sentence should be in all states. They don't deserve a second chance, they don't deserve to be free. They deserve nothing but the worst. They have no conscience. Why even give them this option for taking a life? This is injustice!!!!!!!!!!!!!!!!!!!!

Sincerely,

Katey Cooke

Katey Cooke

Opposition to HB 853.pdf

Uploaded by: Kurt Wolfgang

Position: UNF



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Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.
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Opposition to House Bill 853

Introduction

House Bill 853, which mandates new sentencing hearings for individuals who have been incarcerated for more than twenty years, is a contentious piece of legislation. It raises several significant concerns that warrant a thorough examination. This document outlines the primary arguments against the bill.

Existing Avenues for Sentence Reduction

Maryland already provides numerous mechanisms through which sentences can be reviewed and diminished. These include parole, clemency, pardon, a myriad of diminution credits, home detention programs, Special programs such as Patuxent Institution, appeals with free legal representation, post-judgment proceedings with free legal representation, and other judicial reviews. Introducing another layer of potential sentence modification is unnecessary and complicates an already comprehensive system. One client whose aging mother was brutally stabbed to death has been to court 23 times in order to ensure that her murderer remains incarcerated. It is heartless to have a system indifferent to imposing that cruelty on him. Please do not extend the cruelty by adding a 24th, 25th, and 26th occasion. Remember, if an applicant under this bill is unsuccessful in his or her bid to gain release, they may renew their demands every three years. Every three years would come another nightmare for our client, Brittony, who at age 8 slept peacefully with her mother in bed. Until someone stabbed her mother many times, causing her to bleed to death in Brittony's arms. Brittony is now in her mid twenties, and has gone to court many times already. She is aware that our bizarre justice system will require her a lifetime more of appearances to relive and tell her horrors. Attached is a list of sixteen different mechanisms already available to diminish a prison sentence in Maryland. This bill is wrongly named. It should be named *Seventeenth Look*.

Exclusion of Original Criminal Justice Personnel

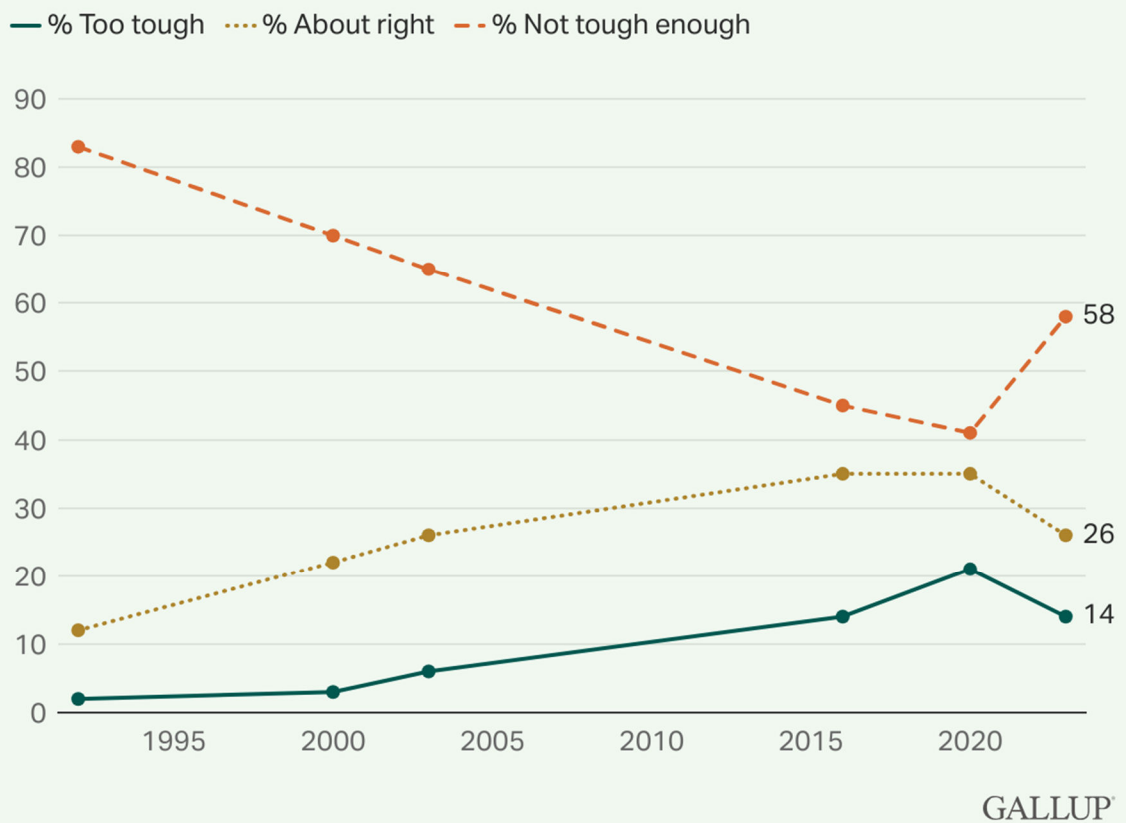
Resentencing many years after the original sentence poses practical challenges. The original judge, prosecutor, and investigators, who were intimately familiar with the case, are likely no longer serving. This absence can lead to inconsistencies and a lack of continuity in the judicial process, which is detrimental to the integrity of the justice system. Our organization already represents crime victims in "second look" cases generated by the juvenile corollary to this bill. In many of those cases, we find that the offender presents a fantasy story about the original crime, knowing that the new judge will not be familiar with the facts, and will not engage in a new fact-finding hearing to dispute the fantastic allegations of the offender. Neither will the prosecutor be prepared to refute the facts in detail.

Public Opinion

The public sentiment is clear: there is a strong opposition to allowing convicted criminals to request new sentencing procedures or to be released early from their sentences. This opposition is founded on the fear and discomfort that many citizens feel about the possibility of serious offenders being reintegrated into society prematurely. The notion of finality in sentencing brings a sense of security and justice to the public, which this bill threatens to undermine. A recent Gallup Research poll indicates the strong trend in public opinion toward the need for stronger sentencing.

Americans' Calls for Tougher Criminal Justice System Increase

In general, do you think the criminal justice system in this country is too tough, not tough enough or about right in its handling of crime?



Finality of Sentences

There is a critical need for finality in the sentences handed down to convicted criminals. This finality serves multiple purposes:

- **Public Assurance:** It reassures the public that justice has been served and that the societal order held as a systemic imperative, and is maintained.
- **System Integrity:** The justice system relies on the stability and predictability of its rulings to function effectively. It also relies on the cooperation of victims, who often must initiate investigations and charges, and who almost always are crucial witnesses. Diminishing victims' satisfaction with outcomes, and therefore diminishing victim participation has serious detrimental effects.
- **Victim Survivors' Well-being:** For those who have suffered due to the serious offenses, the finality of the sentence brings closure and a sense of justice. Reopening cases can retraumatize these individuals and disrupt their healing process. They are often afraid of the offender if he is released, whether a rational belief or not. Sometimes, they have been threatened by the offender, such as in courtroom encounters. Even if they are not afraid, they often are repulsed by the thought of encountering the murderer of their loved one in the grocery store, or the pharmacy, or at their child's school. Our society should account more for their peace of mind, their mental well-being, and their satisfaction. In the past three years, I have had two survivor families move from Maryland because of the callousness of releasing the murderer of their loved ones. These were wonderful people, excellent citizens, and taxpayers, and yet we lost them to bend over backwards for those who committed heinous acts against their loved ones. Maryland's Supreme Court, as well as the U/S. Supreme Court have acknowledged the cruelty inflicted on victims by the endless lack of finality and the heartless cycle of forcing them to return to court repeatedly to ensure that justice is served.

Impact on Crime Victim Survivors

One of the most compelling arguments against this bill is the undue burden it places on the survivors of crime victims. These individuals have already endured significant trauma and should not be subjected to additional hearings that reopen old wounds. Key points include:

- **Fear and Retaliation:** Victim survivors often live in fear of the offender, worrying about potential retaliation if the offender is released. These fears, although sometimes perceived as inordinate, are genuine and must be compassionately acknowledged.
- **Emotional Toll:** Attending additional hearings means reliving the trauma, which can have severe emotional and psychological impacts on the survivors.
- **Injustice to Victims:** The original sentencing was a form of justice for the victims. Revisiting and potentially altering this sentence can be seen as an injustice to those who have already suffered immeasurably.

Recidivism

Another critical concern regarding this bill is the issue of recidivism. The risk that individuals who have committed violent crimes may reoffend if released prematurely poses a serious threat to public safety. It is a mathematical certainty that more crimes will be committed by at least some of those released. DPSCS statistics show a recidivism rate of 13% for released offenders older than 75. The rate increases the younger the age of the releasee. I remind you that all recidivism cannot be captured, because all crimes are not solved, and all guilty parties are not captured, tried, and convicted. Whenever you see a recidivism rate, you must know that the true figure is higher, there is a built-in error in that statistic. The DPSCS figures are deceptively low regardless, due to the limited time period (3 years). These individuals will be released permanently, not for three years. A more accurate recidivism period would be ten years, and a longer study period with always reveal a higher recidivism statistic. In addition, the DPSCS figures appear grossly out of alignment with other estimates of recidivism for serious violent offenses. Even using DPSCS questionable statistics the cost in human suffering of additional reconsideration releases is too high.

Recidivism not only endangers the community but also undermines the justice system's role in protecting citizens. By allowing the possibility of reduced sentences, this bill increases the likelihood that repeat offenders will be back on the streets, potentially causing additional harm and suffering. Therefore, maintaining stringent sentencing measures is essential to deter further criminal behavior and to uphold the safety and security of society. According to the Public Defender's Office, there have been fifty-four releases from prison as a result of the 2021 Juvenile Restoration Act. While we have not yet tried to compile data on recidivism, there have already been two serious crimes committed by convicted murderers who were released. Please see the accompanying information regarding Byron Alton Bowie, Jr., a convicted murder, whose crime after release was threatening to burn down a Frederick, Maryland townhouse with everyone inside. The event occurred around Thanksgiving, 2023. The Public Defender's Office secured his release under the Juvenile Restoration Act in May, of 2022. It took him all of eighteen months to be caught for a new serious violent offense.

The second case is that of convicted murderer Keith Curtis. We are in the initial stages of investigating the details of this matter, but it appears that Mr. Curtis was convicted of murder and sentenced to life in 1995. He murdered a beloved Johns Hopkins University professor who suffered from Parkinson's Disease. He was released apparently in 2019, and quickly violated probation, earning a return to prison for four months. His release was earned through another "innovative" release program that is misused by many to exact a resentencing.

His new offense, according to news reports, was robbing a former co-employee at gunpoint. The co-worker was working the cash register of an Ace Hardware Store. Curtis gained one hundred dollars in the robbery.

The third case: In **1999, Christopher Lee Myers tried to murder his ex-girlfriend and her new boyfriend by burning her house down while they were inside. Chris knew that his own helpless infant son was also in the house before he doused it in Gasoline and set it on fire.** Apparently concerned over the safety of the public, the Parole Commission refused Myers request for parole (2013). Undaunted, the Office of the Public Defender filed a motion for him to be released in accordance with the Health General Article, 8-505 (et seq). This provision allows the Court to

resentence an inmate who has completed drug or alcohol treatment. In 2015, Christopher was released.

In **2019, Myers decided to murder his next girlfriend**. This time, he succeeded, apparently fracturing her skull. Heather Caitlin Williams breathed her final breath after he bashed in her 24-year-old skull. Here is a death to count because of early release..

The fourth case: Justin Kyle Marshall started his murder career early. In 2004, when he was 17, he beat an innocent man to death. At one point, he went back hours later to see if his victim had died. He pled guilty to second degree murder, and avoided trial on first degree murder and other charges.

In 2010, five years after his conviction, his sentence was modified, leading to his release in 2019. It took him three years after release to murder again. This time, it was the mother of his child. He shot her in the neck.

The average person cannot help but be stricken by the cheap pricetag that the State of Maryland has placed on the lives of the victims in these examples. The other “takeaway” from these stories is that violent recidivism is an inevitable result of these programs. On this occasion, you get a chance to look into the eyes of someone whose life was cut short because of an early release of a juvenile murderer.

Rebutting The Arguments of Proponents of This Bill

Among the claims made by the proponents of this bill, the victims of Maryland would like to comment on the following arguments:

Proponent statement: “This Bill would Address Racial Disparities” – Not one victim represented by Maryland Crime Victims’ Resource Center has ever espoused any reason other than the guilt of the perpetrator, regardless of that perpetrator’s race, ethnicity, gender or sexual identity for the reason to incarcerate. The need for a victim to see proper justice served has nothing to do with the race of the perpetrator who butchered their mother as she slept, raped and sodomized their sister, or shot their five-year-old son.

Focusing on some perceived inequities for offenders excludes the consideration of the greater inequities to victims. We ask that you not focus on the tree that you see of inequity to the offenders, and fail to see the forest of oppression that plagues victims, who are far more numerous, and far more afflicted than the offenders. Criminologists estimate that for every murder victim, there are twenty friends and relatives who face a life of mental health challenges on the loss of the one victim. We do not deny that there may be too many inequities in the system. The place to combat those inequities is where they occur – within the scope of the segment of the process for determining guilt or innocence. Not after the offender has been identified beyond a reasonable doubt by the fairest system in the world (albeit humanly imperfect).

While all victims face bitter insult and trauma at the hands of governmental actions, people of color are numerically affected much more dramatically due to their rate of victimization. We ask you to save some sympathy for victims. Statistically, the likelihood in Maryland is that the majority of victims of those who are released as a result of this bill, and recidivate, will be people of color. While African Americans comprise about 30% of Marylanders, they make up 50% of murder victims in Maryland. It is reasonable to assume that African American Marylanders will comprise the majority of the victims of those who recidivate upon release under the mechanisms of this bill. There is the forest for you to see. Victims of the past crimes, mostly people of color, get traumatized by the re-victimization foisted upon them by “second look” legislation. Future victims, also majority minority, will suffer as a result of the inevitable and undeniable recidivating offenders released. The only debatable variable is the number who will recidivate. The racial equity note on this bill should be amended to reflect an estimate of the carnage unleashed on people of color by recidivating offenders. Of course, there will be white victims of carnage and other races as well.

Proponent statement: “Not every victim is monolithic in the desire to throw away the key” - This organization has represented more than one thousand murder victims. None of us can remember a victim seeking to aid in the release of their perpetrator after sentencing. Indeed, we would have helped them present that desire in an appropriate forum, such as a Parole hearing.

There is irony in the proponents claiming that the position of victims is not monolithic. The irony is that the proposed legislation ***monolithically applies to all victims***, whether they like it or not. Those who wish their perpetrator to be released or treated leniently have always been free to assist the perpetrator in achieving a diminished sentence. They can have their opinion heard at sentencing, three judge panel reviews, parole hearings, and the many other avenues available already to diminish a sentence.

Proponent statement: “The bill requires that there is a finding that the Defendant is not a danger to the public” - Beyond the fantastic idea that anyone could no longer be a danger to the public after proving their ability to commit heinous acts against their fellow human beings, this premise crashes into reality. Any judge who could determine that someone is “no longer a danger” should earn the Nobel Peace Prize. Meanwhile, science demands that release of violent offenders promises that many more violent crimes will be perpetrated. This is known as recidivism and there are established rates to predict future re-victimization of innocent Marylanders. Attached please find a chart indicating rates of recidivism as calculated by DPSCS, and presented to the Maryland Legislature. In short, even those released at or above age sixty-five recidivate at a 15 percent rate. For every one hundred releasees over the age of sixty-five, expect fifteen more victims, perhaps more if the crime involves more than one victim. The rate of recidivism advances exponentially as the age of releasees decreases. Averaging the recidivism rates for the higher age groups, we must anticipate a recidivism rate of closer to 29%. For every one hundred releasees under this bill, scientifically we can expect and predict 29 more crimes, with more than twenty-nine

victims. There is a fair chance as stated above that most of those victims will be people of color.

In addition, it is highly offensive that the bill shifts the burden of proving that the perpetrator is no longer a danger to the State and the victim to disprove.

Proponent statement: "Regarding Rehabilitation and forgiveness" - Most victims hope, wish, and perhaps pray for their perpetrator to realize and atone for the horrific conduct of their past. This concept of rehabilitation should never be conflated with some sort of obligation to release from confinement. Rehabilitation has merit apart from time of confinement. So does forgiveness. And forgiveness does not mean an offender should not be held accountable to serve their sentence.

There are many reasons, rehabilitation aside, that those who commit heinous offenses need to remain incarcerated.

- **Future crimes and future victims (recidivism).**
- **Placing an appropriate value on the human lives ended, and the ones left in tatters from the actions of the offender.**
- **Making a societal statement regarding what is completely unacceptable.**

Without Taboos, and the societal pressure to refrain from heinous acts, there would be more acts committed. ***Swift certain, stern sentences help establish those societal norms. Eroding them reverses these imperatives.***

- Matching prison release expectations to the public opinion. ***Nothing breeds contempt for the courts or the legislature more than criminal sentencing and releases that are unacceptable in the eyes of the public, based upon the seriousness of the crime.*** Clearly, Marylanders of all races have strong feelings about leniency for serious offenders. Here is an excerpt from a recent WBAL article, citing a Patrick Gonzales poll:

Gonzales- **"What we found statewide, 59% of Marylanders say need we need a strict approach, 35% said a more moderate approach," Patrick Gonzales said.**

"When we looked within the Democrat group ... 62% of black Democrats in Maryland supported tougher penalties for juvenile offenders."

This seems to support the recent annual Gallup poll reflecting that **58% of Americans support tougher sentencing for violent offenders, while only 14% feel that sentencing is too lenient.**

Distaste for current sentencing practice in Maryland is even more acute and critical in crime victims. Indeed, ***crime victim participation in the criminal justice system is crucial to the ability to convict the guilty.*** Yet victims and witnesses will not participate in a system that they view as skewed toward their offender. This effect is progressive and linear. In other words, we can see the development of non-cooperation in existence right now. It is more prevalent in jurisdictions ***where sentencing is too lenient - victims (and witnesses) decide not to participate.*** It is also increasing in crime categories where sentencing is too lenient for the victim to consider that it is worth the pain and risk of participating. The best category example is sexual offenses or child sexual offenses. In the 1980s when I was a prosecutor, I believe that the norm for a sentence in a serious sexual assault would be about 20 years. Now, the average statewide sentence for a second-degree rape is nine years. In one circuit, the average is as low as four years. (Source – 2024 Annual Report – Maryland State Commission on Criminal Sentencing Policy).

Allow me an opinion that I have earned, both as a citizen, a prosecutor, an advocate for Maryland victims, and a member of both the Maryland and US military: these averages are obscene, and dangerous. For a rape victim, this makes a difficult decision harder. We all know that diminution credits can half the original sentence, and other release possibilities can accelerate release even more. Their offender could be back on the street seeking revenge within two to four years and even less if their offender was incarcerated while awaiting trial.

The same calculus applies to those affected by more serious crimes. ***This is more than just a general degradation of the reputation of the courts, legislature, and criminal justice system. The nonparticipation of victims and witnesses, who feel that sentencing is treated cavalierly, can cripple the system.***

Proponent statement: “This bill will result in cost savings” - I must convey the comment of one victim after hearing yesterday’s comment in response to how releases under this provision would provide cost savings. He was insulted, and commented how the concept proved that the focus was not on the victims as proponent claimed it to be. I have asked for years that you as our legislators consider also what it costs to release people.

Let me address the fiscal note on this bill. Having worked in Legislative Services myself, I know that these things are difficult to quantify. The fiscal note addresses only one entity in government: the Public Defender's Office's need for additional staff to pursue these re-sentencings (minimum of \$538,100.00). It overlooks the cost of additional prosecutors, and staff in the State Attorney's Offices. Perhaps the most serious governmental omission is that of precious court time. Our organization has participated in many reconsideration proceedings that would be similar to those generated by this bill. They generally require one to two days of court time.

For direct governmental expenses, I suggest that ***a more accurate annual expense would be between three and six million dollars.***

However, there are more important, albeit indirect costs that dwarf the direct costs.

Consider the fiscal requirements to identify, catch, retry and re-incarcerate the recidivating perpetrators.

If you happen to be an accountant, your consideration might focus on those meager expenses. They are meager indeed compared to the human suffering that will result from the inevitable new crimes committed.

Witness, if you will, one Byron Alton Bowie, Jr., who was determined by a judge under the Juvenile Restoration Act to "no longer pose a danger". Apparently Byron did not agree. Eighteen months after his release, he threatened to burn down a townhouse and kill everyone in it. Fortunately for the victims, he announced his intentions in advance. He was arrested and reincarcerated. But this event could have led to the murder of many victims in the townhouse he intended to burn as well as the neighboring townhouses.

And another: Keith Curtis, whose first-degree murder charge was reconsidered in 2019. In 2023, he robbed a former coworker at the local Ace Hardware at gunpoint. His reconsideration was under another dubious and duplicative release mechanism that required a judicial finding that he "no longer posed a danger." Before you minimize in your mind that this was only an armed robbery, walk a mile in the shoes of the elderly cashier, suffering from Parkinson's disease. Such an encounter can destroy a fragile psyche, and devastate even a strong one. In addition, please consider that this crime was only a hair's breadth from another murder. When a convicted murderer sticks a gun in someone's face, that is a reasonable assumption. Any small change in circumstance could have changed this statistic to murder. So let's discuss the tangible, but difficult to calculate, economic costs of these two recidivations. These are all estimates:

- New police expenses per case (investigation, files, court time, incidentals): \$25,000 per case.
- New public defender expenses per case: \$15,000 if plea bargained quickly; \$2030,000 if tried in a jury trial.

- Court time and costs per new case, also including violation of probation time:

\$10,000.00 for a quickly plea bargained case; \$25,000-\$50,000 for a one-two week jury trial.

In the two murder cases above as an example, expect a two to four week jury trial and add another \$50,000 to \$100,000 for the PD costs, State's Attorney's costs, expert witness fees, and court time costs. Then there is expense for re-incarceration. As for the victims, we have provided them with altered lives, that can never be properly mended. A lifetime of grief, mental health issues, sleeplessness, paranoia, and a deep, abiding discomfort in their personal security. ***Perhaps the worst feeling is that the system, the judge, government cared less for them and their loved ones than they cared about the criminal who destroyed their lives. Or even worse, that the system valued saving a few dollars on incarceration more than the life of their loved ones.***

Worst of all are the innumerable economic and noneconomic costs to the victim and society: The utter, bone chilling terror of the cashier, already suffering from Parkinson's disease. The potential for long term mental health results. Nightmares, phobias, lost productivity. Many victims in my charge have decided to leave Maryland as a result of similar experiences. Who pays for the mental health counseling for the victim? In worse scenarios, who pays for the hospital bills, the funeral expenses for the victim, and the subsequent mental health counseling for five family members affected by a murder?

- On January 29, 2025, homicide survivors gathered in Upper Marlboro to voice their opposition to this bill. Many more had signed up to testify before you on January 30th, but were unable to do so due to Senate rules. I ask that each of you do them this small courtesy before you vote: go to our website at www.mdcrimevictims.org and watch the YouTube video of this event that pops up when you visit our homepage. Please listen to these victims before you cast your vote on this bill.

Those who wish to express sympathy to violent offenders have many other great causes to fight: make more meaningful programs and work available in prison. Improve prison conditions. Improve the safety of inmates. But this approach of releasing violent offenders wreaks a horrible toll on those who should be most protected by the government, the victims and survivors of outrageous conduct by the offenders. Please, vote unfavorably on this unworthy bill.

Conclusion

In conclusion, this bill presents numerous drawbacks that outweigh its intended benefits. The public's desire and need for stability, the critical need for finality in sentencing, the many existing avenues for sentence reduction, the practical challenges of excluding original vital criminal justice participants, and the undue burden on crime victim survivors collectively make a compelling case against this legislation. Perhaps the strongest reason not to enact this is the additional crimes and victims that will inevitably be committed by those released. It is imperative to prioritize the well-being of the public, the integrity of the justice system, and the compassion due to victims over few the potential benefits of this bill.

PLEASE VOTE UNFAVORABLY

Kurt W. Wolfgang
Executive Director – For All Crime Victims

Leonard Sipes - HB0853 - 3.25.25.pdf

Uploaded by: Leonard Sipes

Position: UNF

Recidivism of Criminal Offenders Based On Data From The US Department Of Justice And The US Sentencing Commission

Testimony from Leonard Adam Sipes, Jr. Sipes owns CrimeinAmerica.Net. Sipes has well over 50 years of service in the justice system ranging from being a police officer to the senior specialist for crime prevention and statistics for the US Department of Justice's clearinghouse to the director of information services for the USDOJ funded National Crime Prevention Council to 35 years of directing public relations for national and state criminal justice agencies. Sipes holds a post-Masters Certificate of Advanced Study from the Johns Hopkins University. leonardsipes@gmail.com

Testimony is based on *Recidivism of Prisoners Released in 24 States: A 10-Year Follow-Up Period From The US Department of Justice-2021*

82 percent of offenders released from prison were rearrested. This comes during a timeframe where the great majority of crimes were not reported per BJS, overall arrests declined along with decreases in crimes solved.

Per BJS, over 90 percent of new arrests were based on new crimes, not parole and probation violations.

61 percent of offenders released from prison were reincarcerated. Note that national rates of incarceration have declined significantly.

66 percent of released offenders from prison were arrested within three years.

Ninety percent of prisoners who were age 24 or younger at the time of release in were arrested within 10 years of release. A smaller percentage of those who were ages 25 to 39 (85%) and age 40 or older (75%) *at the time of release* were arrested again within 10 years of release.

During the 10-year follow-up period, an estimated 2.2 million arrests occurred among the approximately 409,300 prisoners released.

One-quarter (25%) of prisoners released across 24 states had been serving time for a violent offense.

Prisoners released had a median of nine prior arrests (for any type of offense) and five corresponding convictions in their criminal history before release. An estimated 29% of prisoners released in were first arrested when they were age 17 or younger, and 85% were first arrested when they were age 24 or younger.

At age of release, 89 percent of those age 24 or less were arrested, 85 percent of those age 25-39 were arrested and those 75.4 percent of those 40 and older were arrested.

Among state prisoners released after *serving time for a violent offense*, about 6 in 10 (61%) were arrested within 3 years following their release. This percentage increased to

about 7 in 10 (69%) prisoners arrested within 5 years and just under 8 in 10 (77%) arrested within 10 years following release.

89 percent of released prisoners had 10 or more arrests ten years after release based on prior arrests, age of first arrest, and years following release. For those 40 or older, it 41.3 percent.

Nearly 7 in 10 state prisoners released across 22 states had an arrest within 10 years that led to a conviction.

About 6 in 10 released prisoners returned to prison within 10 years. This applies to 53 percent of those 40 or older upon release.

Thirty-one percent of released prisoners were arrested for assault, while 1% were arrested for homicide, 3% for rape or sexual assault, 7% for robbery, and 14% for other types of violent offenses.

More than 4 in 10 prisoners released after serving time for a violent offense were arrested for a violent offense within 10 years.

The states measured accounted for 69 percent of all released prisoners in the US.

I served as the director of public information for the Maryland Department of Public Safety And Correctional Services for 14 years. During that time, Maryland's rates of recidivism mimicked Bureau of Justice Statistics data.

Arrest History of Persons Admitted to State Prison in 2009 and 2014 from The Bureau of Justice Statistics-2023

The 369,200 persons admitted to state prison in 34 states had an estimated 4.2 million prior arrests.

Persons admitted to state prison had a *median* of nine prior arrests.

About half of persons admitted in 2014 were released by the end of 2015. Over half (59%) were arrested at least once within 2 years.

78 percent of inmates had previous incarcerations. Forty-two percent had 5-10 or more incarcerations. 62 percent were violent.

Data From The US Sentencing Commission

Impact Of Longer Sentences: Released offenders committed well over two million new crimes per the Bureau of Justice Statistics. The odds of recidivism were approximately 29 percent lower for *federal offenders* sentenced to more than 120 months of incarceration compared to a matched group of *federal offenders* receiving shorter sentences, [US Sentencing Commission](#).

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Violent Offenders: Violent offenders recidivated at a higher rate than non-violent offenders. Over an eight-year follow-up period, nearly two-thirds (63.8%) of violent offenders released in 2010 were rearrested, compared to more than one-third (38.4%) of non-violent offenders. Even higher rates of recidivism apply to firearm offenders, [US Sentencing Commission](#).

I urge the legislators to vote unfavorably on HB0853.

Leanord Sipes, Jr.

Carter Family Opposition HB853

Uploaded by: Liliana Vera

Position: UNF

March 25, 2025

The Honorable William C. Smith Jr.
Chair-Senate Judicial Proceedings Committee
2 East Miller Senate Office Building, 11 Bladen Street
Annapolis, Md 21401

Re: HB 853 – Post Conviction Review – Procedure to Reduce Duration of Sentence (Maryland Second Look Act)

Dear Chair Smith:

I am writing today in opposition of HB 853 which allows young adults who were convicted of serious crimes between the ages of 18 and 25 to petition a court for review of their sentence after they have been incarcerated for over 20 years. As previously stated in my victims' impact speech:

**State of Maryland v. Kaleab Abebe Berhanu
Criminal Number C-15-CR-23-000775**

There is no rehabilitation for premeditation!

In life, everyone has freedom of choice. No matter how old you are or what background you come from, as humans we innately are able to choose. When you choose to murder someone. When you intentionally plan and conspire with multiple individuals to end another person's life. You then choose to live with those consequences. Just as when a life is tragically taken, the victims' family is given no choice but to live with the heartache and hardships of dealing with that loss. To jump over a backyard fence, shatter a rear glass door, kick in a bedroom door, stand over a sleeping human being and aim a shotgun at their face.

To pull the trigger with the intent of blowing someone's head off, leaving teeth lying on their pillow and blood pooling all over the floor. To stand there and watch someone fight for their life, in the basement of their mother's home with their younger siblings, mother and niece upstairs asleep. To proceed to fire another shot, striking that human being in his lower back as he tried to run away and seek help. To evade and then taunt the victim's family via social media after the fact.

To withstand trial and smile and grin as first responder's bodycam footage is presented of the victim lying there on the front porch of his family's home, bleeding out, dying.

As a mother pleads for help as she stands there watching the life leave her only sons mutilated body. Yet again, it was a choice. The defendant was presented with many options, yet he chose to proceed with his intended plan. Murder. The defendant commuted from Baltimore to Silver Spring, a 30-minute drive.

Each stop light was a chance.

Each stop sign was a chance.

Even the need to use the GPS was a chance.

March 25, 2025

A chance to change his mind.

A chance to turn around.

A chance to seek help if these deadly thoughts plagued his mind, but most importantly a chance to not murder someone asleep in their bed in the early hours of Easter Sunday.

This was no accident; accidents are not premeditated. Premeditation leads to repetition. Premeditation requires thought, planning and execution. The defendant was well aware of his actions. He even chose to boast about the murder he committed in a rap song.

The defendant is not asking for a second chance at redemption. The defendant is asking for a second chance to murder! The defendant was no stranger to the judicial system with prior charges months before brutally murdering someone.

The victims should decide if the defendant gets a second chance. When the victim speaks that's when the defendant gets a second chance. There is no redemption for premeditated felony murder, only ammunition. The defendant possesses no remorse and if released, will kill again.

The Second Look Act will only encourage more malicious behavior and entice the minds of criminals. Criminals will develop the mindset of being untouchable and above the law.

On behalf of the victim of a brutal murder and my brother Carlos R. Carter. I, my family and millions of innocent victims **strongly oppose** the proposition of the HB 853 Maryland Second Look Act and ask the powers that be, to not pass this bill. As a Montgomery County resident and a victim impacted by these heinous crimes. Knowing murderers are behind bars is the only comfort we have.

Knowing justice has been served is the only thing that gives us peace of mind as we continue to heal.

Sincerely,

The Carter Family

Woods family opposition to HB853

Uploaded by: Liliana Vera

Position: UNF

March 25, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building, 11
Bladen Street Annapolis, MD 21401

Re: HB 853 – Post Conviction Review – Procedure to Reduce Duration of Sentence (Maryland Second Look Act) – Unfavorable

Dear Chair Smith:

Giving an automatic chance at Parole for an adult between 18 - 25 who committed a horrendous crime after 20 years makes no sense.

They are adults. They can vote, marry, and join the military. So, we know they can make rational decisions.

Also, it is about protecting society and providing justice to the victim and their families. Like our son Walter Woods who was senselessly shot and killed by an Illegal Alien who was allowed to sell drugs while armed by Homeland Security and Maryland State Police.

Additionally, this measure will be using Legislative Judgement to take place of what a Judge decision was, he or she sat through a trial, saw all the evidence and made a decision. What is the purpose of that?

As victims of this crime 40 years or more is somewhat equitable. (Probably not) My son is gone forever, Irreplaceable. There are consequences for your actions, and we need our people and young Adults protected not slaughtered by criminals. Help us protect our Youth.

This Proposal makes No sense. Make criminals who get these sentences work to earn good time and a chance at Parole.

Thanks, please call if need more.

Sincerely,

Walter and Sherron Woods
Parents of Walter Woods
(301) 257-5172/ #(301) 379-7469.

HB 853 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **March 21, 2025**

BILL NUMBER: **HB 853**

POSITION: **Unfavorable**

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 853, and urges the Judicial Proceedings Committee of the Maryland Senate to issue an unfavorable report.

HB 853, as passed by the House of Delegates, permits certain incarcerated individuals to petition a court every three years, up to three times, for a modification of their sentence after they have served 20 years. The bill requires a court to hold a hearing on an eligible petition. Although the set of incarcerated individuals eligible to file such a petition has been narrowed from the original text of this bill as introduced, the cost it will exact on victims remains exactly the same, and it is for this reason that MSAA opposes HB 853 and similar initiatives.

Legislation like HB 853 is rooted in compassion, and the idea that individuals that have committed heinous offenses deserve, in some circumstances, a second chance. While this is a laudable motivation, what is sometimes lost in the discussion is the effect measures like this have on crime victims and their families, who are at least as deserving of the General Assembly's compassion as the people who have hurt them.

From judicial mechanisms, like a motion to modify their sentence pursuant to Md. Rule 4-345(e), to executive ones, like clemency, parole, or release on mandatory supervision, incarcerated persons have a number of opportunities to secure early release. Just this session, MSAA has supported, with amendment, expansion of some of these mechanisms, and the creation of a new, generally available, geriatric parole process. This Committee has heard from a number of advocates that support these measures, advocates that have shared their personal stories of redemption and change.

But it's important for this Committee to remember the victims, who never get a second chance. If an individual is serving a sentence that has resulted in their incarceration for over 20 years, they have very likely hurt someone else in a grievous and irrevocable way. Every one of these hearings exacts a toll on victims and their families – they have to come to a court and relive the worst day of their lives in front of strangers, hoping the person that permanently altered the course of their life will continue to be held accountable for their crimes.

Maryland's prosecutors must already share with victims the numerous ways in which the supposedly final result of a conviction after trial isn't final at all – adding one more mechanism by which the individual that killed their loved one, or committed a violent act against them, can be released early is unjust, and MSAA urges this Committee to issue an unfavorable report.

Opposition to HB853 The Second Look Act

Uploaded by: Peter Radway

Position: UNF

Statement of Opposition to Maryland House Bill 853 (The Second Look Act)

"We stand in firm opposition to House Bill 853, the 'Second Look Act.' This legislation, which proposes to allow for the potential reduction of sentences for individuals who committed crimes between the ages of 18 and 25, after serving 20 years, presents several critical concerns:

- **This Bill is Void of Clarity:**
void of clarity due to ambiguous eligibility criteria, a lack of clear guidelines for judicial discretion, exclusions that create confusion about qualifying offenses, and potential misinterpretations by both supporters and opponents. These factors collectively contribute to uncertainty surrounding the implementation and impact of this legislation.
- **Compromising Victims' Rights:**
 - This bill disregards the enduring pain and trauma experienced by victims and their families. Reopening cases and potentially releasing offenders forces victims to relive their traumatic experiences, undermining their sense of justice and closure.
 - It creates a system where the focus shifts from the victims of crime to the perpetrators.
- **Lack of Clear Guidelines for Judges:**
The bill empowers judges to consider various factors when deciding whether to modify a sentence, including personal growth, rehabilitation efforts, and victim statements. However, it does not provide clear guidelines or standards for judges to follow when evaluating these factors. This could result in inconsistent applications across different cases and jurisdictions, undermining the intended purpose of providing fair opportunities for sentence reconsideration.
- **Public Safety Risks:**
 - There are concerns that releasing individuals who have committed serious crimes, even after a period of incarceration, poses a potential risk to public safety.
 - Recidivism is a real concern. While some individuals may rehabilitate, there is no guarantee that all will, and the potential for re-offending remains.
- **Undermining the Judicial Process:**
 - Sentences are handed down by judges after careful consideration of the severity of the crime, the circumstances surrounding it, and the need to protect society. This bill undermines the integrity of the original sentencing process.

- It creates a system where sentences can be arbitrarily altered, potentially leading to inconsistencies and a lack of faith in the judicial system.
- **The emotional toll on victims families, friends and communities:**
 - Many victim's family members and friends feel like this bill devalues the life of the victim, with the potential for the person who committed the crime against their loved one to be released. This causes further trauma to those families.

We believe that while rehabilitation is important, it must be balanced with the need to uphold justice for victims and ensure public safety. Therefore, we urge the legislature to reject House Bill 853."

Key points that I have included in this statement, are the protection of victims rights, and the potential increase of danger to the public. I hope this information is helpful.

Sincerely yours,

Peter R. Radway, Sr. & Tina G. Radway

Rick Collins - HB0853 - 3.25.25.pdf

Uploaded by: Rick Collins

Position: UNF

Richard W. Collins Jr.

March 21, 2025

I am opposed to this bill because it has the unintended consequence of making the perpetrator of our son's hate-fueled violent murder eligible for undeserved early release from prison. This bill has no basis for upholding the principle of sanctity of life or the protection of public health and safety. In their paper, *We Are All Vulnerable: The in Terrorem Effects of Hate Crimes*, Barbara Perry and Shahid Alvi, note that "awareness of violence directed toward another within an identifiable target group yields strikingly similar patterns of emotional and behavioral responses among vicarious victims."² The study notes that for individuals who share the same identity as a victim, there is a heightened sense of fear that a repeat offense may occur (victims know they have been targeted based on a core aspect of their identity that cannot be changed) and a sense of mistrust of the offender's identified community. In addition, Perry and Alvi note that there is a feeling that members of the targeted community are unable to participate fully in the greater society. Students, faculty, and staff on the Bowie State University and UMD campuses continue to grapple with feelings of devastating loss. African American and other Black students remain traumatized by a sense of not belonging; and Black and Brown communities around the country must deal with a new level of fear of white supremacist violence. This bill would send a chilling message to law abiding citizens in Maryland and across the nation particularly given the data available today documenting the alarming rise of hate-fueled violence nationwide.

² Perry, Barbara, and Shahid Alvi, *We Are All Vulnerable: The in Terrorem Effects of Hate Crimes*, *International Review of Victimology* 18, no. 1 (January 2012): 57–71. doi:10.1177/0269758011422475.

Roberta Roper -HB0853 - 3.25.25.pdf

Uploaded by: Roberta Roper

Position: UNF

**Testimony of Roberta Roper in Opposition to House Bill 853- Criminal
Procedure- Petition to Reduce a Sentence
March 25, 2025**

Thank you, Mr. Chairman and members of the (Senate Judicial Proceeding) Committee, for the opportunity to testify in opposition to HB 853. I am compelled to speak not only about my family's personal experience, but on behalf of the many survivors served by the Maryland Crime Victims' Resource Center, Inc. (MCVRC) for the past forty-three years. Some of you know that MCVRC was originally founded as the Stephanie Roper Committee and Foundation, Inc. in tribute to the daughter who was brutally taken from us in 1982. Stephanie was kidnapped, tortured, raped, and brutally murdered by two men who then began dismembering her body and setting it on fire. At trial, we were shut out of the courtroom and silenced at sentencing. Those experiences nearly destroyed our family, challenging everything we valued, confidence in government, trust in people, faith in God. It shattered our community and left enduring wounds. Gratefully, we have worked very hard to change the criminal justice system's treatment of crime victims.

I have spent the last four decades of my life advocating for victims' rights and services and being the voice for those who have been forever silenced. Bills like HB 853 threaten public safety and re-victimizes survivors! It is not only devastating to scores of victims and survivors but destroys public trust and confidence in the criminal justice system. Both victims and citizens can correctly question where is the truth in sentencing? Some crimes are so horrific in their nature that they deserve an appropriate punishment. Victims and survivors, no less than their rapists and killers, deserve compassion and some sense of finality.

Victims and survivors, having suffered devastating trauma, shouldn't have to endure endless re-victimization, and the cost of having to publicly dredge up their worst memories, to rip open their partially healed psychological wounds and to recount the human indignity and horrible memories that they must struggle with every day of their lives.

I respectfully ask you to restore confidence in our criminal justice system and not approve HB 853. The criminal system belongs to all of us. We must ensure that it serves all of us.

Roberta Roper, Founder, Maryland Crime Victims' Resource Center, Inc.

HB 853 authorizes an individual who was 25 years old or younger and has served twenty years to petition a court for a reduction in sentence and allowing that petition to be repeated every three years.

by my husband and me

MCVRC has successfully advocated for the passage of more than 100 laws to provide victims with rights and services. Today, MCVRC is recognized as one of our

nation's most distinguished and successful non-profits who support, advocate and represent the legal interest of crime victims and survivors.

One of our daughter's killers, having declined the right to a parole hearing, recently petitioned a court seeking release from prison. The Parole Commission, who has experts on their staff, is best equipped to review an offender's readiness for release. At that court hearing in December 2024, I was finally given the opportunity to exercise my right to present a victim impact statement after more than 42 years.

HB 853 - Criminal Procedure - Petition to Reduce

Uploaded by: Scott Shellenberger

Position: UNF

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.

Theresa Darvish -HB853 Statement.pdf

Uploaded by: Theresa Darvish

Position: UNF

Bill: HB-853

Position: Unfavorable

Contact: Theresa Darvish

Members of the Maryland House of Representatives:

My name is Theresa Darvish and my family and I are lifetime residents, taxpayers and law-abiding citizens of Maryland and the United States of America. I am here to oppose HB-853.

I am a single parent. My adoring son, and only child, was brutally murdered 12/23/2021. The criminal process of enduring the investigation, murderer's arrest, pre-trial, trial, conviction, sentencing and now automatic appeal processes has been excruciating brutal mentally, physically and spiritually. The convicted felon of my son's murder was committed to 40 years incarceration for the Murder-Second Degree and an additional 20 years incarceration for Felony use of a Firearm; to be served consecutive to the murder charge. These incarceration sentences are in addition to time sentenced (and currently serving) for other violent crimes by this same convict. In fact, this convict has a **lifetime** career criminal record.

Assisting me through my nightmare included the Maryland Crime Victims Resource Center who notified me of this senseless, extraordinary and unprecedented proposed HB-853.

The thought of resentencing is horrendous. A jury of an offender's peers determined the offender guilty and a Judge issued an incarceration sentence within the available sentencing guidelines available at the time of sentencing. Yet now, these convicts want to have reconsideration of their sentence if they have served a minimum of 20 years. Or because they turned 60? And this HB853 is **retroactive** to sentences imposed prior to the passing date of this HB853. But we cannot retroactively go back and resentence these convicts to more time??

I have serious dispute with this contentious HB853 which is rampant with ambiguous procedures and measures at best. Additionally, I am offended that the Convict is constantly referred to as the "Individual" in the entire context of the proposed HB853. That label can be misleading as to who is the "Individual". Call the person what they are → the convict. An individual is one that exists as a distinct entity. Convicts in prison are not unique, they are all criminals. I'll even accept the convict to be referred to as the "petitioner" throughout the text of this HB853.

Subtitle 5(A) – states "Individual" confined at least 20 years may petition for reduction of sentence – regardless of the original sentence term ordered by an Official Judge at original sentencing. And again every 5 years afterwards. And HB-853 gives authority to State's Attorney from offender's original County may petition for a motion to reduce sentence(s) if the "individual" has not yet even served 20 years. I oppose entire context of this paragraph.

Subtitle 5(B) – states the Court (or the State) will determine the if "Individual" is eligible to file a petition for reduction. This paragraph also states the victim's family will receive notification of this petition. Now we are victimized yet again in addition to the parole requests. And what if I am dead and no one is left to speak for the victim? Stipulates the "Petitioner" can file and then they may ask for "continuation" if the "Petitioner" is busy? What if the victim's family is busy? The victim may not request a continuance.

Section 1:

Subtitle 5(C) - the court decision is based on the following:

- The “Individual’s Age at the time of offense – diminished culpability of youth & emerging Adults” ← My concern is at the time of resentencing or the time of the crime and conviction ← no quantifiable, ranking or computable requirements being referenced -- if diminished culpability was at of the crime and not brought into evidence at trial, why is this “claim” permitted 20 years later – Emerging adult refers to ages 18-29. If convict is over 29, is this ignored.
- “Nature of the Offense, history & characteristics of the “Individual”” ← It is troublesome no quantifiable, ranking or computable requirements being referenced to specific nature of offense, history & characteristics of the individual
- “Individual substantially complied with the rules of the institution” ← This is very vague. What is substantial? Again, no quantifiable, ranking or computable requirements being referenced to “Substantial Compliance”
- “Address “Individual’s” participation in education, vocation or other program” ← the convict that murdered my son failed the G.E.D. three times now since incarcerated. G.E.D. completion is a mandatory requirement for his institution ← Again, no quantifiable, ranking or computable requirements being referenced to “Participation”
- ““Individual” has demonstrated maturity, rehabilitation, fitness to reenter society **sufficient** enough to justify sentence reduction” ← This is so broad with no quantifiable, ranking or computable requirements being referenced to “Sufficient” – what is the definition of sufficient – what is definition of rehabilitated – Who determines what is “sufficient and/or adequate”
- Any statement offered by victim ← what if I am dead
- Report of physical, mental or behavioral exams ← who picks the Health Official? As the victim, may I pick the Health Official?
- “Individual’s” family & Community circumstances at the time of the offense (including history of trauma, abuse or involvement in child welfare system ← Again, no quantifiable, ranking or computable requirements being referenced to “Circumstances” – This HB853 is suggesting entering evidence not presented at trial for the conviction or sentencing – Who will investigate the authenticity of any of these statements – does this “assume” an incarcerated convict that was a participant in “a child welfare system” is exempt from responsibility of his crimes? This statement assumes a child involved in child welfare as a participant should be exempt from responsibility for committing crimes and murder?
- “Individual’s” extent of their role in the offense ← Again, no quantifiable, ranking or computable requirements being referenced to “Extent of Role” – if the convict was the only offender, does that then stipulate they are not eligible for HB-853?
- “Other factors the Court Considers Relevant” ← this is definitely indefinite and not providing quantifiable, rankable or computable measurements – So this stipulation states the new Judge can ignore everything above and choose their own factors to release a convict early?
- Judge may reduce sentence or sentences imposed after HB-853 hearing ← what about consecutive sentences – are those being erased?
- “Individual” has served 30 years and is @ least 60 years old → there is a presumption the “Individual” is no longer a danger to the public ← pure speculation and implies no hearing required and all above stipulations are negated

Subtitle 5(D) – The resentencing Judge can ignore requirements (which were never defined) if “Individual” did not have access to rehabilitative programs – Every penal institution have programs available.

I oppose entire context of this Section 1.

Section 2:

“Individuals” sentenced prior to effective date of this act are eligible to Petition for Resentencing under HB-853. ← however, the original sentence may not be modified to be increased ← if this somehow passes, HB-853 effective date should be for crimes (not convictions) committed post effective date of HB-853.

I oppose the entire Section 2.

This HB853 offers no consistency, no quantifiable, ranking or computable requirements being referenced in any of the paragraphs, stipulations and obligations for consideration. All are ambiguous at best. This HB853 entirely undermines and damages the very essence, spirit and principles of the Maryland Law and the Maryland Judiciary System.

To the Sponsors of HB-853, please put yourselves in the shoes of the victim and victim’s families for one day. Live my life for one day. Bury your only child because they were senselessly and brutally murdered. Seven bullets to the chest. Figure out grief that never ends. Comprehend my sentence, life without son. It is not natural for a mother to bury a son. My son will never return to his home. No murderer should be given a free ride home.

I oppose the entire HB853. Please dismiss HB-853. Please leave it to God once a murderer has been fairly convicted and sentenced within the Maryland Judiciary System.

Respectfully,

Theresa Darvish
10891 Symphony Park Dr.
North Bethesda, MD 20852
Cell: 561-926-7001
Email: tdarvish@me.com

Whitney Gadsby - HB0853 - 3.25.25.pdf

Uploaded by: Whitney Gadsby

Position: UNF

HB-0853 (UNF)

Whitney Gadsby: w_gadsby@yahoo.com 4910 Lexington LN, Kingsport, TN 37664 Ph: 423.398.5248

Maryland resident 2010-2019

The reasons HB-853 should not be passed should be patently obvious to anyone. As a parent of a murder victim (17) and attempted murder of my other child (19) in Maryland, I wholeheartedly oppose any additional automatic re-sentencing hearings for convicted, incarcerated violent criminals. If new evidence is uncovered that may exonerate an inmate, then, by all means, it should be brought to light.

It is clear to me the author(s) of HB-853 does not have first-hand experience of the trauma of extreme physical violence and/or murder; if they did, this proposed bill would not exist in its present form. The trauma victims and their families suffer is life-long and can be severe and debilitating. No one truly recovers from a violent attack or the murder of a family member(s). Increasing the number of hearings only serves to ensure a never-ending nightmare for the victims and their families. Not all victims or their families live in the Baltimore metro area and places an undue burden upon them if they choose to travel to make their voices heard in person.

HB-853 attempts a "safeguard" in stating that inmate information is to be reviewed to help prevent the release of inmates who would pose a threat to the public. HB-853 amazingly states that after serving 30 years of a lengthy sentence or attaining the age of 60 automatically deems such inmates not to pose a public threat; it is ludicrous. HB-853 states that at the 30 or 60 year marks it must be proven the inmate *is* a threat to the public in order to keep them incarcerated. Releasing violent criminals early cheapens the lives of their victim(s) and further traumatizes victims and their families. The fundamental question is why should a person who committed violence upon others be permitted to enjoy freedom early or for some, ever again?

The bill states "the interests of justice will be better served by a reduced sentence." However, that is vague. Also, how is justice better served for whom? Obviously, it would not be served for the victims or their families. The circumstances like trauma and abuse listed in the bill may explain individual action(s), but it does not excuse their actions or provide sufficient reasons for them to have a second chance after ruining other peoples' lives. The bill is also contradictory, it states "the court will order the individual to stay away from the victim(s) and family(s)," and "the court may apply other conditions...". These two statements completely contradict the purpose of the bill; If they need conditions upon release, *they aren't ready to be released*. Telling them, not to do something does not guarantee the individual will follow it, but keeping the individual incarcerated will ensure the individual does not have the opportunity!

The whole affair I experienced was traumatic and long (5 years and 3 trials). When I travel north, I avoid Maryland and especially Baltimore whenever possible, as it is emotionally very difficult for me. I was permanently altered by the events that took place in 2013 and have thoughts about it every day. My surviving child continues to have serious emotional issues as a result of what he experienced. Having to provide a statement every 3 years (of course, my choice) to relive everything will certainly not do me any good. I can't imagine it would be any different for other victims or their family members.

HB-853 sends a message that you may inflict violence, torture and/or murder and still have a good shot at being free again, adding fear, anger and more pain to their victims and family members. Why are needs of the victims below that of the offender?

I strongly urge the Maryland legislators to defeat HB-853 and move on to matters that will help people rather than hurt.

Respectfully,
Whitney Gadsby

hb853amend.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
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P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 853
Criminal Procedure – Petition to Reduce Sentence
DATE: March 20, 2025
(3/25)
POSITION: Oppose, only as to the specific provisions noted below

The Maryland Judiciary continues to oppose House Bill 853, only as to the specific provision mandating a hearing. The Judiciary respects the legislative prerogative to authorize an additional opportunity to review a previously imposed sentence. We take no position on that policy aim and would have no opposition if the amended bill did not also require the court to hold a hearing on the motion. The decision as to whether to hold a hearing should remain within the authority of the Judiciary.

The amended bill adds another category of individuals for whom hearings must be held to reconsider sentences. The Judiciary recognizes that there are some individuals for whom relief may be granted. However, the amended bill provides no threshold determination to merit a hearing. There is no requirement that the movant provide any information to support the factors the court must consider. As such, every individual who was between 18 and 25 at the time of their offense and who has served at least 20 years will merit a hearing upon the mere filing of a request, without any supporting information.

There are some offenses and some individuals for whom a modification would be unwarranted. The amended bill acknowledges as much in excluding certain categories of offenders. On the pleading itself, there may be instances in which no good cause exists. Mandating a hearing in such an instance would divert judicial resources from other

important matters waiting to be heard; waste state resources transporting the individual to the hearing; and potentially retraumatize a victim or a victim's family by having to face the individual again in court. This would be true even in cases in which there has been no initial showing of good cause.

cc. Hon. Cheryl Pasteur
Judicial Council
Legislative Committee
Kelley O'Connor

Testimony

Uploaded by: William Tewelow

Position: UNF

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building, 11 Bladen Street
Annapolis, MD 21401

Re: SB 853 Criminal Law – Post Conviction Review – Procedure to Reduce Duration of Sentence (Maryland Second Look Act) – Unfavorable

Dear Chair Smith:

I am writing to you today to express my outrage to the passage of SB 853. This bill, more aptly named, should be titled Betrayal of Justice.

This bill is called the “Second Look Act”, but it is not a second look, or even a third look. Every convicted felon automatically is granted an appeal after a trial conviction, and if there is new evidence or a procedural error, the felon is granted an opportunity to file another appeal; so, at the very least, this is a fourth look. It is a bill, that if enacted, is a declaration to those guilty of committing heinous criminal acts that the state of Maryland has their back.

This is a pro-crime bill that supports the worst of humanity at the expense of the victims who have already suffered and will continue to suffer. This bill will just create more suffering for the innocent victims.

In the state of Maryland, approximately 41% of convicted felons who are released from prison commit crimes and are arrested again within 3 years. That means, if this bill becomes law, for every 100 felons who are released there will be 41 crimes committed, and many of them horrible and tragic, and all of them preventable.

In our case, one of the convicted felons, after murdering our son, stated “it was a 7-second show.” This is who this bill will put back on the streets. This is the worst of humanity that this bill supports. This bill is a betrayal of justice.

I entreat you to show the citizens of Maryland that you are responsible leaders and that you have compassion for the victims who have already suffered endlessly. I implore you to reject this bill.

Respectfully,

W. H. Tewelow

Montgomery County resident

The murder of our son was committed in Montgomery County, June 5th, 2017.

William Tewelow - HB0853 - 3.25.25.pdf

Uploaded by: William Tewelow

Position: UNF

Statement of Testimony on HB 835

William H Tewelow

If this bill passes it will encode cruelty into the law towards all victims and their loved ones for the remainder of their lives. The fact that the House passed it is a travesty. It once again falls to the Senate to be the wiser.

Foundationally, the basis of this bill is rooted in a mistrust of the existing legal system. The convicted felon is incarcerated due to a trial (in most cases), testimony, expert witnesses, specialists, and the whole litany of resources at the court's discretion with defense attorneys, prosecutors, a judge and jury (unless waived); and then the incarcerated felon has multiple chances post-conviction for appeals. All of those are in place to ensure that the conviction was not unjust or wrongly convicted. And yet, taking all that into account, this bill overlooks the justice system to once more, and up to three times more, overturn the decision of the jury, the judge, and all the appeals. It undermines the legal system and the law.

A felon is behind bars because a crime was committed worthy of the lengthy sentence and crimes have victims and those victims are part of a social network. The victim and those in their social network must put their lives back together again after the crime and the trials, and in the cases of rape and murder, the scars never heal. The best that can be hoped for is a quiet balance in the soul learning to cope with the trauma. This bill is a heinous approval for recommitting the crimes. This bill is a criminal act.

Every time a letter comes from the state prison system or from the state attorney with the name(s) of the felons who committed the crime(s), just seeing that name and the associated evil the person committed ruptures open the pain and suffering. At the very least, this is just one more time that the convicted felon(s) gets to torture the innocent victims and their family. How dare the Congressmen and Congresswomen of this state think this is a good idea.

Moreso, this bill assumes that victims are static wards of the state, as if the victims have no right to try to rebuild their lives and move on. Some, in fact, many, may move out of the

state, and even out of the country, and might not be informed of this appeal attempt, and wretched as it is to have to endure the trauma again, in order to stand for justice and support their loved ones they will want to respond. Not doing so could be misinterpreted as not caring about it any longer, but that would not be the case at all. Being offered the opportunity to attend is burdensome, financially, emotionally, and takes time. These impact the victim's current life 20+ years later. How dare the state do that.

Because of this heinous criminal bill, a person at a new job having moved on, rebuilding their lives, and hiding their scars are now faced with having to tell their employer that they need to take off for work to attend a hearing and then having to relive it. That person's emotional state is potentially wrecked for weeks or longer. This is a travesty that is wholly avoidable. The Congressman and Congresswomen of this state are entrusted to protect the citizens of Maryland. This bill attacks its own citizens. It is a terrible bill.

This bill also does not take into account that some crimes are perpetrated by several criminals and each of those felons are eligible under this bill to request an appeal further torturing the victim and their loved ones. Again, this is wholly avoidable if Congress looks out for the best interests of its citizens.

This will only pass if malice prevails over decency and the House is consumed with cruelty for its citizens. No one is so adamant to release convicted felons back on the street to endanger society unless there is something to gain. So, who is behind something so sinister as this bill? Who is being paid? This is a danger to us all.

I entreat you to show the citizens of Maryland that you are responsible leaders and that you have compassion for the victims who have already suffered endlessly. Reject this bill for the damage it will inflict. Protect the residents of this state, especially the ones who suffer the most.

Respectfully,

W. H. Tewelow

Sentence reduction - house in senate testimony - 2

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
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Testimony Regarding House Bill 853
Lisae C. Jordan, Executive Director & Counsel
March 25, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence.

House Bill 853
Crime Victim Participation in Proceedings Regarding Sentence Reduction
House Bill 853 creates a process for reduction of sentences after conviction.

MCASA appreciates the language in House Bill 853 to clarify victim participation and to create a presumption for a victim stay away order. If the Judicial Proceedings Committee chooses to move forward with this legislation, we urge the Committee to retain this language and emphasize the importance of victim rights. MCASA notes we continue have grave concerns about the impact of HB853 on victims and appreciate that cases involving registered sex offenders will not be eligible for the 2d Look process.

2025_03_25 HB 853 (Support in Concept).pdf

Uploaded by: Tiffany Clark

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



CHRISTIAN E. BARRERA
Chief Operating Officer

PETER V. BERNS
General Counsel

ANTHONY G. BROWN
Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

March 25, 2025

TO: The Honorable William Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Director, Legislative Affairs, Office of the Attorney General

RE: House Bill 853 – Postconviction Review - Procedure to Reduce Duration of Sentence (Maryland Second Look Act)(**Support in Concept**)

The Office of the Attorney General (OAG) writes in support of affording rehabilitated incarcerated individuals an opportunity to modify their sentence, which holds the potential to address mass incarceration and promote a more just criminal justice system. The OAG also believes that expanded eligibility for such “second looks” should be supported by the careful balancing of factors that enhance fairness and rehabilitation, while also weighing the importance of public safety and victims’ rights. Indeed, it is our commitment to developing well-researched, comprehensive, and consensus strategies for eliminating mass incarceration that prompted Attorney General Anthony Brown to create the Maryland Equitable Justice Collaborative (MEJC), in partnership with the Public Defender of Maryland, academic partners from the University of Maryland system, and representatives from over 40 local government agencies and community organizations, including impacted individuals. Thus, while the OAG’s endorsement of any particular “second look” approach is premature, we fully support the goal of providing mechanisms for the modification of sentences, and we applaud the General Assembly’s efforts in this regard.

Mass incarceration is one of this country’s most destructive symptoms of systemic racism. Maryland has the shameful distinction of locking up the largest percentage of Black men

and women in the country—72.4%—even though Black people make up only 31.7% of the State’s population.¹ Black men in particular are serving the longest sentences, making up nearly 8 in 10 Marylanders who are imprisoned ten years or more.² These disparities point to systemic issues within the criminal justice system that demand comprehensive reform.

One such reform endorsed by MEJC in its December 2024 recommendations for legislative and agency reforms are “second look” proposals. Data suggests that the recidivism rate for individuals released from sentences over 30 years is significantly lower than individuals released from sentences less than 30 years and that recidivism rates tend to decrease as individuals age.³ The *Unger* case, a 2012 Supreme Court of Maryland Decision that resulted in the release of over 200 long-sentenced individuals, provides a valuable case study. The *Unger* cohort was comprised of individuals with an average age of 64 years and an average length of incarceration of 39 years. The *Unger* group experienced a 3% recidivism rate, a fraction of Maryland’s overall recidivism rate of 40%.⁴

Consistent with these lessons, several bills have been introduced which increase opportunities for incarcerated individuals to modify their sentence. Each bill acknowledges incarcerated individuals’ capacity for personal growth and rehabilitation, offering a chance for those who have demonstrated positive change to reintegrate into society.

Notably, both bills allow a court to modify a sentence of an incarcerated individual if it concludes that the individual is not a danger to public safety and that the interests of justice warrant a sentence modification. In its analysis, the court would consider a number of factors, including the nature of the crime, the history and characteristics of the individual, a statement from the victim or the victim’s representative, evidence of rehabilitation, compliance with rules of the institution, participation in educational programs, family and community circumstances at the time of the offense, and health assessments conducted by a health professional. As you weigh these eligibility factors, the OAG would urge the Committee to also consider whether the court’s decisions should be subject to appellate review.⁵

We cannot solve the crisis of mass incarceration solely by preventing wrongful convictions, revisiting criminal penalties, or otherwise preventing individuals from being jailed. Longstanding inequities currently existing in our prisons demand that our efforts also include “second look” and other strategies for releasing rehabilitated individuals who no longer pose any threat to public safety with the support necessary to ensure their successful reentry into our communities.

¹ <https://dpscs.maryland.gov/publicinfo/publications/pdfs/Inmate%20Characteristics%20Report%20FY%202022%20Q4.pdf>; <https://www.census.gov/quickfacts/fact/table/MD/RHI225222#RHI225222>

² https://justicepolicy.org/wp-content/uploads/2022/02/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

³ https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf

⁴ <https://goccp.maryland.gov/wp-content/uploads/Unger-Presentation-JRAOB.pdf>

⁵ We note, for example, that the law is silent as to whether the sentence modification decisions authorized by the Justice Reinvestment Act (2016) and the Juvenile Restoration Act (2022) are appealable, resulting in significant litigation in State courts.