

Maryland House of Delegates and Maryland General Assembly

Honorable Chair Delegate Luke Clippinger and Vice Chair Vanessa E. Attebeary

Kymerly Nelson

February 4, 2020

SUPPORT for House Bill 323, Criminal Procedure – Petition to Modify or Reduce Sentence 3 (Maryland Second Look Act)

Dear Honorable Members of the Judiciary Committee:

My name is Kymerly Nelson. I have resided in Prince Georges County, Maryland for over 43 years. I am the Aunt of an gentleman who is currently incarcerated at the Jessup Correctional Institution. I am testifying in support of ***House Bill 323, Criminal Procedure – Petition to Modify or Reduce Sentence 3 (Maryland Second Look Act)***.

I will open with a brief background on my nephew. My nephew was second to the oldest of seven children. At the young tender age of six, he took the leadership role in his home. He had two younger siblings, a younger brother who was four and his younger sister was two. Regretfully, they were all being neglected by their parents due to drug abuse that the rest of the family was oblivious to. One morning I was riding by, on my way to school. I noticed my nephew walking to his bus stop by himself. That troubled me. So the next day, I went to walk him to the bus stop. When I arrived to the house, I knocked on the door. He opened the door to let me in. He told me that his parents were asleep. He had on a dirty school uniform and went in the kitchen to warm up some rice for himself and his siblings which were 4 and 2 as I aforementioned. I was completely shocked that this little six year old boy understood the dynamics of what was going on in that household and had the cognizance to take care of not only himself but his siblings.

Soon after an unsuccessful family intervention, my nephews and niece moved in with our family. Even after they moved in with us, my nephew was still trying his hardest to be the parental figure for his siblings. Needless to say, that transition was hardest for my nephew. Being the oldest and fully aware of what was going on, he had abandonment issues and communicated to me all the terrible things that he witnessed while he was with his parents. Even though his home life wasn't easy for him. School was. He was very intelligent. His teachers and guidance counselor were particularly fond of him. They often bragged about how smart he was and how helpful he was. Some years later, his mom rehabilitated herself by entering a Drug Rehab facility. She gained employment, an apartment and she regained custody of her kids.

Unfortunately, being influenced by his environment and lack of positive role models accompanied with low self-esteem, he started to do drugs to cope with the emptiness he felt. With the drug use he lacked good judgement and critical thinking skills.

He committed a crime and was arrested at sixteen years old and sentenced at seventeen to Life in Prison all suspended except thirty-five years. To date he has been incarcerated longer than he was alive at the time he was arrested. Living more than half of your life in prison should account for something. Since his incarceration, he has received his GED, successfully completed an Auto Mechanic Program. He was transferred to a different facility that didn't offer many programs but he has worked many jobs while incarcerated. He hasn't been in any trouble. He has a constant desire to learn. He is an avid reader and lover of all kinds of books, especially self-help books. He has big dreams and aspirations of becoming a productive citizen and family man when he is released.

This is why I am in support of the ***House Bill 323***. If you commit a crime you have to be accountable and punished. However, the amount of time one is punished, should be fair and just. Even though a Juvenile commits a crime and the courts charge them as adult, the undisputable fact remains, they are indeed an adolescent. You have to give juveniles the opportunity to mature, reform, rehabilitate and redeem themselves as a productive Adult. Juvenile lifers deserve a substantial opportunity for release. Sixteen years age is a short life span. When you think of yourself at Sixteen, and all the mistakes that you have made, you look back and say I was just a kid. Juvenile lifers don't get that same luxury. They were kids who committed a crime and served adult time. Most of Juvenile Lifers has spent more time in jail than when they were free.

Life without parole for juvenile offenders violates the 8th Amendment's prohibition on cruel and unusual punishments because it results in disproportionate punishment. The consequences for Juvenile Lifers are far greater than an Adult who commits a crime and is sentenced to life in prison. It's a proven fact that Juveniles experience more violence, manipulation, attacks in Prison because of their age. All Juveniles evolve and therefore, those incarcerated are more likely to be rehabilitated. By not passing this bill, sends a devastating message that Juveniles cannot be rehabilitated. It says loud and clear, they don't deserve a second chance.

In conclusion, this bill is very important to the families of Juvenile Lifers. There are grandparents who would appreciate the opportunity of seeing their grandson released from Prison. They would marvel at the privilege to see their grandson functioning and thriving as a productive citizen. We *all* want to be able to see him fulfill his greatest potential.

Thank you Chairperson and members of the committee for your time and understanding.