

HB 1219  
#B 323

MD Correctional Institution-Jessup  
P.O. Box 459  
Jessup, Maryland 20794

January 20, 2020

General Assembly of Maryland  
90 State Circle  
Annapolis, Maryland 21401

Re: Testimony for Parole Reform

Dear Honorable Senators and Delegates:

I am a juvenile offender serving a parole eligible life sentence in Maryland's prison system. I am a model prisoner with an outstanding record of accomplishments. I became eligible for parole in 1992 and have been incarcerated for the past forty years.

Rape, kidnaping, and armed robbery are horrendous offenses even if committed by a fifteen year old in 1979. Not comprehending the magnitude of harm caused by my crimes does not excuse my misbehavior. Imprisonment and treatment at Patuxent Institution were warranted. Neither the sentencing judge, the prosecutor, the victims, the defense attorney, my parents, nor I imagined I would still be in prison four decades later due to flaws in the parole scheme.

After fifteen appearances before the Patuxent Board of Review (BOR) and the Maryland Parole Commission (MPC), I have yet to realize parole. Bizarrely, I do not know when or if I will ever be released nor what is expected of me to obtain parole. Despite demonstrated maturity and rehabilitation, I find myself among a growing segment of misjudged prisoners serving parole eligible indeterminate terms likely to die in prison of old age.

The requirement of gubernatorial approval for the release of lifers is an obvious impediment in the parole process. A twenty-some year history illustrates the political impact of the unfettered exercise of discretion by MD Governors. Rejections by Governors have discouraged the MPC from making parole recommendations so much that years have elapsed without a single release recommendation in the case of a lifer. The MPC has even resorted to recommendations for sentence commutation as the norm rather than recommendations for parole as directed by the Correctional Services Article.

The crux of the problem is actually the lack of statutory and regulatory provisions governing the exercise of parole discretion. Existing law and policy allows the MPC and the Governor to deny release for any reason. There is no presumption that any prisoner will qualify for release upon reaching parole eligibility. Assessment of factors are subjected to the

interpretations and whims of reviewers.

Even when prisoners have demonstrated maturity and rehabilitation, parole may be denied solely due to "the nature of the offense" or "parole would depreciate the severity of the offense." The gravity of assessing the value of such static factors is evident when taking into account that judges consider identical factors along with parole eligibility before imposing sentences. When a sentencing judge or a victim has not requested that early release be denied, should not a MPC denial be based on an apparent threat to public safety exhibited by a prisoner's behavior?

Establishing a presumption that prisoners will qualify for release upon reaching parole eligibility would benefit Maryland greatly. Considering decision-making errors result from extensive case loads, limited time for hearings, and troubling underlying offenses, the MPC would operate more efficiently by restricting denials to specific exceptions. More prisoners would be released reducing the financial burden of an overcrowded prison system. Disruptive behavior of prisoners coping with repeated parole denials and the uncertainty of release would be curbed.

Additionally, an anomaly resulting from legislation enacted in 1994 has yet to be redressed. The parole eligibility of life terms have remained fifteen years and twenty five years less earned diminution credit. Whereas, those serving determinate terms for violent offenses are required to serve half of those terms before becoming eligible for parole. Consequently, when it is mandated for a prisoner serving a fifty year term to serve twenty-five years day for day before receiving parole consideration, how can the MPC provide meaningful parole consideration in the cases of lifers after serving eleven to seventeen years? As a fifty year term is a lesser sentence, parole hearings in the cases of lifers are mere formalities until they have served well over twenty-five years.

I offer this testimony with great shame and guilt. These statements force the public to relive horrible crimes. I will always regret my violent youthful behavior. I have done and will continue to do everything I can to show that I am not the same troubled kid of yesterday. I do not believe any amount of time I serve behind bars can atone for my transgressions. I do believe every prisoner serving a parole eligible term deserves the realistic and meaningful parole consideration legislated for the sentence.

The legislation of parole eligibility for a sentence and the mere formality of parole hearings are not enough! Therefore, I strongly support proposed legislation: (1) to eliminate the politics from parole by removing the Governor's role in the process; (2) to establish the presumption that prisoners qualify for parole upon eligibility by implementing standards and guidelines for MPC's exercise of parole discretion; and (3) to

provide a mechanism for the Court to review and modify sentences of deserving juvenile offenders after serving twenty-five years.

I trust that this humble effort provides insight into the need for parole reform. I ask for your objectivity, compassion, and even forgiveness. Thank you for your time and consideration.

Truly yours,

*Gordon R. Pack, Jr.*

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## *Profile of a Juvenile Lifer*



**Gordon Pack**



**F**ifteen year old Gordon's first encounter with the law resulted in him entering the Criminal Justice System the very day he should have begun High School. The following year he pled guilty to rape, kidnapping, and armed robbery charges and was sentenced to an aggregate term of life with parole eligibility after serving fifteen years. However, he has remained incarcerated for over four decades.

**S**tigmatized as miniature adult, this juvenile offender was not afforded any differential treatment. Thus, the first five years of his imprisonment were plagued with adjustment issues. He managed to turn his life around to become a reknown model prisoner with an outstanding record of achievement and community service.

**T**his prisoner credits his reformation to treatment at Patuxent Institution, conversion to orthodox Islam, remorse, and maturity. He has not had a disciplinary infraction since 1986. He has earned his GED and a college degree. He has certification in numerous vocational trades. He has engaged in numerous cognitive behavior, conflict resolution, and community service programs. Also, he has been cited for counseling at-risk youth and mentoring peers.