

Bill Number: SB 531

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

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO SENATE BILL 531
LIFE WITHOUT PAROLE – IMPOSITION

I write in opposition to Senate Bill 531 that would prohibit a court from sentencing a defendant under the age of 18 to life without parole.

In Miller v. Alabama, the Supreme Court held that mandatory life without parole for those under 18 years of age at the time of their crimes violates the Eighth Amendment against cruel and unusual punishment. In reality, few defendants, even adults, receive this sentence, and therefore, it is usually imposed for a basic and very good reason – it was the appropriate punishment for an outrageous crime that was committed. The Defendants we are talking about are the worst of the worst.

The Supreme Court has held that those who commit these crimes cannot automatically be sentenced to life without parole. The Courts have imposed a list of factors that must be considered before life without parole can be imposed on a juvenile. That list includes the unique circumstances of each juvenile defendant in determining an individual sentence. Factors to be considered are immaturity, impetuosity, and failure to appreciate risks and consequences. The sentencing court must also consider family and home environment. Miller was applied retrospectively.

Since life without parole cannot be mandatory and with the list of safeguards put in place by the Supreme Court banning this sentence completely is not necessary. There are still horrendous murders that take place in Maryland. While he did not receive life without parole, do not forget the case of Nicholas Browning. Browning executed his father, mother, and two younger brothers after planning their murders. Life without parole should be saved for the worst of the worst.

I urge an unfavorable report.