

Bill Number: SB 494
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 SENATE BILL 494
JUVENILES CONVICTED AS ADULTS
SENTENCING – LIMITATIONS AND REDUCTION (JUVENILE RESTORATION ACT)

I write in opposition to Senate Bill 494, Juveniles convicted as adults – sentencing, 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 Coram 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.

With the exception of a new trial, all these can be done even with a guilty plea.

If this body passes the Juvenile Restoration Act then this bill should be called the 16th look back act since Senate Bill 494 permits the filing of 3 petitions.

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 one more event over which the State and Victim have no control. Actually three more events.

This means the victim gets three more letters, three more court hearings and three more chances to relive the crime they or their loved one was the victim of. This means if this bill passes the four co-defendants convicted in the murder of Officer Amy Caprio will potentially bring that family back to court 12 more times. That is unconceivable.

Senate Bill 494 is an attempt to create another parole commission. 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 13 ways a Defendant can challenge their conviction and sentence now through the Judiciary?

I urge an unfavorable report to Senate Bill 494 as Defendants have so many rights now they do not need or deserve one more.