

Bill Number: SB 769

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Department Opposed

WRITTEN TESTIMONY OF RYAN MASSEY
BALTIMORE COUNTY POLICE DEPARTMENT/FOP LODGE 4
IN OPPOSITION OF SENATE BILL 769
MINORS CONVICTED AS ADULTS SENTENCING
TRANSFER TO JUVENILE COURT

I write in opposition of Senate Bill 769 because it is not cogent with public interest. Juveniles convicted of a crime that was deemed to be dangerous enough that the juvenile was convicted as though they were an adult, should receive the penalty of an adult. With crime raising around the country, this is not the time to lessen the penalty for the most serious crimes committed by juveniles. Having these juveniles sentenced in juvenile court sends the message that there are not substantial penalties for committing serious crimes, as the juvenile court only has jurisdiction of an offender until they turn 21 years old.

The Supreme Court of the United States has ruled that the only sentence that is inappropriate for a juvenile is Life without the possibility of Parole. The court has upheld other sentences, including lengthy ones given to juveniles convicted as adults. Passage of this legislation would incentivize committing the most heinous crimes i.e., Rape, Murder, Robbery, Carjacking, etc. because they would face less jail time than some misdemeanors committed by adults. Additionally, there would be no mechanism to place the juvenile on Parole or Probation upon release as I indicted previously, the jurisdiction of Juvenile Court ends when the juvenile turns 21.

The following are cases that the Baltimore County Police Department has investigated. The following examples illustrate why I am opposed to this bill:

- On 7/2/07, Carl Lackl who was a witness to a murder in Baltimore City was shot and killed in Baltimore County. An extensive investigation was completed, and Jonathan Cornish (16-year-old) was arrested for killing Mr. Lackl. Cornish was targeted to murder Lackl because he was a juvenile and was seeking membership into a gang (Bloods). Five other people were charged with murder and related charges. Is it reasonable that Cornish's maximum punishment for 1st degree murder would be 5 years with no period of probation? Cornish was joining a gang and killing a witness. What incentive does the public have to cooperate with investigators to help solve crimes? Is it responsible when such extensive planning went into murdering Mr. Lackl? Will others target more juveniles to commit murder when the punishment is so low?
- On 05/14/08, Lewin Powell (16-year-old) beat his mother to death and then waited for his father to return home and beat him with a baseball bat. He was caught by officers fleeing the family home. Is it at all reasonable to sentence Powell to a maximum of 5 years in prison for a murder and attempted murder of his parents?

- On 02/02/08, Nicholas Browning (15-year-old) shot his mother, father and two brothers to death and then tossed the gun on the side of a nearby road. Browning murdered four people. Is 1 ½ years in jail for each murder, totaling 6 years appropriate?
- On 8/27/12, Daneil Borowy was shot at Perry Hall High School during a “school shooting”. The suspect Robert Gladden (15-year-old) was arrested at the scene. In an age of Mass Shootings, what message is being sent if Gladden can on receive 6 years? The 6-year sentence would be regardless if one person or more were critically injured or killed.
- On 05/21/18, four juveniles went on a burglary spree, utilizing a stolen vehicle from a burglary on a previous date. During the course of one of those burglaries, one of the juveniles killed Baltimore County Police Officer Amy Caprio with the stolen vehicle. That driver, Dawtna Harris (15-year-old), was arrested while trying to flee the neighborhood. The other three juveniles were able to flee the area on foot after stealing a handgun during that burglary, which resulted in several nearby schools to be placed on a lock down status for several hours. A police officer was killed in the performance of her duty. Is it appropriate that Harris who had already been charged with multiple crimes that didn’t place him in the jurisdiction of adult court nor placement in juvenile court, be sentenced in juvenile court again with a 6-year maximum sentence for brutally murdering a police officer?
- On 2-8-22 two juveniles were charged as adults with attempted murder in the shooting of another student at Catonsville High School. The investigation is ongoing and is likely to lead to the arrest of a third juvenile. What message would be perceived by the thousands of students that attend Maryland Schools each day, the potential victims?

These are just a few examples from Baltimore County. There are other examples of juvenile violence in other jurisdictions (Montgomery County had a school shooting where a juvenile was charged as an adult with attempted murder this year and a 16-year-old juvenile was charged last week in Baltimore City for the murder of a women working for Door Dash). The Maryland General Assembly is currently looking at legislation to help curb violent crime committed around the state. This legislation would be a contradiction to what the General Assembly trying to accomplish by making the state safer from the most violent offenders.

These are just a few examples of why Senate Bill 769 should be opposed.