

RE: Testimony in Favor of SB0850: Criminal Law - Youth Accountability and Safety Act

DATE: March 13, 2023

AUTHOR: Steven T. Gravatt, 1430 Mill Race Rd, Baltimore, MD 21211, steven.gravatt@gmail.com, (201) 850-7188

I witnessed firsthand the injustice of the felony murder rule when I served as an alternate juror on a criminal trial in the Baltimore City Circuit Court in early 2020. I am submitting this testimony to share a juror's perspective on the felony murder rule. Jurors in felony murder trials are asked by the State of Maryland to render a first-degree murder verdict against people who have not killed anyone. From underneath this heavy burden the injustice of the felony murder rule is glaringly apparent.

The defendant in my case was charged with Armed Robbery and (felony) Murder in the First Degree, along with many lesser charges. He had participated in a premeditated robbery during which the victim was stabbed to death, most likely by one of the defendant's accomplices. I sat for the entire three-day trial but, as an alternate juror, did not participate in rendering a verdict. I was very glad to be relieved of this troubling responsibility. I was deeply torn between competing duties. On the one hand I wanted to do the right thing, and convicting a non-murderer of murder just didn't seem right. On the other hand I wanted to do my civic duty and apply the laws of the state as best I understood them. Since I had no reasonable doubt that the defendant had participated in a premeditated robbery or that the robbery had resulted in a death, that meant finding him guilty of First-Degree Murder.

It turns out my fellow jurors shared my unease with the felony murder rule. After the trial I visited the Maryland Judiciary Case Search website and learned that the jury had found the defendant guilty of Armed Robbery but innocent of Murder in the First Degree. There are two ways to explain this verdict. The first is that the jury simply did not understand the felony murder rule. It is not hard to understand why jurors would have trouble grasping that the state expects them to convict a person who has not killed anyone of murder. The other possible explanation is that the jurors willfully chose to disregard the felony murder rule. In Maryland juries are permitted to find a defendant innocent

whom they believe guilty because the jury disagrees with the law or the penalty imposed for breaking it.

To summarize, the jurors found the defendant not guilty either because the felony murder rule is illogical and counterintuitive or because it is draconian and unjust. The State of Maryland should not be asking its citizen jurors to levy verdicts that are so counterintuitive they are difficult to grasp, or so contrary to jurors' values that the jurors must exercise their right to disregard the law.

More importantly, the State of Maryland should not punish non-murderers with murder-length sentences. The twelve jurors who rendered the verdict in my case saw this, as did at least one of the alternates. As long as the felony murder rule remains on the books, justice demands that we reduce the charges associated with it. By removing the First Degree Murder charge for Marylanders under twenty-five years of age accused of felony murder, we will reduce the burden on jurors to condemn young people who have not murdered anyone to a lifetime in prison.