

**Bill Number: SB 850**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION TO SENATE BILL 850**  
**CRIMINAL LAW – YOUTH ACCOUNTABILITY AND SAFETY ACT**

I write in opposition to Senate Bill 850 that would eliminate felony murder as a theory under which someone under the age of 25 could be convicted.

Let me tell you about just one of the cases this bill would have affected.

On May 21, 2018 Officer Amy Caprio was murdered. All four of the defendants charged in the death of Officer Amy Caprio were juveniles. The four juveniles stole a car and were in the Perry Hall area of Baltimore County breaking into houses. Their method was for three to break into homes and one to man the getaway car. The one who was in the driver's seat was Dawnta Harris when he was confronted by Officer Amy Caprio. Harris purposefully drove over Officer Caprio killing her. Do those Defendant's not deserve to be prosecuted for murder under a felony murder theory? The Circuit Court denied the juveniles who requested a waiver back to Juvenile Court. The driver, Dawnta Harris, who killed Officer Caprio was 16 years old when he committed his crime. He ran over Officer Caprio in cold blood. Officer Caprio confronted Harris when he was behind the wheel. He pretended to open the car door but then gunned the car running over her. He was convicted of Felony Murder and received a Life Sentence. Harris had a juvenile record of stealing cars. While awaiting trial in jail, he was cited for graffiti, pornography, and cussing at guards. His co-defendants were breaking into houses and each were convicted of Felony Murder and received 30 years in prison.

If Senate Bill 850 becomes law it would be more difficult to convict Dawnta Harris of murder. It would be impossible to convict the other 3 of murder as felony murder would not be an option.

Felony murder operates under the theory that when a defendant is committing a felony and someone dies as a result of your felonious conduct you are guilty of 1<sup>st</sup> Degree Felony Murder. Why should someone who is 21, 22, 23 or 24 years old age not be held responsible for causing a death during the commission of a felony.

I urge an unfavorable report.