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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

March 2, 2023

Testimony in Support

of

**House Bill 1180 –Criminal Law - Youth Accountability and Safety Act**

HB 1180 would prevent children and emerging adults (young people between the ages of 18 and 25 years old) from being found guilty of first-degree murder if the charge is based on murder committed in the perpetration or attempt to perpetrate a certain felony (“Felony Murder Rule”). Prospectively, this would prevent prosecutors from using felony murder’s “guilt-by-association” to charge and convict juveniles and emerging adults with first degree murder simply because they were present or associated with a felony in which someone was killed.

All those convicted under the Felony Murder Rule are treated as if they committed first-degree murder, which carries a sentence of life in prison or life in prison w/o parole. This bill would enable a person younger than 25 years old and charged with felony murder to be found guilty of second-degree murder, which carries a penalty of 40 years.

Let me tell you the story of a young woman charged under the “Felony Murder Rule”.

In 1978, Eraina Pretty, then 18, was in a relationship with an increasingly controlling and abusive man named Ronald Brown. On April 6, 1978, Brown ordered her to participate in a store robbery. Ms. Pretty had recently stopped working at the store; Brown told her that, since the store owner knew her, she could enter the store and unlock the backroom door, allowing Brown and his friend to rob the store owner. During the robbery, Brown fatally shot the owner. All three were arrested. On the advice of her attorney and facing the death penalty, Ms. Pretty pleaded guilty to first-degree murder under the Felony Murder Rule. She was never accused of the actual killing.

Ms. Pretty spent 42 years in prison, becoming the longest serving woman prisoner in the State of Maryland. During her 42 years in prison, Ms. Pretty earned a bachelor’s degree in Sociology from Morgan State University. She counseled and mentored young women and spent much of her time helping others and finding ways to show her growth and remorse. She had not had an infraction in 22 years. Though she was convicted of a violent crime, she was not a violent person.

Ms. Pretty’s story is just one example of many in which young people are charged and convicted for “guilt by association”, whereas she could have been charged with the crime she committed and not the murder in which she did not actually participate in.

Furthermore, since 2005, the Supreme Court in a trio of cases has banned the use of capital punishment for juveniles, limited life without parole sentences for juveniles and banned the use of mandatory life sentences for juveniles.

- *Roper v. Simmons*, 543 U.S. 551 (2005)-ruled that juveniles cannot be sentenced to death.
- *Graham v. Florida*, 130 S.Ct. 2011 (2010)-banned the use of life without parole for juveniles not convicted of homicide.
- *Miller v. Alabama and Jackson v. Hobbs*, 132 S.Ct. 2455 (2012)-held in both cases that mandatory life without parole sentences for juveniles violates the Eighth Amendment.

In the above cases, the Court's reasoning focused on the Eighth Amendment (specifically that of "...cruel and unusual punishment inflicted") and the differences between adult and children's decision-making, culpability, and behavior. Writing for the majority in *Miller and Jackson*, Justice Kagan explained, that juveniles characteristically have "transient rashness, proclivity for risk, and inability to assess consequences". This same reasoning has been used to include emerging adults.

Existing criminal laws cover murder, as well as charges for the underlying felonies, thus the Felony Murder Rule as applied to young people is unnecessarily punitive.

**For these reasons, I urge a favorable report on House Bill 1180.**

Sincerely,

Delegate Charlotte Crutchfield