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February 1, 2024

Re: Testimony in Support of SB 0389
Criminal Procedure - Petition for Sentence
Modification

Dear Members of the Judicial Proceedings Committee:

I am a parole advocate, reentry guide, and recidivism interruptor. I support SB0389 sponsored by Senator West, Hettleman, Kelly, and Carozza and ask that a favorable vote be rendered.

I am a beneficiary of the Juvenile Restoration Act (JUVRA) which became effective in October 2021. I pled guilty and was sentenced to a congregate parole eligible life sentence for horrible crimes committed as a fifteen year old in 1979. As the sentencing judge denied my Motion for Reduction of sentence two months later, the Court lost jurisdiction to act in my case. The ninety-day provision for filing for a sentence modification was inadequate to make any accomplishments demonstrate maturity and rehabilitation.

I became eligible for parole in 1993. Although I had amassed a strong record of accomplishments, no avenue would exist for a meaningful parole consideration based on demonstrated maturity and rehabilitation until 2019. In response to former Governor Glendenning's 'life means life' policy not a single lifer was paroled outright in over two decades. I filed several legal Motions to no avail because the Court still had no jurisdiction to act.

Despite the Court's considerations, intent, and recommendations when imposing sentences, MD has no legal presumption that any prisoner should be released upon reaching parole eligibility. The lack of statutory and regulatory provisions regarding the exercise of MD Parole Commission discretion and the, then, gubernatorial discretion results in disparity without explanation. Additionally, those who have reformed and may be deemed worthy of release consideration prior to and after reaching parole eligibility may never receive it.

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Without the legislation of JuvRA, I would still not know when, if ever, I would be released or what was expected of me to be paroled. Fortunately, the Court recognized my growth and maturity and acted upon its new jurisdiction in my case. Since my 2022 court release, I am doing exceptionally well on parole/probation, maintaining meaningful employment with a livable wage, have housing and transportation, remain active in the reentry support field, engage in prison reform efforts, and manage a quality, tax-paying, law-abiding life.

Though I am deeply sorry for the tragic crimes I committed over four decades ago and continue to spend everyday atoning for my horrible transgressions, I question the justice of holding juveniles, emerging adults, and seniors -reformed men and women- in prison for well beyond parole eligibility dates. These particular men and women have accepted responsibility for their crimes, worked hard to improve their social functioning, and became model prisoners are no longer threats to public safety and would be productive citizens.

As an example of someone who was held in prison longer than necessary in terms of rehabilitation and has transitioned to the outside community successfully, I believe in redemption and second chances. Providing an elderly incarcerated individual with minimal risk of recidivism the opportunity to petition the Court for sentence modification consideration after serving twenty years would not be a miscarriage of justice. What penological objective would be accomplished by further incarceration of reformed individuals who have aged out of crime?

Thus, I urge this honorable committee to vote favorably for SB0389. Thank you for your time and consideration.

Truly yours,

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