

**TESTIMONY ON HB 724
MARYLAND SECOND LOOK ACT – PETITION TO REDUCE SENTENCE**

House Judiciary Proceedings Committee

Hearing Date: February 13, 2024

Submission Date: February 9, 2024

SUPPORT

Submitted by: **Ngozi Lawal**

Chair Clippinger, Vice Chair Bartlett and members of the Judicial Committee:

I, Ngozi Lawal, am testifying in support of HB724, the Maryland Second Look Act. I am submitting this testimony as an impacted family member of a currently incarcerated person serving a life sentence in Maryland and as an advocate of inmate rehabilitation and community safety. I kindly ask that all Maryland lawmakers capable of voting on this bill vote in favor of the bill's passage.

Passage of HB 724 would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation (e.g., through education, vocational training, and employment) such that they are no longer a threat to public safety, should have the opportunity for release.

My brother, Emeka Onunaku (Maryland Department of Corrections Number #267-778) has been incarcerated for first degree murder and has been serving a life sentence since 1996, a total of 27 years. Emeka is accountable for his wrongdoing; he has admitted, both in private as well as publicly, that he committed the killing and that it was heinous and horrible. It is worth noting that the murder victim was involved in the breaking and entering of Emeka's home the day of the crime and that Emeka's infant daughter and the mother of the infant were in Emeka's home during this break-in and entry. Emeka had just turned 21 years old at that time. He is now 48 years old.

Thanks to the rehabilitation opportunities he has taken advantage of while in prison, Emeka is a grounded individual, focused on advancing himself and his community: He maintained the same job for almost 10 years and has been infraction-free for over 10 years.

Education: Emeka completed his G.E.D. and graduated as valedictorian of his class. He also studied and became an Ordained Minister, credentialed from Universal Life Church, on December 20, 2010. During his time in prison, he completed multiple self-improvement programs, including the Alternative to Violence program.

Teaching: While serving his sentence, Emeka taught the Life Upliftment Course to his fellow inmates. The course focuses on applying reason and problem solving. He also taught Business Class 101, an introductory course to inmates.

Mentorship: He has remained in his daughter's life over the 27 years and continues to be an active, present father. After I completed my master's degree, he mentored me with step-by-step guidance on how to start my beauty business, a Color Me Beautiful (CMB) franchise in Maryland, that I opened in 2006 and ran successfully until 2009. Along the way, he provided me with insights on marketing, hiring, staff retention, financial management, and scaling that allowed me to open my second store. I could not have become the **number one** CMB selling franchise in the country in 2007 without his wisdom and intelligence, despite all my degrees in education. And now that I have two sons - ages 5 and 8 years old, he mentors them.

His leadership is felt strongly behind bars and is also felt outside of prison with his family. The contributions he has made over the past 27 years show me that his reintroduction to society would be non-violent and would result in a benefit to his community and society as a whole – both socially and economically. One problem remains – throughout his imprisonment all appeals, post convictions, sentence modification requests have all been either denied or unanswered.

HB 724 is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004². Furthermore, for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black³, a huge disparity when compared to the only 31% of Black Marylanders in the general population⁴. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi⁵.

Given the tendency for people to age out of crime and the very low recidivism rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact public safety. For example, in the past 12 years since the Maryland Supreme Court held that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident⁶. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities decades earlier. We know many more men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 724**.

Thank you for your consideration,



Ngozi Onunaku Lawal

ngozi.lawal@gmail.com

617-851-8900 (cell)

¹ Maryland Rule 4-345

² Court of Appeals of Maryland Rules Order

³ MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics (2022)

⁴ United States Census Data (2021)

⁵ Justice Policy Institute Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland (2019)

⁶ Justice Policy Institute Fact Sheet: The Ungers (2018)