

Written Testimony - Senate Bill 291.pdf

Uploaded by: Anthony Muhammad

Position: FAV

January 28, 2025

Honorable Senator William C. Smith Jr. Chair,
Senate Judicial Proceedings Committee
Miller Senate Office Building,
2 East Annapolis, MD. 21401

Written Testimony in SUPPORT of SENATE BILL – 291
(The Maryland Second Look Act)
CRIMINAL PROCEDURE - PETITION TO REDUCE SENTENCE
Sponsored by Senator Charles E. Sydnor, III

Dear Chair William C. Smith Jr.
and Members of the Senate Judicial Proceedings Committee:

My name is Anthony Wazir Muhammad.¹ Almost 32-years ago, on January 26, 1993, at the age of 15, I was arrested on two murder charges in Baltimore City. Ultimately, I was convicted and sentenced to life plus 20-years in prison.

The judge who sentenced me mistakenly believed that I was unredeemable, unreformable, and that the crimes I committed were unreconcilable. She stated that I had *“little prospect of ever being able to come out and function,”* and that I showed very *“little hope of rehabilitation.”* Even though I had no prior adult criminal record, and only one minor juvenile offense, my sentencing judge was unconvinced that *“job training, education, and such would make [me] a safe citizen,”* and in her most condemning remarks stated her belief that if I was ever given the opportunity to commit these crimes again, *“it would happen.”*

Thankfully, the judge who sentenced me was all wrong about me.

¹ My birth name is *Anthony Sylvester Fair*. In 2021, I legally changed my name.

On September 20, 2022, I was released under the Maryland *Juvenile Restoration Act* (JRA), a recent law passed by the Maryland General Assembly in 2021, and allows juvenile offenders who were convicted as adults and have served a minimum of 20-years of incarceration to petition the court to modify a sentence, if the individual can prove that he is not a danger to the public, and that the interest of justice will be better served by a reduced sentence.

After serving 29-years, 7-months, and 29-days, I was released under the JRA – with the full support of then Baltimore City State’s Attorney Marilyn Mosby and her former Sentencing Review Unit Division Chief, Becky Feldman.²

Interestingly, the judge who released me under the JRA, the Honorable Judge Yvette Bryant of the Circuit Court for Baltimore City, said the exact opposite about me than the judge who sentenced me. In fact, Judge Bryant stated that what I was able accomplished during my incarceration was so remarkable, that in all her years on the bench, I was the very first violent offender that she had absolutely no reservations about releasing back into the community.

There are no words adequate to express the depths of my remorse for the crimes that I committed. I made a horrible decision. It was the worst decision I ever made in my life, and I will always deeply regret my actions. However, egregious as my crimes were, they were not the result of “*permanent incorrigibility*,” “*irreparable corruption*,” or “*exhibit such irretrievable depravity that rehabilitation is impossible*.” As the distinguished civil rights attorney, author of the book *Just Mercy*, and founder of the *Equal Justice Initiative*, Brian Stevenson, once said - “*Each of us is more than the worst thing we’ve ever done*.”

² BALTIMORE BANNER NEWS ARTICLE:
<https://www.thebaltimorebanner.com/community/criminal-justice/it-means-everything-how-the-juvenile-restoration-act-has-provided-a-second-chance-for-people-sentenced-as-children-to-prison-in-maryland-HDCZ6OY2TFAR3G4IUK6VKUTJUM>

Thankfully, among all that I have been able to accomplish since my release, most notable, through the Baltimore Community Mediation Center, I was blessed to participate in a very successful victim/offender mediation with one of the families of the victims in my case – who gave me their forgiveness.

Now, I am employed as an advisor to *The Maryland Parole Partnership* (MPP), under Sonia Kumar, Senior Staff Attorney for the ACLU of Maryland. Together, we recruit, train, and assign attorneys, law firms, and legal clinics to represent *pro bono* inmates with life sentences during their parole hearings who have served a minimum of 25-years of incarceration.³ Unfortunately, Mr. Pratt would not be eligible for MPP services because his sentence is *without* parole.

In addition, I have now become part of the solution to crime and violence in Baltimore City, the very same community where I was once part of the problem.⁴ I am a Community Engagement Specialist with the *We Our Us* organization, a non-profit organization that serves the community. We are the new front line in the fight to make our communities a safe and descent place to live. We are the “*Credible Messengers*,” the “*Violence Interrupters*,” that go door-to-door, block-by-block, street-by-street. We put boots on the ground in the community as “*Connectors*,” “*Protectors*,” “*Mediators*,” and *Messengers*.”

Thanks in part to the incredible work of the *We Our Us* organization, which includes our *Stop The Beef* program facilitated mostly by returning citizens, in the last two years Baltimore City has experienced *historic* reductions in homicides & non-fatal shootings. While no single individual or organization can claim all the credit for these historic reductions in violent crime, Baltimore City Mayor Brandon M. Scott has highlighted the work of the *We Our Us* organization.

³ <https://www.aclu-md.org/en/maryland-parole-partnership>

⁴ MARYLAND MATTERS NEWS ARTICLE:
<https://www.marylandmatters.org/2024/03/06/commentary-once-part-of-the-problem-we-are-now-part-of-the-solution/>

The absolute joy of my community service work is being a youth mentor with *Baltimore Brothers, Inc.*, a program that provides mentorship, manhood training, and life coaching to Baltimore City youth. I am currently the facilitator of the *Baltimore Brothers's* program inside Booker T. Wahington Middle School.

In addition, I am a member of several groups that work directly with returning citizens. Particularly, the *1st Monday Empowerment Support Group*, which consist of over 300 returning citizens who served life and long-term prison sentences in Maryland and are now productive members of society. The leadership of this phenomenal support group is employed by *Living Classrooms*, which provide a host of re-entry services and resources to returning citizens.

Also, I'm a proud member of *The Maryland Juvenile Lifer's Support Group*, which is facilitated by the *Campaign For the Fair Sentencing of Youth* (CFSY), an international organization with renowned interest in youth offenders.

In conclusion, long-term returning citizens are now working in collaboration with all community stakeholders. There is literally NOTHING that we are not doing as productive members of society. For example, in both Baltimore City and Prince George's County, we are employed by multiple agencies in city government. We are consultants to the Baltimore City Police Department on best practices for community engagement. We are partners with Maryland's Department of Public Safety & Correctional Servies at resource fairs to provide re-entry services to fellow returning citizens, and some are currently under contract with Maryland's Department of Juvenile Services through the *Thrive Academy* to provide life coaching and mentorship to young offenders.

Long-term returning citizens are contributing throughout the public school system, in multiple capacities. We are in all the local recreation centers. We are on college campuses and universities in Maryland. We are in law school programs and legal clinics. We have both joined and established organizations doing phenomenal work in the community. We are business owners, entrepreneurs, homeowners, hard-working, tax paying citizens.

In conclusion, I strongly believe that the vast majority of those who qualify for release under SENATE BILL 291 will join us in doing the same if given the opportunity – being productive members of society. All of the data, volumes of research, all prove that people age out of crime, and that the rate of recidivism for those who qualify for relief under this legislation is much lower than the main. We have hundreds of success stories in Maryland all around the country.

For all of these reasons, I urge a FAVORABLE vote on SENATE BILL 291.

Thank You,

Anthony W. Muhammad

Gibson-Banks Center Testimony - SB 291.pdf

Uploaded by: Brandon Miller

Position: FAV

Testimony Concerning Senate Bill 291
Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)
Position: Favorable

To: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Members of the Judicial Proceedings Committee

From: Brandon Miller, Ereik L. Barron Fellow, Monique L. Dixon, Executive Director,
and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: January 28, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit testimony in support of Senate Bill 291 (“SB 291”), which would, among other things, allow an individual who is incarcerated and has served at least 20 years of their sentence to petition a court for a reduction of sentence. We urge the committee to issue a favorable report because the bill would: (1) help to address mass incarceration in Maryland, which disproportionately burdens Black people with long prison sentences, and open pathways for individuals’ release from prisons; and (2) contribute to building safe communities.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the criminal legal system. The Gibson-Banks Center has served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC aims to research, develop, and recommend reforms that reduce the racial disparities in Maryland’s incarcerated population. In December 2024, the MEJC recommended the expansion of second

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.

look laws in Maryland, in addition to 17 other measures, as an important step toward ending mass incarceration.²

SB 291 Both Helps to Address Mass Incarceration in Maryland, Which Disproportionately Burdens Black People with Long Prison Sentences, and Open Pathways for Individuals' Release from Prisons

1. Addressing Racially Disproportionate Long Prison Sentences

Long prison sentences are a cornerstone of the system of racialized mass incarceration in Maryland. Over 70% of people in Maryland prisons and almost 8 out of 10 people who have served 10 years or more, are Black, even though they comprise only 31% of the state's population.³ Maryland has the highest racial disparity among Black persons who are in prison and among those serving long sentences than any state in the country.⁴ Of those individuals serving the longest sentences, 41% are Black men who were young adults (under age 25) when they were sentenced.⁵ Accordingly, Black people in Maryland receive the harshest sentences and languish in prison for the longest periods of time. For example, Black people overwhelmingly comprise the population of people serving life sentences and sentences reaching 50 years or longer.⁶

In Maryland, and throughout the United States, the impulses and intuitions which drive the current reliance on long prison sentences are rooted in a racially repressive paradigm of criminal justice. The tough-on-crime policy agenda which took hold decades ago has conditioned the public and decision-makers to view long prison terms as indispensable for protecting society from violent individuals. Since its origin as a strategy for combatting the civil rights era's advances in racial equality, the tough-on-crime paradigm has relied on racially charged notions that Black people were violent and lawless, particularly those who engaged in civil disobedience to combat racial injustices.⁷ This policy agenda advanced further with a school of criminological research invested in the representation of Black people and other people of color as prone to crime due to biological inferiority.⁸

² MEJC, *History Made: Maryland Equitable Justice Collaborative (MEJC) Passes Recommendations to Address Mass Incarceration of Black Marylanders in State Prisons and Jails*, Dec. 12, 2024, <https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>.

³ JUSTICE POLICY INSTITUTE, *RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND* 3, 7-8 (2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁴ *Id.* at 3, 7.

⁵ *Id.* at 7.

⁶ THE SENTENCING PROJECT, *A MATTER OF LIFE: THE SCOPE AND IMPACT OF LIFE AND LONG TERM IMPRISONMENT IN THE UNITED STATES* 14 (2025), <https://www.sentencingproject.org/app/uploads/2025/01/A-Matter-of-Life-The-Scope-and-Impact-of-Life-and-Long-Term-Imprisonment-in-the-United-States.pdf>.

⁷ See Vesla Mae Weaver, *Frontlash: Race and the Development of Punitive Crime Policy*, 21 *STUDIES IN AMERICAN POLITICAL DEVELOPMENT* 230, 247-253 (2007), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/9744286F944F1A250B94CD3AFB1A6021/S0898588X07000211a.pdf/frontlash-race-and-the-development-of-punitive-crime-policy.pdf>.

⁸ See JEROME G. MILLER, *SEARCH AND DESTROY: AFRICAN AMERICAN MALES IN THE CRIMINAL JUSTICE SYSTEM* 178-216 (1996) (discussing research that provided genetic explanations for crime that insinuate Black people are innately crime-prone, such as the 1985 book *Crime and Human Nature* by James Q. Wilson and Richard Herrnstein).

Also, the influential “superpredator” theory put forth by John Dilulio Jr. in the mid-1990s (when he was a professor at Princeton University), and later abandoned by him, is a prominent example of how racialized concepts shape criminal justice outcomes and become internalized by decision-makers such as prosecutors and judges.⁹ These racialized discourses also led to the passage of tough-on-crime laws, such as the federal Violent Crime Control and Law Enforcement Act of 1994, which included mandatory sentences for certain crimes.¹⁰

Fortunately, efforts are underway at the federal and state levels to end mass incarceration and racial disparities resulting from long prison sentences.¹¹ SB 291 would add Maryland to these efforts. Because racial disparities in prison populations increase with sentence length,¹² SB 291, which would allow a person who has served at least 20 years to petition a court for a reduction of sentence, would thereby help reduce racial disparities in Maryland prisons.¹³

Additionally, SB 291 is part of a burgeoning movement in the United States to implement second look laws to address the ravages of mass incarceration and to provide a meaningful mechanism of release for individuals who have aged, accomplished, and rehabilitated over decades. The American Law Institute, a nonpartisan organization of legal experts dedicated to clarifying and modernizing the law, endorses second look legislation, such as SB 291, reasoning that punishments which may appear justified in one era, may later be revealed as unjust.¹⁴ SB 291 could help ensure that sentences whose severity reflects the influence of a previous era’s racialized discourses are subject to the scrutiny of a reviewing court tasked with considering a holistic assessment of the individual’s progress over the course of at least 20 years. Maryland judges who review sentences, confronted with evidence of petitioning individuals’ growth, change, and accomplishment, would be better positioned to reassess many extreme sentences imposed disproportionately on Black people and other people of color, and reconsider these sentences in light of the petitioning individuals’ progress as well as the interests of justice and public safety.

⁹ See, e.g., THE SENTENCING PROJECT, A SECOND LOOK AT INJUSTICE 13 (2021) (quoting a Chicago attorney who explained that the “superpredator” term “had a profound effect on the way in which judges and prosecutors viewed my clients.”), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>; Carroll Bogert & Lynnell Hancock, *The Media Myth That Demonized a Generation of Black Youth*, THE MARSHALL PROJECT (Nov. 20, 2020), <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>.

¹⁰ Violent Crime Control and Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994).

¹¹ See, e.g., Jessie Brenner & Stephanie Wylie, *Analyzing the First Step Act’s Impact on Criminal Justice*, BRENNAN CENTER FOR JUSTICE (Aug. 20, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/analyzing-first-step-acts-impact-criminal-justice> (discussing the First Step Act of 2018, which reduced mandatory minimums for certain drug offenses and allowed federal prisoners to file compassionate release petitions on their own behalf, among other things).

¹² THE SENTENCING PROJECT, THE SECOND LOOK MOVEMENT: A REVIEW OF THE NATION’S SENTENCE REVIEW LAWS 10 (2024), <https://www.sentencingproject.org/app/uploads/2024/05/Second-Look-Movement.pdf>.

¹³ NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, REDUCING RACIAL INEQUALITY IN CRIME AND JUSTICE: SCIENCE, PRACTICE, AND POLICY 308 (2023), <https://nap.nationalacademies.org/read/26705/chapter/10#308> (stating that second look provisions for long sentences could reduce racial disparities in long prison sentences).

¹⁴ MODEL PENAL CODE: SENTENCING § 305.6(b) and 564-70 (Proposed Final Draft Apr. 10, 2017), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-02/mpcs_proposed_final_draft.pdf.

2. Opening Pathways to Individuals' Release from Prisons

SB 291 offers a new pathway for people in Maryland's prisons to petition the sentencing court for a reduction of the sentence. Under current court rules, a person who has been sentenced to a term of years may file a motion requesting a sentence modification no longer than 90 days after the sentence was imposed.¹⁵ The Court then has "revisory power" over the sentence for five years—after five years, the sentence cannot be modified.¹⁶ Maryland courts' limited ability to revise sentences has deprived individuals in state prisons of the opportunity to return to court decades later and request a sentence modification based on demonstrated rehabilitation. Instead, persons who are incarcerated rely on the Maryland parole system, which has a track record of not granting parole, particularly for older individuals serving long sentences.

The problem of widespread and racially disproportionate long prison sentences in Maryland reproduces itself partly through the decline of back-end release mechanisms such as parole. Maryland's parole system is particularly restrictive as applied to older individuals and individuals serving the longest sentences. While between 2017 and 2021 the average parole grant rate was 39.6 percent, grant rates decreased sharply as time served and the petitioner's age increased.¹⁷ For example, the grant rate for individuals over age 60 was just 28 percent and the grant rate for individuals who served over 50 years was a dismal 5.6 percent.¹⁸

Withholding parole from eligible individuals who are aging and people with longer prison terms leads to unnecessarily long sentences that waste taxpayer dollars on warehousing individuals who have aged out of crime and are no longer a risk to public safety.¹⁹ SB 291 would in effect expand the court's role as a forum for individuals to make their case for their rehabilitation and transformation.

SB 291 Will Contribute to Building Safe Communities

SB 291 is also needed as a step toward repairing the harm that mass incarceration wreaks in Black and other impacted communities. Each year, Maryland taxpayers pay around \$60,000 per incarcerated individual.²⁰ SB 291 holds the promise of releasing people from Maryland prisons, thereby saving costs that could be devoted to areas such as housing, education, employment, and public health. SB 291 would contribute to restoring Maryland communities that currently suffer the effects of a bloated and self-perpetuating carceral system.

¹⁵ MD R. CRIM. CAUSES, RULE 4-345(e)(1) (2023).

¹⁶ *Id.*

¹⁷ JUSTICE POLICY INSTITUTE, SAFE AT HOME: IMPROVING MARYLAND'S PAROLE RELEASE DECISION MAKING 16 (2023), <https://justicepolicy.org/wp-content/uploads/2023/05/Safe-At-Home.pdf>.

¹⁸ *Id.* at 17.

¹⁹ THE SENTENCING PROJECT, A SECOND LOOK AT INJUSTICE 10 (2021) (discussing the concept of the "age-crime curve" and explaining that "[a]ging out of crime is a key reason why people who have been imprisoned for violent crimes—who generally serve longer sentences—are the least likely to recidivate when released from prison."), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>.

²⁰ Fiscal and Policy Note for HB 118, at 5, 2024 Leg., 446th Sess. (Md. 2024), https://mgaleg.maryland.gov/2024RS/fnotes/bil_0008/hb0118.pdf ("[C]urrently, the average total cost to house a State incarcerated individual in a Division of Correction facility, including overhead, is estimated at \$5,110 per month.").

Moreover, judges' decisions to release individuals would have more immediate, on the ground effects that would promote public safety. SB 291 would help reunite families and the networks of friends and other loved ones divided by incarceration. It would reintegrate thoughtful, skilled, and talented individuals who would be able to contribute to their communities. We need look no further than the Maryland Juvenile Restoration Act²¹ and the *Unger v. State of Maryland*²² decision for proof that citizens returning from long prison sentences are invaluable assets to their communities. The remarkably low recidivism rates of decarceration efforts in Maryland is further evidence that reducing the prison population is consistent with public safety and community welfare,²³ and counsels support for SB 291 as a matter of wise, and racially equitable, public policy.

A serious commitment to ending mass incarceration requires tackling the problem of long prison sentences. In recent years, Maryland has made major progress toward shifting away from punitive and counterproductive criminal justice policy with legislation such as the Justice Reinvestment Act²⁴ and the Juvenile Restoration Act. However, the system of mass incarceration will remain intact unless second chances are extended beyond persons serving sentences for nonviolent drug crimes and for crimes they committed when they were children or youth. In expanding opportunities for individuals to access second chances, SB 291 represents a critical mechanism for reducing mass incarceration, advancing racial justice, and building safer communities. For these reasons, we ask for a favorable report on SB 291.

²¹ Md. Code Ann., Crim. Proc. § 8-110 (permitting people who have been imprisoned at least 20 years for crimes committed when they were minors to file a motion to reduce their sentence).

²² In *Unger v. State*, 48 A.3d 242 (Md. 2012), Maryland's highest court made retroactive a 1980 decision that had invalidated improper jury instructions, leading to new trials and the release of 200 older individuals from Maryland prisons, the vast majority of whom were serving life with parole sentences. See Michael A. Millemann, Jennifer Elisa Chapman, & Samuel Feder, *Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story*, 21 U. MD. L. J. OF RACE, RELIGION, GENDER & CLASS 185 (2021), U of Maryland Legal Studies Research Paper No. 2022-03, <https://ssrn.com/abstract=4069563>.

²³ See, e.g., THE SENTENCING PROJECT, *Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems*, 2 (Mar. 21, 2024) ("Maryland's real-life experiment of releasing people from medium and maximum-security prisons, who had been incarcerated for decades for the most serious crimes, demonstrates that people age out of crime and can be safely released back into our communities. As of March 2024, the recidivism rate for new convictions is 3.5% for all 200 individuals released under *Unger v. State*."), <https://www.sentencingproject.org/fact-sheet/second-look-laws-are-an-effective-solution-to-reconsider-extreme-sentences-amidst-failing-parole-systems/>.

²⁴ The Justice Reinvestment Act, S.B. 1005, 2016 Leg., 436th Sess. (Md. 2016), https://mgaleg.maryland.gov/2016RS/chapters_noln/Ch_515_sb1005E.pdf. The Act is a package of criminal justice reforms aimed at addressing the incarceration rate of people convicted of nonviolent offenses and the disproportionate punishments for technical violations, among other things. Specific measures include restricting mandatory minimum sentencing for certain drug crimes and establishing a process for administrative release for certain individuals convicted of nonviolent offenses.

Maryland Second Look Support Letter 1.28.25.pdf

Uploaded by: Brashani Reece

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT
Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Dr. Brashani Reece, Alexandra Bailey

Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

We, Dr. Reece and Ms. Bailey, are testifying in support of SB291, the Maryland Second Look Act.

Dr. Reece is the Executive Director of Drop LWOP New England, an organization dedicated to restoring hope to incarcerated people serving life sentences in the six New England states. Dr. Reece is a survivor of attempted murder and has a loved one currently serving a life without parole sentence.

Alexandra Bailey is the Chair of the Board of Directors for Drop LWOP New England. She is also a two-time survivor of domestic violence, and child sexual abuse survivor. Her loved one is also serving a life without parole sentence.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. We firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

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. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case *Maryland v Unger*, who have a less than 4% recidivism rate¹. **With the release of the Ungers, the state saved a projected \$185 million that would have been spent on keeping them incarcerated.**² 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, and so many others, we encourage you to vote **favorably** on the **Maryland Second Look Act SB291**. Thank you.

Sincerely,

Dr. Brashani Reece, Executive Director
Alexandra Bailey, Chair of the Board of Directors

¹ Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

² OSI-Baltimore [Building on the Unger Experience: A cost-benefit analysis of releasing aging prisoners](#) (2019)

OPD written testimony in support of SB 291.pdf

Uploaded by: Brian Saccenti

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 291 – Maryland Second Look Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: January 28, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 291.

Known as the Maryland Second Look Act, Senate Bill 291 builds on Maryland's success in safely reducing the prison population by giving judges opportunities to release non-dangerous individuals. It permits people who have been incarcerated for at least 20 years to file a petition for reduction of sentence. It also permits State's Attorneys to file such a request at any time. Victims or their representatives have a right to notice of the hearing, to attend, and to provide a written and/or oral statement, but they are never required to do so. After a hearing, the court may reduce the sentence or sentences *only if* it determines "that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence or sentences."

Permitting judicial review and modification of sentence is an effective way of safely reducing the prison population by releasing non-dangerous offenders. It has a long and successful history in Maryland. In the not-too-distant past, defendants in Maryland could potentially return to court and ask the court to reconsider their sentence many years later. Prior to July 1, 2004, defendants who filed a motion for sentence modification under Rule 4-345 within 90 days of sentencing could ask the court to defer ruling on it indefinitely so that they could come back years later and demonstrate that they had matured, evolved, and used their time productively. Defendants had time to develop an institutional record that could reflect growth and rehabilitation. They might take courses and earn a degree or complete programming intended to impart vocational skills or pro-social behavior.

After 2004, a change in the rule meant that courts could only reconsider the sentence within 5 years from the date of sentence. For a defendant who is serving a long sentence, five years is typically not enough time to demonstrate rehabilitation to a court. Though any one of us may change for the better in five years, most of us can agree that we are certainly not the same person as we were 20 or 30 years ago. In 2021, the General Assembly gave individuals who were incarcerated for crimes they were convicted of as children an opportunity to demonstrate this when it passed the Juvenile Restoration Act (JUVRA). JUVRA adopted the same legal standard proposed by Senate Bill 291. The court is permitted to modify a sentence only if it finds the individual is not a threat to public safety and the interest of justice will be served by a reduced sentence. Extremely low recidivism among individuals released under both JUVRA and the *Unger* decision have demonstrated that releasing long sentence servers can be done without compromising public safety.

Frequently, the opposition argues that there are already numerous procedural mechanisms available to defendants to challenge their sentences. But nearly all these actually are narrow avenues meant to address specific procedural flaws or failings in a trial. More specifically, the court's ability to reconsider a sentence based on a defendant's demonstrated growth and rehabilitation is limited to, typically, one motion to modify sentence under Rule 4-345, which the court may deny without a hearing and must be ruled upon within five years of the person's sentencing. Other pleadings such as an appeal or post conviction petition have nothing to do with a defendant's rehabilitation or any consideration of public safety. The opportunity for juvenile lifers to have a second look is a recent phenomenon that has been very successful, but it leaves behind other equally deserving individuals.

Given the appalling racial disparities present in Maryland's prisons, this is also a racial justice bill. Senate Bill 291 provides a critical opportunity to move towards ending mass incarceration and remedying racial disparities without compromising public safety. In fact, such releases would make Maryland safer. It would reduce the demands on prison staff, who (as has been recently reported) are stretched dangerously thin, by reducing the sheer number of incarcerated persons they need to supervise. It would also permit the State to take money and resources it now wastes on imprisoning non-dangerous individuals and reallocate it to programs and initiatives that actually make us safer. Additionally, many of the people who have been released under JUVRA and *Unger* have become forces for good in their community, as volunteers, violence interrupters, youth mentors, reentry specialists, and more.

Senate Bill 291 provides an opportunity for the court to take a second look at individuals. It is not a “get-out-of-jail-free card.” It is an opportunity for a defendant to demonstrate their worthiness of a second chance.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 291

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

**Authored by: Lila Meadows & Brian Saccenti
Decarceration Initiative
Maryland Office of the Public Defender
lila.meadows@maryland.gov
brian.saccenti@maryland.gov**

2025 Testimony on SB 291 FAV Cichowski.pdf

Uploaded by: Carol Cichowski

Position: FAV

**Senate Bill 291 – Criminal Procedure -- Petition to Reduce Sentence
(Maryland Second Look Act)
Judicial Proceedings Committee – January 30, 2025
FAVORABLE**

Thank you for this opportunity to submit written testimony in support of SB 291.

I am a long-time resident of Montgomery County who cares deeply about the harmful impact of mass incarceration on Maryland residents and the human, social, moral, and economic costs of allowing people who are demonstrably rehabilitated to languish in prison.

The state spends millions of dollars each year on keeping people behind bars whose incarceration serves no public safety benefit. This comes at great cost to families, communities, and the state. Mass incarceration is cruel, unproductive, and very costly.¹ **I strongly support SB 291 because the Maryland Second Look Act would improve the lives of thousands of Maryland residents, serve the interests of both justice and public safety, and save money.**

Experts and leading legal associations agree that courts should be authorized to take a second look at sentences after 10 to 15 years of imprisonment for everyone.² Decades of research tell us that people age out of crime and that formerly incarcerated older adults are the least likely to reoffend.³ We know that criminal activity is primarily a young person's game.⁴ The immature patterns of thinking found in emerging adults and that can be a factor in criminal behavior are long outgrown after 10 years. The commission of serious crimes such as homicide

¹ See, for example, M. Nelson, S. Feineh, and M. Mapolski, "A New Paradigm for Sentencing in the United States," Vera Institute of Justice (February 2023), <https://vera-institute.files.svcdcn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf> ; National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences, the National Academies, <https://nap.nationalacademies.org/read/18613/chapter/2#11>

² B. Feldman, "The Second Look Movement: A Review of the Nation's Sentence Review Laws", The Sentencing Project (May 2024), p. 9-10, [Second-Look-Movement.pdf](#)

³E. Widra, "The aging prison population: Causes, costs, and consequences," Prison Policy Initiative (August 2, 2023), <https://www.prisonpolicy.org/blog/2023/08/02/aging/> ; "Old Behind Bars; The Aging Prison Population in the United States," Human Rights Watch, (January 26, 2012), <https://www.hrw.org/report/2012/01/28/old-behind-bars/aging-prison-population-united-states>; N. Ghandnoosh and K. Budd, "Incarceration & Crime: A Weak Relationship," The Sentencing Project (June 2024), <https://www.sentencingproject.org/reports/incarceration-and-crime-a-weak-relationship/>

⁴ Fetting, A. and Zeidman, S., People Age Out of Crime. Prison Sentences Should Reflect That (September 9, 2022), <https://time.com/6211619/long-prison-sentences-youthful-offenders/> ; Kazemian, L., "Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice," NCJ 301503, in Desistance From Crime: Implications for Research, Policy, and Practice (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2021), NCJ 301497, <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

and rape peak at ages 18-20.⁵ We should heed the advice of experts who say we are keeping people in prison too long.⁶

History shows that we can safely release many of the Marylanders serving long sentences.

That has been Maryland's experience with the Juvenile Restoration Act (JRA), which provides an opportunity for sentence modification to individuals who were incarcerated as minors, who have served at least 20 years, and who have demonstrated to a judge that their release does not pose any threat to public safety and serves the interests of justice. The courts have shown that they can identify individuals who have been rehabilitated and who can be safely released.⁷

This is the time to reap all the benefits – social, human, and fiscal—of giving everyone who has served more than 20 years of an excessive sentence a chance to persuade a judge that they are rehabilitated and that they can be safely returned to their communities. Currently, the prospects for judicial review of a sentence after decades of incarceration is limited to people who were convicted before the age of 18 prior to 2021 under the Juvenile Restoration Act.

Providing a chance for release would have a profound positive impact on people outside of prison walls and communities. Legislators should not underestimate the human, social, and economic benefits of enabling individuals who have been behind the walls for decades to reunite with their families and reintegrate into their communities.⁸ Families, particularly the children of incarcerated individuals, suffer incalculable harm when incarcerated family members cannot contribute economically or emotionally to the well-being of the family. Long sentences exacerbate these harms. Moreover, this cost has been borne disproportionately by Black families. Over 70 percent of Maryland's prison population is Black.⁹

SB 291 would return parents to support their children and sons and daughters to support their aging parents. Returning citizens would also have the chance to help heal their communities and contribute as tax-paying and productive members of society. I have met and heard the stories of

⁵The Marshall Project, Justice Lab. Goldstein D., Too old to commit crime? (March 20, 2015), <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime>; Sampson, RJ, Laub, JH., Life-course desisters? Trajectories of crime among delinquent boys followed to age 70. *Criminology* 41: 301.

⁶ See, for example, Principle 6 in a resolution adopted by the American Bar Association in 2022, which recommends a second look after certain designated times. [22A604 \(americanbar.org\)](https://www.americanbar.org/resolutions/2022/06/22/22A604)

⁷For information on the first year, see The Juvenile Restoration Act: Year One – October 1, 2021 to September 30, 2022, Maryland Office of the Public Defender (October 2022), p. 13, https://8684715c-49a2-4082-abff-3d2e65a61f0b.usrfiles.com/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁸ See discussion of the social and economic costs of incarceration in B. Gifford, "Prison Crime and the Economics of Incarceration," *Stanford Law Review*, Vol 71 (January 2019), p. 90-93, <https://review.law.stanford.edu/wp-content/uploads/sites/3/2019/01/Gifford-71-Stan.-L.-Rev.-71-2019.pdf>; M. McLaughlin, C. Pettus-Davis, et al, "The Economic Burden of Incarceration in the United States," the Institute for Justice Research and Development, Florida State University, (October 2016), https://www.prisonpolicy.org/scans/iajre/the_economic_burden_of_incarceration_in_the_us.pdf

⁹ DOC Data Dashboard, https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml

so many previously incarcerated individuals who are now giving back to their communities in profound ways, including serving as messengers to guide at-risk youth and working to promote public safety.

The Second Look Act would be a powerful force in changing both behavior and culture in the prison. The value of giving people hope cannot be overestimated. Giving prisoners serving excessive sentences a chance for resentencing previously unavailable would provide a powerful incentive for those individuals to remain steadfast in their efforts to improve themselves. Potential changes in the motivation, behavior, and attitude of those serving the longest sentences could also have a rippling effect throughout the system and work to transform prison culture. Having more hopeful prisoners could correspondingly improve the climate and working conditions for prison guards.

The Second Look Act should also be embraced as part of a long-term strategy to achieve cost savings and make more productive investments in public safety. By safely reducing the prison population, the bill has the potential to generate cost savings in corrections and free up funds and human resources to focus more squarely on efforts that support public safety, such as therapeutic and mental health services, education, job training, rehabilitation, and reentry programming.

Today Maryland's prisons are increasingly populated by people who are serving long sentences, who are aging in prison, and have no meaningful opportunities for release. In 2001, only 13 percent of Maryland's prison population were serving a sentence of more than 10 years.¹⁰ Two decades later 73 percent are serving sentences of 10 or more years.¹¹ About 23 percent of the prison population are serving life or life-equivalent sentences, 36 percent of whom are over 55 years of age and 76 percent of whom are Black.¹² Prison accelerates aging and people in prison face more chronic and life-threatening illnesses.¹³

The Department of Public Safety and Correctional Services has been struggling with trying to hire enough corrections officers, is using overtime to deal with staffing shortages, which is not cost-effective and is bad for staff morale, and is contending with the fiscal and operational challenges of

¹⁰ N. La Vigne and V. Kachnowski, "A Portrait of Prisoner Reentry in Maryland, Urban Institute (2003), p. 12, <https://www.urban.org/sites/default/files/publication/42771/410655-A-Portrait-of-Prisoner-Reentry-in-Maryland.PDF>

¹¹ DOC Data Dashboard https://dpscs.maryland.gov/community_releases/DOC-Annual-Data-Dashboard.shtml

¹² A. Nellis and C. Barry, "A Matter of Life, The Scope and Impact of Life and Long Term Imprisonment in the United States," The Sentencing Project (2025), p. 6, 14, 18, <https://www.sentencingproject.org/app/uploads/2025/01/A-Matter-of-Life-The-Scope-and-Impact-of-Life-and-Long-Term-Imprisonment-in-the-United-States.pdf>

¹³ M. McKillop & A. Boucher, "Aging Prison Populations Drive Up Costs," Pew Charitable Trusts State Fiscal Health Projects (February 20, 2018), <https://famm.org/wp-content/uploads/2021/11/Aging-Prison-Populations-Drive-Up-Costs--The-Pew-Charitable-Trusts.pdf>

meeting the needs of an increasingly older population with high-cost health conditions.¹⁴ In 2024 Maryland awarded a new 5-year contract for corrections health care to Centurion for a total cost of \$1.7 billion, amounting to an average annual cost of \$340,000,000 to care for an estimated 16,000 prisoners in the first year.¹⁵ This amounts to about \$21,000 per person per year.

Maryland has reached the point at which it cannot control the growth in corrections spending or free up resources for more productive crime prevention activities until it recognizes that its prisons include many people serving excessive sentences, who are more and more costly to incarcerate as they age, and whose release from prison would serve the public interest in social justice and public safety.¹⁶

Finally, the very real pain experienced by crime survivors should not be exploited to block the enactment of policies that can help restore individuals, families, and communities that have been harmed by excessive victimization and incarceration. The needs and desires of victims matter greatly, but, importantly, they are not a monolithic group. Some may value retribution above all, but national survey results indicate crime survivors overwhelmingly prefer approaches to justice that focus on rehabilitation over punishment.¹⁷ Giving victims notice of the resentencing proceeding and an opportunity to decide whether or not they want to provide input, as is the case with the Second Look Act, restores autonomy to victims who feel the system does not always recognize their needs or desires.

Rewarding an individual's personal transformation is both an act of humanity and justice. Providing a meaningful opportunity for release from prison to those serving long sentences is a cost-effective strategy in support of public safety and a meaningful way to allow people whose potential is not being fully realized behind the walls to ultimately make positive contributions to their community.

For these reasons, I urge a favorable report for SB 291.

Carol A. Cichowski

¹⁴ "Issue Papers, 2025 Legislative Session," Maryland Department of Legislative Services (December 2024), p. 137-139, https://dls.maryland.gov/pubs/prod/RecurRpt/Issue_Papers_2025_Session.pdf

¹⁵ P. Wood, "Maryland finalizes switch of medical care for state-run prisons, jails," Baltimore Banner (June 5, 2024), <https://www.thebaltimorebanner.com/politics-power/state-government/maryland-correctional-medical-centurion-XWLRUO3C4BCALMDHFFYCHK4QZA/>

¹⁶The benefits would not be outweighed by the costs of implementation. In 2024 the MGA Office of Legislative Services estimated that the operational or fiscal impact of the SLA on the Judiciary and the State's Attorney's office would be minimal. In addition, the OPD is not currently requesting additional funding for staff to provide representation for people seeking release under this Act. Instead, petitioners are likely to look to pro bono lawyers and law school clinics for assistance where they are not able to hire private attorneys. https://mgaleg.maryland.gov/2024RS/fnotes/bil_0003/sb0123.pdf

¹⁷"The Right to Heal; "Crime Survivors Speak, A National Survey of Victims' Views on Safety and Justice " (2022), p. 27-28, 36; 2024 National Survey, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/CrimeSurvivorsSpeak2024.pdf>

SB0291_Maryland_Second_Look_Act_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0291
CRIMINAL PROCEDURE – MOTION TO REDUCE THE DURATION OF A SENTENCE
(MARYLAND SECOND LOOK ACT)**

Bill Sponsor: Senator Sydnor

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0291 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The United States has the highest incarceration rate in the world. We have historically put many people in jail for possessing small amounts of marijuana (which is now legalized) and for other small crimes. In Maryland the incarceration rate of Black men ranks among the highest in the country. Black men make up 14 percent of Maryland's general population but consist of 73 percent of the male prison population in the state, according to the Attorney General's Office. Black women make up 16 percent of the state's population but a disproportionate 53 percent of the female prison population (Washington Post, 10/26/23). And Maryland has the fourth highest rate of prisoners convicted as children, with the school to prison pipeline still a risk for disadvantaged students.

More needs to be done to address our systemic injustice in policing and inequity in the criminal justice system. This bill allows an inmate who has served at least 20 years to petition the court for a reduced sentence every 3 years for up to 3 petitions. The decision to grant the petition would be based on factors typically used in parole hearings.

SB0291 reduces the impact of discrimination in our criminal justice system that results in harsher sentences that appear to be race related. It not only benefits a prisoner unjustly sentenced but also stems the ancillary damage to their families. Moreover, reduced sentences save Maryland taxpayers over \$38,000 per inmate annually. Money that could be better spent on schools.

We support this bill and recommend a **FAVORABLE** report in committee

Senator Charles Sydnor Fav testimony SB291 (Second

Uploaded by: Charles E. Sydnor III

Position: FAV

CHARLES E. SYDNOR III, ESQ.
Legislative District 44
Baltimore County

DEPUTY MAJORITY WHIP

Judicial Proceedings Committee

Executive Nominations Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 291
Criminal Procedure – Petition to Reduce Sentences –
(Maryland Second Look Act)
Before the Judicial Proceedings Committee
January 30, 2025**

Good afternoon, Chair Smith and members of the Judicial Proceedings Committee,

Senate Bill 291 (the “Maryland Second Look Act”) seeks to address Maryland’s racial disparities and advance public safety by allowing people who have served at least 20 years the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation. The bill requires the court to consider a number of factors, including “the nature of the offense” and any statement offered by a victim or victim’s representative.¹ Victims will have full agency and autonomy on whether or not they want to participate in this process. For some, it is part of their healing process. Additionally, the bill requires that the court find that the individual would not pose a danger to the public and that it is in the interest of justice to modify the sentence.²

The Maryland Second Look Act seeks to ensure that, decades later, sentences can be reviewed based on our current understanding of fairness and racial justice. It represents a commitment to redemption by offering an opportunity for individuals who have demonstrated growth and rehabilitation, responds to the critical need for judicial oversight, and presents a cost saving measure for Maryland amidst our 3-billion-dollar budget shortfall.

With regards to redemption, there is a large body of research demonstrating that the likelihood of committing violent crimes, including murder, declines significantly with age.³ Maryland-specific data supports these findings, showing that individuals convicted of violent offenses are among the least likely to reoffend. The Maryland Second Look Act embodies the principle that sentencing should not only hold individuals accountable but also provide a pathway to redemption. The Maryland Second Look Act acknowledges the inherent capacity for change and personal growth,

¹ CP 8-501(c)(2).

² CP 8-501(c)(3).

³ <https://www.sentencingproject.org/publications/still-cruel-and-unusual-extreme-sentences-for-youth-and-emerging-adults/>

emphasizing rehabilitation as a fundamental pillar of justice. Currently, Maryland offers no legal avenue for individuals serving extended sentences to petition for sentence modifications based on demonstrated rehabilitation. By introducing this opportunity, Maryland affirms its commitment to a justice system that values accountability, the potential for reform, and fairness. This is not a get out of jail free card. Incarcerated individuals still must prove to a judge that they have changed and deserve a second look.

The Maryland Second Look Act also addresses the critical need for judicial oversight. The 2004 change to Md. Rule 4-345 (that restricted courts' revisory power over sentences to a five-year window) has left Maryland without a viable mechanism to address decades long sentences.⁴ This limitation disproportionately affects individuals serving decades-long terms, as judges are often reluctant to reconsider sentences early in their duration. In the immediate aftermath of a serious offense, emotions run high, making it challenging for sentencing judges to accurately gauge an individual's potential for change. However, with the passage of time, a judge can better evaluate a person's growth, progress, and rehabilitation based on their demonstrated track record while incarcerated.

Finally, Maryland spends over \$59,640 annually per incarcerated individual, with costs rising significantly for aging prisoners due to increased healthcare needs.⁵ By creating a pathway for sentence reconsideration for those who pose little to no public safety risk, the Maryland Second Look Act allows the state to reallocate funds toward initiatives that enhance public safety, such as reentry programs and mental health services. For example, for the over 200 individuals released under the Unger decision, the state had a projected savings of \$185 million. This included the costs for reentry support services provided to them (this measure can ease prison overcrowding and reduce the burden on taxpayers).⁶ In the 12 years since the Maryland Supreme Court ruled in *Unger v. Maryland* that improper jury instructions invalidated the life-with-parole sentences of 235 individuals, an overwhelming 96% have successfully remained in the community without incident.⁷

The Maryland Second Look Act is grounded in evidence, compassion, and fiscal responsibility. It provides individuals with the opportunity to prove their rehabilitation and contribute positively to their families and communities, all while maintaining a strong commitment to public safety. It will make our judicial system fairer and save the state of Maryland money in the process, at a critical economic moment. For these reasons, I urge a favorable report.

⁴ <https://ccresourcecenter.org/state-restoration-profiles/maryland-restoration-of-rights-pardon-expungement-sealing/#:~:text=Rule%204%2D345%2C%20upon%20motion,eligible%20for%20expungement%20under%20Md.>

⁵ <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html#:~:text=According%20to%20the%20Divisi on%20of,care%20per%20inmate%20was%20%244%2C970.>

⁶ <https://www.osibaltimore.org/wp-content/uploads/2019/01/Unger-Cost-Benefit3.pdf>

⁷ <https://justicepolicy.org/research/reports-2018-the-ungers-5-years-and-counting-a-case-study-in-safely-reducing-long-prison-terms-and-saving-taxpayer-dollars/>

SEIU Local 500 Testimony in Support of SB 291.pdf

Uploaded by: Christopher Cano

Position: FAV



Testimony - SB 291, Criminal Procedure - Petition to Reduce Sentence
(Maryland Second Look Act)

Favorable

Senate Judicial Proceedings Committee

January 30, 2025

Christopher C. Cano, MPA

Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Smith & Members of the Senate Judicial Proceedings Committee:

SEIU Local 500, as one of Maryland's largest public sector unions representing over 23,000 workers, expresses our support for Senate Bill 291, the **Maryland Second Look Act**. This landmark legislation represents a significant step toward meaningful criminal justice reform. Its passage will go a long way in correcting institutional bias and harsh sentencing indicative of the past century by providing individuals who have served a significant portion of their sentence with the opportunity for a second review of their case.

SB 291 offers a fair and meaningful opportunity for individuals who have demonstrated rehabilitation and personal transformation to have their sentences reconsidered. The idea of providing a "second look" is rooted in the belief that the criminal justice system should be just, equitable, and responsive to the individual's rehabilitation efforts. By allowing individuals to petition for sentence reductions after serving a substantial amount of time, this bill recognizes that time served, coupled with evidence of positive changes, should be considered in the decision-making process.

Many individuals in Maryland prisons are serving sentences imposed under laws that are now considered overly harsh or disproportionate. The Maryland Second Look Act provides an avenue for these individuals to present their case to the court, demonstrating how they have changed and their readiness to reintegrate into society as productive, law-abiding citizens.

Moreover, the bill establishes a thoughtful process that balances public safety with the opportunity for redemption. Courts will carefully review each petition, taking into consideration the individual's growth, behavior, and potential for reoffending. This ensures that only those who have shown genuine progress are given the chance for a reduced sentence.

Support for second chance legislation is not just rooted in fairness—it is also rooted in the principle of rehabilitation. The criminal justice system must be about more than just punishment; it should also be about helping individuals rebuild their lives and find ways to contribute to the community. SB 291 aligns with this vision, offering an opportunity for reform without compromising public safety.

The Second Look Act also aligns with the broader movement towards sentencing reform across the United States. Several states have adopted similar measures, and research has shown that individuals who are given the chance for sentence reconsideration, particularly after demonstrating rehabilitation, are less likely to reoffend and more likely to successfully reintegrate into society.

This bill represents a commitment to fairness, justice, and the belief that people can change. It is a necessary and compassionate step towards reforming our criminal justice system, providing those who have turned their lives around with an opportunity to rejoin society and make a positive impact.

We urge all members of the Senate to support SB 291, and we thank Senator Sydnor for his leadership on this issue. We ask you to pass this bill out of committee with a favorable report.

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

CraigMuhammad_SB291_FAV.pdf

Uploaded by: Craig Muhammad

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

FAVORABLE

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Craig Muhammad, am testifying in support of SB291, the Maryland Second Look Act. I am submitting this testimony as a previously incarcerated person, as Director of Project Emancipation Now (PEN) and as a member of The Second Look Coalition.

Passage of the Maryland Second Look Act 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, such that they are no longer a threat to public safety, should have the opportunity for release.

On September 24, 2024, I was released from incarceration after serving 42 years and 32 days. During my incarceration I took advantage of every opportunity to become the best version of myself and to be equipped to make amends for the acts I committed in ignorance. I earned a B.S. degree in psychology, became a special education and GED tutor in correctional education, became a writing tutor with the University of Baltimore Second Chance College Program, received certification as a Peer Recovery Specialist and became cofounder of Project Emancipation Now (PEN). I am also a three time published author. PEN is a gang emancipation, violence interruption, mentoring and victim-community impact services organization. PEN had emancipated more men from gangs than any other entity in Maryland. During my incarceration, I have mentored hundreds of youth. After my release, I brought my skill set to the community, where I have provided Certified Peer Recovery Specialist (CPRS) support services to hundreds of men and women in less than the approximately 4 months that I have been released. And I am in the process of bringing PEN to the community. The things I have detailed today are only a fraction of the things I accomplished during my incarceration, to equip myself with the skill-set to make amends where amends are possible, and to build healthy communities. PEN defines healthy communities as communities where children are safe to play in; communities where people are safe to live in; and communities that promote the full potential of every resident. There are many more men and women in prison that have more impressive portfolios than I that deserve a second chance. That is why I humbly and respectfully ask this Honorable body to support the Maryland Second Look Act (SB291)

Thank you.

_CFSY Testimony in Support of SB291_Jan302025.pdf

Uploaded by: Crystal Carpenter

Position: FAV



The **CAMPAIGN** for the **FAIR SENTENCING** of **YOUTH**

BILL: Senate Bill 291

TITLE: Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

DATE: January 30, 2025

POSITION: SUPPORT

COMMITTEE: Judicial Proceedings Committee

CONTACT: Crystal Carpenter (ccarpenter@cfsy.org)

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee:

The Campaign for the Fair Sentencing of Youth respectfully submits this testimony for the official record to express our **SUPPORT for Senate Bill 291**. We are grateful to Senator Sydnor for his leadership in introducing this bill and appreciate the Maryland Legislature’s commitment to providing a “Second Look” to incarcerated individuals. We urge the General Assembly to enact SB 291 legislation because it will provide judicial review opportunities for all youth in the adult criminal justice system, which is an important step in upholding the constitutional and human rights of children in Maryland.

The Campaign for the Fair Sentencing of Youth (“CFSY”) is a national coalition and clearinghouse that coordinates, develops, and supports efforts to implement age-appropriate alternatives to the extreme sentencing of America’s youth with a focus on abolishing life-without-parole and life-equivalent sentences for all children. We collaborate with policymakers, national and community organizations, and individuals directly impacted by these policies to develop solutions that keep communities safe while providing opportunities for children to reintegrate into society after demonstrated rehabilitation.

United States Supreme Court Decisions

For nearly two decades, the United States Supreme Court has repeatedly concluded that children are constitutionally different from adults for the purpose of criminal sentencing. In *Roper v. Simmons* (2005), the Court struck down the death penalty for children, finding that it violated the 8th Amendment’s prohibition against cruel and unusual punishment.¹ The Court emphasized empirical research demonstrating that children are developmentally different than adults and

¹ *Roper v. Simmons*, 543 U.S. 551 (2005).

have a unique capacity to grow and change as they mature.² In *Graham v. Florida* (2010), the Court struck down life-without-parole sentences for non-homicide offenses, holding that states must give children a “realistic opportunity to obtain release.”³ In *Miller v. Alabama* (2012), the Court struck down life-without-parole sentences for most homicide offenses, and ruled that sentencing courts must “take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison” any time a child faces a potential life-without-parole sentence.⁴

In January 2016, the Supreme Court ruled in *Montgomery v. Louisiana* that its *Miller v. Alabama* decision applies retroactively to individuals serving life without parole for crimes they committed while under age eighteen. As the Supreme Court explains in *Montgomery*, the *Miller* decision “did more than require a sentencer to consider a juvenile offender’s youth before imposing life without parole; it established that the penological justifications for life without parole collapse in ‘light of the distinctive attributes of youth.’”⁵ Additionally, considering youth-related mitigating factors at the time of sentencing may be insufficient to protect against unconstitutional sentences if judges improperly evaluate an individual’s capacity for rehabilitation. The Court held that “[e]ven if a court considers a child’s age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects ‘unfortunate yet transient immaturity.’”⁶ In 2021, the Maryland General Assembly took a huge step with the passage of the Juvenile Restoration Act (SB494), which provided a review mechanism for individuals incarcerated prior to October 1, 2021 for crimes committed as children. However, it is essential to ensure that today’s children have the same opportunity for review, reflecting a commitment to fairness and justice.

SB 291 is vital for addressing excessive sentencing, racial disparities and the impact of harsh penalties on children who may have been rehabilitated or transformed over time, ensuring that all children are eligible for judicial review and the opportunity to demonstrate maturation and positive change. It reflects the belief in redemption and the evolving understanding of human capacity for change, aligning with Maryland’s broader goals of fairness and justice in sentencing practices.

Adolescent Developmental Research

Empirical research has demonstrated that adolescent brains are not fully developed. As many parents and educators could verify from personal experience, the adolescent brain does not fully mature until the mid-to-late twenties. Compared to adults, youth are less capable than adults in long-term planning, regulating emotion, impulse control, and the evaluation of risk and reward.⁷

² *Id.*

³ *Graham v. Florida*, 130 S. Ct. 2011 (2010).

⁴ *Miller v. Alabama*, 132 S.Ct. 2455 (2012).

⁵ *Montgomery v. Louisiana*, No. 14-280, slip op. at 16 (2016), http://www.supremecourt.gov/opinions/15pdf/14-280_4h25.pdf

⁶ *Id.* at 16-17.

⁷ Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty, Laurence Steinberg and Elizabeth Scott, *American Psychologist*, December, 2003.

Youth as a whole are more vulnerable, more susceptible to peer pressure, and heavily influenced by their surrounding environment, which they rarely can control.⁸ The majority of our laws reflect adolescents' diminished decision-making capacity, including limiting children's right to vote, prohibiting them from purchasing alcohol or tobacco, and preventing them from entering into contracts, yet our criminal laws uniquely treat them as adults.

Additionally, because the adolescent brain is still developing, children possess a unique capacity for positive change. The majority of children who commit crimes outgrow their illicit behavior,⁹ which means long prison sentences, without appropriate review mechanisms, prematurely abandon hope for many youth who would likely mature into contributing members of society. A recent study found that among former juvenile-lifers who have been released pursuant to changes in the law, the rate of recidivism is a mere 1 percent.¹⁰ All around the country, we see people, who were once told as children that they had no hope for the future but to die in prison, experiencing dramatic transformation and living abundant, successful lives when they are given the opportunity of a second chance. Many individuals who were sentenced to lengthy prison terms as youth currently contribute meaningfully to society by mentoring at-risk youth and helping individuals transition back to society after incarceration. CFSY's Incarcerated Children's Advocacy Network ("ICAN") was created by and is composed of formerly incarcerated youth that are living testimonies of young people's capacity for change.¹¹

Costs to Society and Victims

In addition to the human rights and constitutional concerns for Maryland to enact SB 291, the state must also consider the financial impact and loss of human capital. In the United States, it costs approximately \$2.5 million to incarcerate a child for the duration of his/her/their life.¹² In contrast, a child with a high school education who is paroled after serving ten years could potentially contribute \$218,560 in tax revenue.¹³ A formerly incarcerated child who obtains a college degree can potentially contribute \$706,560 in tax revenue over his or her lifetime.¹⁴ These estimates do not include the contributions that these individuals will make to the local economy, support for their families, and the impact they can have on future generations as role models for at-risk youth. Criminal justice reform is sound policy that protects public safety while allowing formerly incarcerated youth to tangibly repay society with positive contributions.

⁸ *Id.*

⁹ *Id.*

¹⁰ <https://medium.com/philadelphia-justice/new-study-finds-1-recidivism-rate-among-released-philly-juvenile-lifers-607f19d6d822>

¹¹ Incarcerated Children's Advocacy Network, <http://fairsentencingofyouth.org/incarcerated-childrens-advocacy-network/>

¹² *The Mass Incarceration of the Elderly*, ACLU, June 2012. Available at: https://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf

¹³ *The Fiscal Consequences of Adult Educational Attainment*, National Commission on Adult Literacy. Retrieved from: <http://www.nationalcommissiononadultliteracy.org/content/fiscalimpact.pdf>

¹⁴ *Id.*

Finally, the CFSY has great concern for those who bear the greatest costs of any criminal justice policy—the loved ones of victims who have died due to violence. Our hearts go out to those who have been hurt by youth and we work closely with victims’ family members who engage in restorative justice efforts to promote healing. We recognize that in many communities, families may have both loved ones hurt by violence and loved ones incarcerated for committing violent acts. We strongly encourage that the costs saved be redirected to improve support services for victims and their families and improve violence prevention programs.

Closing

Our criminal justice system serves complementary functions of protecting the community from safety threats, ensuring justice for victims, and rehabilitating incarcerated individuals to rejoin society as productive contributors. SB 291 achieves all three of these goals.

Thank you,

Crystal Carpenter
Chief Program & Strategy Officer
The Campaign for the Fair Sentencing of Youth

Honorable Members of the Senate.pdf

Uploaded by: Curtis Alston

Position: FAV

Honorable Members of the Senate,

I stand before you today to advocate for a transformative bill SB0291 that offers individuals incarcerated for extended periods the opportunity to seek freedom after 20 years. This proposal is not merely a gesture of leniency but a strategic move towards a more effective and humane justice system.

Studies have shown that the risk of recidivism decreases with age. Data from the Bureau of Justice Statistics indicates that while 68% of released prisoners are arrested within three years, the rates are significantly lower for those who have served longer sentences and are older at the time of release. This suggests that individuals who have spent two decades or more in prison are less likely to reoffend, especially when provided with proper support and opportunities upon reentry.

Furthermore, evidence-based reentry programs have demonstrated success in reducing recidivism. The Second Chance Act, for instance, has funded initiatives that provide employment assistance, housing, substance abuse treatment, and family programming, all of which contribute to better outcomes for returning citizens. These programs not only enhance public safety but also facilitate the reintegration of former inmates as productive members of society.

I can personally attest to the transformative power of such opportunities. My name is Curtis Alston, and after spending years incarcerated, I have dedicated the past decade to mentoring and supporting individuals reentering society. Through my work, I have witnessed firsthand the profound impact that guidance, education, and employment can have on reducing recidivism. By helping to change the narrative for those who do not have a voice, I have seen countless individuals rebuild their lives and contribute positively to our communities.

Granting the possibility of parole after 20 years acknowledges the capacity for change within individuals. It recognizes that with time, maturity, and the right support, people can rehabilitate and reintegrate successfully. This bill is not just about offering a second chance; it's about strengthening our communities, reducing crime, and affirming our belief in the potential for human transformation.

I urge you to consider the data, the success of reentry programs, and the personal stories of redemption as you deliberate on this bill. Together, we can create a justice system that balances accountability with compassion and effectiveness.

Thank you.

Dr. Carmen Johnson and Qiana Johnson written testi

Uploaded by: DaMarqus Moore

Position: FAV

TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT

Senate Judicial Proceedings Committee
January 30, 2025

SUPPORT

Submitted by: **Dr. Carmen Johnson**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

Subject: Written Testimony in Support of SB291, the Maryland Second Look Act

I, Dr. Carmen Johnson, is in support of SB291, the Maryland Second Look Act, by submitting this written testimony as a community member from Odenton, Maryland and the Founder of Helping Ourselves to Transform. The Maryland Second Look Act creates a meaningful opportunity for sentence modification for incarcerated individuals who have served at least 20 years of their sentence. Those who can demonstrate personal growth and rehabilitation, proving they are no longer a threat to public safety, should have the chance for release.

Currently, Maryland only allows sentence modification petitions within 90 days of sentencing, severely limiting opportunities for review. Judges previously had discretion to review extreme sentences, but this was removed in 2004. Additionally, Maryland's parole system has historically denied life-with-parole cases, contributing to prison overcrowding and extreme racial disparities. Of the 2,212 people serving life sentences in Maryland, 80% are Black, despite Black Marylanders making up only 31% of the state's population. Maryland also leads the nation in sentencing young Black men to the longest prison terms.

This bill provides an essential step forward, especially considering evidence that most individuals age out of crime. Data from the release of 200 Marylanders under the Unger v. Maryland decision shows a recidivism rate of less than 4%, saving the state a projected \$185 million in incarceration costs. Many others serving long sentences have similarly demonstrated readiness to reenter and contribute to society. The Act ensures victims are notified of resentencing hearings and given the option to participate, without requiring their involvement if they choose not to. Research shows victims prefer a system focused on rehabilitation rather than punishment by a 2-to-1 margin.

*SB291 offers a critical pathway for addressing racial disparities, promoting rehabilitation, and saving state resources, while maintaining public safety. I urge you to support this important legislation. Thank you for your time and consideration. For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act SB291**.*

Sincerely, *Dr. Carmen Johnson*, 202-674-6300

TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT

Senate Judicial Proceedings Committee
January 30, 2025

SUPPORT

Submitted by: Qiana Johnson

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

Subject: Written Testimony in Support of SB291, the Maryland Second Look Act

I, Qiana Johnson, am providing written testimony in strong support of SB291, the Maryland Second Look Act, and submitting in writing as a community member from Clinton, Maryland, and the Founder and Executive Director of Life After Release.

The Maryland Second Look Act provides an essential opportunity for sentence modification for individuals who have served at least 20 years of their sentence. It gives those who can demonstrate personal growth and rehabilitation the chance to reintegrate into society, provided they are no longer a threat to public safety.

*Currently, Maryland limits sentence modification petitions to within 90 days of sentencing, a restriction that effectively eliminates meaningful review of lengthy sentences. Until 2004, Maryland judges had discretion to review extreme sentences, offering a vital safeguard against injustice, but that discretion was removed. Additionally, Maryland's parole system has historically denied relief to individuals serving life-with-parole sentences, exacerbating racial disparities and contributing to prison overcrowding. Today, of the 2,212 people serving life sentences in Maryland, **80% are Black**, even though Black residents make up only **31%** of the state's population. Maryland shamefully leads the nation in sentencing young Black men to the longest prison terms.*

*SB291 is a critical step forward in addressing these disparities. Evidence shows that most individuals age out of crime, and those released after decades of incarceration pose little threat to public safety. For instance, under the landmark *Unger v. Maryland* decision, 200 Marylanders serving life sentences were released, with a recidivism rate of less than **4%**—a stark contrast to the national average. Their release also saved the state a projected **\$185 million** in incarceration costs. Many more incarcerated individuals have similarly demonstrated their readiness to reenter society and contribute positively to their communities.*

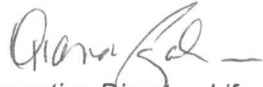
*This legislation balances public safety and rehabilitation by ensuring victims are notified of resentencing hearings and given the option to participate. Importantly, victims are not required to attend or engage if they choose not to. Research shows that victims overwhelmingly prefer a justice system that prioritizes rehabilitation over punishment by a **2-to-1 margin**.*

SB291 represents a necessary pathway to addressing systemic racial disparities, fostering rehabilitation, and reallocating state resources effectively, all while maintaining public safety. For these reasons, I urge you to vote favorably on the Maryland Second Look Act, SB291.

Thank you for your time and thoughtful consideration of this critical legislation.

Sincerely,

Qiana Johnson

A handwritten signature in black ink, appearing to read 'Qiana Johnson', followed by a horizontal line.

Founder and Executive Director, Life After Release

SB291-FAVORABLE-DAG.pdf

Uploaded by: Daniel Golombek

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Daniel Golombek

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Daniel Golombek am testifying in support of SB291, the Maryland Second Look Act. I am submitting this testimony as a community member in District 11.

The Maryland Second Look Act would address the state's great race disparities and advance public safety by allowing people with extreme sentences who have served at least two decades the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation.

It is a pragmatic strategy that offers people an incentive to maintain good behavior. It would contribute to the reduction of prison overcrowding and diminish threats of violence. It would also ensure that people who have transformed over the years can positively contribute to their communities.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act SB291**.

Thank you.

Davon Roberts_Prison Inmate in Cumberland Maryland

Uploaded by: Davon Roberts

Position: FAV

To Whom It May Concern,

My name is Davon Roberts #484-170 and I am writing you in support of the Second Look Act and how it could benefit so many men and women whom are incarcerated in the state of Maryland. I am a 49 year old man serving a 80 year sentence. I only have six(6) years in on this sentence meaning I have to serve thirty four (34) more years before I am eligible to see the parole board,realistically I may not be alive to see the parole board due to my age...I basically have a death sentence. If this Second Look Act is passed that mean in fourteen (14) more years I would be eligible to have my sentence reduce and to have another chance at life. We tend to make poor decisions in life and in my situation my poor decision making has cost me my life, I would not wish this experience on anyone and I pray that you would consider passing the Second Look Act so that a person with an extreme amount of time can have another chance in life. I just want to Thank you all for taking the time out to read my letter,as well as considering passing this act.

Sincerely, Davon Roberts 484-170

13800 McMullen Hwy. S.W.

Cumberland, Maryland. 21502

Maryland Judicial Proceedings Committee.pdf

Uploaded by: Desmond Perry

Position: FAV

Desmond Perry

Regarding the Maryland Judicial Proceedings Committee

01/28/25

My name is Desmond Haneef Perry. I am a forensic peer specialist for the Maryland Office of the Public Defender, an advocate for criminal justice reform, and a living testament to the power of second chances. I am testifying in support of the Second Look Act and urging its passage into law. This act provides individuals who have served 20 years or more an opportunity to petition the courts for a second look at their cases and to demonstrate how they have changed.

At the age of 18, I was convicted of homicide and sentenced to life plus 15 years in prison. I entered the Maryland prison system as a seventh-grade dropout who was functionally illiterate, and barely able to read or write. However, during my incarceration, I experienced a profound awakening—a deep sense of remorse for my actions and a commitment to transform my life into one of service. My first step was education. I worked hard to become literate and eventually pursued further education, which became the foundation of my personal growth.

Through this process, I came to understand that the cultural and social influences that shaped my actions as a teenager were rooted in trauma, systemic neglect, and misguided peer influences. I also realized that many of the young men I encountered in prison were on similar journeys of reckoning and redemption. These men, like myself, were healing from trauma, addressing addiction, and striving to change their lives for the better.

I took part in rehabilitative programming, including the Alternative to Violence Project, which taught me mediation and de-escalation skills—essential tools in a maximum-security environment. I became involved in mentoring, gang intervention, and cognitive behavioral programs, helping others address the issues that contributed to their incarceration. I also helped organize the largest peer specialist training cohort in the history of the Maryland Division of Corrections, a program now replicated in eight other facilities.

I felt compelled to testify today because I am living proof of the transformative power of second chances. Though I cannot undo the harm caused by my actions, I have dedicated my life to ensuring no other mother loses her child to the streets. I share my story in the hope that you will see how

people—especially those sentenced as teenagers—can grow, heal, and become assets to their communities.

There are countless men and women in Maryland's prison system who, like me, went in as teenagers or young adults with undeveloped decision-making skills, shaped by trauma and unstable environments. Many of them have undergone profound transformations and have become role models within the prison system. These individuals deserve the opportunity to have their cases reviewed, not simply because they have served 20 years, but because they have demonstrated their rehabilitation and capacity for positive contribution.

I urge this committee to pass the Second Look Act and provide a mechanism for reviewing cases of individuals who have served a generation—20 years—in prison. This legislation would allow judges to assess whether someone has genuinely changed and is deserving of a second chance.

The process must be thorough and fair, ensuring that petitions are only granted to those who have shown true rehabilitation. The act should focus on the individual's education, programming, remorse, and commitment to living a life of service. Maryland has an opportunity to lead the way in criminal justice reform by demonstrating that redemption and public safety can coexist.

Thank you, Chair William C. Smith, and the members of this committee, for hearing my testimony and considering the Second Look Act. I hope my story and the stories of others like me will inspire you to take action. Your consideration of this legislation is not only appreciated but essential in advancing justice and compassion in Maryland's legal system.

Sincerely,

Desmond Perry

Maryland Second Look Written Testimony 01282025 Bo

Uploaded by: Donald Bovello

Position: FAV

Donald J. Bovello
7493 E. Furnace Branch Road
Apt. F
Glen Burnie, Maryland 21060

January 28, 2025

Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Senate Bill 291 – Maryland Second Look Act

Greetings Honorable Senators of the State of Maryland,

My name is Donald Bovello and I am one of Maryland's returned, former Juvenile Lifers who served over 35 years of a life+20 year sentence. If not for the Juvenile Restoration Act, I believe that I would have died in prison as all of my legal remedies had been exhausted, and parole, while recommended by the Maryland Parole Commission, was denied by the Governor. I have been a resident, taxpayer, full-time employee and advocate since August 2022 and have recently experienced the blessing of marriage to a wonderful woman.

Over the past few decades, there have been revisions of Maryland Law and Rules which have limited legal remedies and capped the time to seek a Modification/Reconsideration of Sentence (MD Rule 4-345) to 5 years after filing a motion in the Circuit Court. These changes have denied many Marylanders who are incarcerated the opportunity to receive a genuine look, by the sentencing court, at their progress while incarcerated. Speaking from experience and observation, it is almost impossible to participate in programming that can effect change and show rehabilitation within a 5 year period. Maryland Courts are reluctant to change a sentence when a defendant has little to nothing to show for their time in prison.

The Maryland Second Look Act will allow Marylander's who are incarcerated to have the time necessary to participate in available programming, contemplate their thoughts and actions, and choose a better path in life, leading to genuine change.

This bill will allow those with lengthy sentences the opportunity to be assessed, present to the sentencing court their remorse and progress, and allow the sentencing court to determine if, based on all of the facts, a change in the sentence is merited.

Our State Motto is "No One Left Behind". Let's not leave our rehabilitated Maryland women and men who are incarcerated behind. Please give a favorable report on SB291.

Thank you for your time and consideration of SB 291 and for your service to the Great State of Maryland.

Respectfully Submitted,

Donald J. Bovello
djbovello@gmail.com

Testimony in FAVOR_SB 291_Elizabeth Paukstis_Senat

Uploaded by: Elizabeth Paukstis

Position: FAV

WRITTEN TESTIMONY

Elizabeth Paukstis, Post-Conviction & Civil Rights Attorney
The Wrongful Conviction Project
elizabethpaukstis@gmail.com / 202-306-9779

MARYLAND SENATE BILL 291

Before the Senate Judicial Proceedings Committee
January 30, 2025
Position: FAVORABLE

Good afternoon, Chairman Smith, Vice Chair Waldstreicher, and other distinguished Committee members –

My name is Elizabeth Paukstis. I am a post-conviction attorney, and I would like to explain why I believe that passage of SB 291, the Maryland Second Look Act, is a moral imperative for this state.

Each day, I am honored to represent many of the people that our legal system would prefer to forget. My clients are individuals who were sentenced to extremely long prison terms, usually 20 years or more, when they had barely entered what we call “adulthood.” They are primarily Black men who grew up poor, in neighborhoods where they routinely witnessed violence, and who went to schools where they were often dismissed as future drug dealers. Many of them, when in their late teens and twenties, made mistakes, like many of you did, and I did, and everyone else did in their late teens and early twenties. Sometimes those mistakes deserved harsh punishment. But very often, the mistakes did not justify prison sentences of 20 to 30 to 50 years or more – which these individuals received. Right now, these severe sentences are no more justified than they were decades ago, and yet, because Maryland’s legal system is hostile to the notions of redemption and forgiveness, the law hinders the ability of a convicted person to obtain a reduced sentence, no matter how

rehabilitated he or she is. **Senate Bill 291** would open the door, just a crack, to allow more people to petition for and obtain reduced sentences under certain circumstances.

Because of that, Maryland is morally obligated to enact this bill into law.

To illustrate why, though, I would like to tell you about one of my clients. To protect his privacy, I'll call him William. William is a 41-year-old Black man who was raised by an overworked, underpaid single parent in a neighborhood marked by pervasive gun violence. As a young child, William saw people shot in the street outside his home. In his early youth, William's father was incarcerated. After his release from prison, William and his dad developed a close relationship, trying to make up for lost time. But shortly after that, when William was still a teen, he lost his father again – this time to cancer. Then, at the age of 15, William began self-medicating with alcohol and drugs. Like many people in this country, he suffered from a substance use disorder. But neither he nor his family could afford a treatment program. The availability of treatment for this disease was even more out of reach for poor people than that it is now.

At the age of 20, William hit “rock bottom.” He and a friend robbed some people to support their drug habits. For many people in America with substance use disorder, this is a sad and familiar story – but it is not the end of the story. With treatment, people can pay their debts to society, express remorse, and rebuild their lives. But as far as Maryland was concerned, William did not deserve a chance to do any of that.

William was a young Black man at the mercy of Maryland's legal system. And as far as Maryland was concerned, this was the end of the story for William.

Maryland decided to give up on William, a nonviolent offender, when he had barely turned 21.

I am not exaggerating when I say that the state of Maryland denounced William as irredeemable. The Assistant State's Attorney stood up in court and declared that twenty-one-year-old William was **hopeless and could not be rehabilitated**, and he urged the judge to impose longest prison sentence possible. In response, the judge did what most judges do: exactly what the prosecutor demanded. The judge sentenced William to 75 years. **Seventy-five years of incarceration, with all but 50 years suspended, for a crime that caused no injury or death to anyone.** William was barely an adult when Maryland wrote him off, sending him to state prison for the rest of his adult life.

In the 20 years that followed, however, William proved how wrong Maryland and the Assistant's State's Attorney had been. William more than rehabilitated himself. He seized every opportunity to learn, work, and participate in treatment and vocational programs. He volunteered and mentored younger inmates. He endeavored to make himself, and the lives of people around him, better.

William became my client when I worked for the Maryland Office of the Public Defender, and I wrote a petition asking a three-judge panel to review his sentence. In the letters and certificates that I attached to the petition, William's dedication to personal growth was evident. His instructors and supervisors raved about his superior work ethic and positive attitude. His emotional growth was obvious. He described how he struggled to forgive himself for causing anyone to feel unsafe. He expressed remorse for the pain he caused but spoke of the positive power of self-forgiveness. He became a devout Christian. He remained close to his mother, his partner, and his sister, and he relished being a beloved uncle to his 11 nieces and nephews.

William is one of the kindest persons I know. He is generous, hardworking, and

intelligent. And he is still sitting in a Maryland state prison, after more than 20 years, **for absolutely no reason.**

This is a disgrace. It is not just a waste of money. It is a waste of human potential, and a waste of a human life. And it is a profound injustice, because it has ripped a son away from his mother, and stolen years from a man who has proven himself capable, time and again, of thriving and contributing positively to his community and to the world at large.

The time has come for Maryland to end its infatuation with punishment. Maryland's romantic notions of locking people up to play "tough on crime" has devastated too many families and too many lives. This state's particular fondness for imposing prolonged prison sentences on primarily young Black men is beyond tragic and beyond shameful.

What kind of society gives up on a person who has just turned 21? Especially when much of what transpired in that young person's life resulted from the misfortune of being born poor? With all due respect, I would like to know when more judges, prosecutors, public defenders, and legislators will finally see this state's criminal defendants and acknowledge, at last, *"There, but for the grace of God, go I."*

Right now, William is still waiting for a decision from the panel on his petition. By law, the panel is not required to hold a hearing, but it should have issued some kind of decision within 30 days. It has now been nearly 10 months since I filed William's petition, and we have heard nothing. If SB 291 were enacted, the Circuit Court would be required to hold a hearing and take crucial factors into account when making its decision, including William's age at the time of the offense, the characteristics of his upbringing, any history of trauma, and his growth, maturity, and rehabilitation since committing the offense.

William is just one of my clients – and one of many people – who have waited long

enough. Maryland failed them the first time around – by slapping them with overly long prison sentences, chastising them for their substance use disorders, and condemning them as irredeemable. Now it is Maryland’s chance to take steps to redeem itself and to repair some of the enormous damage that its legal system inflicted.

The late Justice Sandra Day O’Connor once wrote that the sentence imposed on a criminal defendant “should reflect a reasoned *moral* response to the defendant’s background, character, and crime rather than mere sympathy or emotion.”¹

Will Maryland choose reason and morality? Will Maryland’s legal system continue to be guided by cruelty in the name of efficiency? Will it continue to be governed by callousness in the name of finality? Or will it instead choose reason, morality, and mercy, in the interests of justice? I believe that the answer should be clear. This state can do better. I plead with you – and all legislators – to begin by ensuring the passage of SB 291.

/s/ Elizabeth Paukstis

Elizabeth Paukstis, Esq.
Post-Conviction & Civil Rights Attorney
Former Assistant Public Defender, Maryland OPD
Georgetown University Law Center, Class of 2016
<https://www.linkedin.com/in/elizabeth-paukstis/>
Mobile: 202-306-977 (mobile)
Email: elizabethpaukstis@gmail.com

¹ *California v. Brown*, 479 U.S. 538, 545 (1987) (O’Connor, J., concurring) (emphasis in original).

SB0291_EvanSerpick_JUFJ_FAV_FINAL.pdf

Uploaded by: Evan Serpick

Position: FAV

Jan. 30, 2025

Evan Serpick
Baltimore, Maryland 21209



TESTIMONY ON SB 291 - POSITION: FAVORABLE

Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Evan Serpick, on behalf of Jews United for Justice (JUFJ)

My name is Evan Serpick. I am a resident of District 41 in Baltimore City. **I am submitting this testimony on behalf of Jews United for Justice in support of SB 291, the Maryland Second Look Act.** JUFJ organizes 6,000 Jews and allies from across Maryland in support of state and local social, racial, and economic justice campaigns.

Few ideas are more deeply ingrained in Jewish tradition and text than the idea of *teshuvah*, which translates as repentance or return. The Hebrew Bible is filled with stories of people making terrible mistakes. Each time, we are taught, there is an opportunity for repentance and return to the path of righteousness. Every year on Yom Kippur, Jews around the world atone for our sins and commit to *teshuvah*.

I hope that the General Assembly heeds this wisdom from the Jewish tradition and enshrines the right to a second chance in Maryland state law by finally passing the Second Look Act. The Second Look Act would allow people who have served at least 20 years in prison the opportunity to demonstrate their rehabilitation and receive a modified or reduced sentence. This rehabilitation-focused approach is preferred by crime victims by a 2-to-1 margin, according to the 2022 National Survey of Victims' Views.¹

This human-focused approach is not only a moral imperative, but a pragmatic one. It offers incarcerated people an incentive to maintain good behavior, helps reduce prison overcrowding, diminishes threats of violence, and ensures that people who have transformed over the years can positively contribute to their communities.

¹

<https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>

In addition, incarcerated individuals in their 40s and beyond and those convicted of the most serious crimes have the lowest recidivism rates. This was demonstrated as a result of the 2012 Unger v. Maryland decision: about improper jury instructions, 192 people with life sentences, who had served an average of 40 years in prison, were released with community support. Since their release, less than 4 percent have returned to prison.² It's estimated that the release of these Marylanders saved taxpayers \$185 million. Maryland could save more than a billion dollars over the next decade by building on this positive experience and passing the Second Look Act.

Perhaps most importantly, the Second Look Act would help undo the damage of decades of racist and false narratives about Black criminality. Maryland incarcerates the highest percentage of Black people in the country – 71 percent of our prison population, more than twice the national average. Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next nearest state, Mississippi.³ This legislation would ensure that sentences can be reviewed based on our current understanding of fairness and racial justice.

I respectfully urge this committee to return a favorable report on SB 291.

² <https://www.sentencingproject.org/app/uploads/2024/03/Maryland-Second-Look.pdf>

³

https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD_press_release.pdf

CCJR FAV SB 291 Second Look.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 291

TO: Members of the Senate Judicial Proceedings Committee
FROM: Center for Criminal Justice Reform, University of Baltimore School of Law
DATE: January 28, 2025

The University of Baltimore School of Law's Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center strongly supports Senate Bill 291.

Senate Bill 291 allows an individual to file a petition to reduce a sentence if the individual has served at least 20 years of the term of confinement and at least 3 years have passed since the court decided any previous petition filed by the individual under the bill. After consideration of specified factors and a hearing, the court *may* reduce the petitioner's sentence if it finds that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence.

I. Unnecessarily long sentences are detrimental to public safety.

SB 291 promotes, rather than hinders, public safety. There is no evidence that unnecessarily long sentences deter people from engaging in criminal behavior.¹ Instead, certainty of apprehension—not severity of sentence—plays a far greater role in discouraging people from engaging in crime.² Incarcerated people grow and change regardless of how old they were at the time of their offense. Accordingly, recidivism rates are extremely low for people released in their mid-40s or later.³ Furthermore, by creating an opportunity for resentencing, this bill would also very likely improve morale and behavior inside prisons, benefiting incarcerated people and corrections officers alike.⁴

¹ See U.S. DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *Five Things About Deterrence*, <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

² *Id.*

³ In one study, only 4% of people convicted of violent crimes released between ages 45 and 54, and 1% released at 55 or older, were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively. J.J. Prescott, et al., *Understanding Violent-Crime Recidivism*, NOTRE DAME LAW REVIEW, 95:4, 1643-1698, 1688-1690 (2018).

⁴ KEVIN SHARP & KEVIN RING, *Judges Should be Able to Take a 'Second Look' at Prison Sentencing*, USA TODAY (June 20, 2019, 5:22 PM), <https://www.usatoday.com/story/opinion/policing/2019/06/20/inmates-prison-reform-judges-sentencing-trump-policing-the-usa/1498072001/>.

II. Unnecessarily long sentences devastate families and communities across the socioeconomic spectrum, but they disproportionately impact communities of color.

Reducing unnecessarily long sentences, regardless of a person's age at the time of his offense, is a critical component of addressing mass incarceration and mitigating racial disparities in our criminal legal systems. Data demonstrate that “there are stark racial and ethnic differences in the shares of people who are sentenced to and serving 10 years or more in prison, especially when comparing Black people and White people.”⁵ For example, “46% of the total number [of] people serving life or sentences of 50 years or more were Black” across the country in 2020.⁶ Racial disparities for children sentenced to long terms of imprisonment as adults in Maryland are also instructive here: 87 percent of those who became eligible for relief under the Juvenile Restoration Act (JRA) are Black.⁷ According to the Campaign for Fair Sentencing of Youth, this racial disparity is the worst in the entire nation.⁸

III. Senate Bill 291 would promote cost-savings and allow those funds to be allocated to effective public health and safety efforts.

The state prison population and expenses may be reduced via sentence reductions for incarcerated people with lowest-risk status. Successful applicants for SB 291 sentence modifications would be very low risk in light of their age, likely deteriorating health, and demonstrated self-rehabilitation achievements. Cost savings are especially likely because costs increase dramatically for older individuals in prison.⁹ Wasteful and unnecessary policies and practices—such as the ongoing incarceration of people who pose the lowest risk of reoffending—harm public safety by siphoning massive sums of money that could otherwise support programs that actually prevent crime. The cost savings that are likely to result from the passage of SB 291 would allow the reallocation of critical funds to assist with substance use treatment, victim and trauma recovery services, reentry and other rehabilitation programs for people at higher risk of engaging in criminal behavior.

IV. The successful implementation of the Juvenile Restoration Act bolsters confidence in the impact of SB 291.

Positive outcomes from the JRA, which this committee supported three years ago, underscore the types of impact that the passage of SB 291 would have on Maryland families and communities. Marylanders who were granted relief pursuant to the JRA have contributed to their

⁵ COUNCIL ON CRIMINAL JUSTICE, *How Long is Enough? Task Force on Long Sentences Final Report* (Mar. 2023), https://assets.foleon.com/eu-central-1/de-uploads-7e3kk3/41697/task_force_on_long_sentences_final_report.ecc1d701464c.pdf.

⁶ *Id.*

⁷ CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *Juvenile Restoration Act (HB409/SB494)*, https://cfsy.org/wp-content/uploads/HB409_SB494_JuvenileRestorationAct_FACTSHEET-1.pdf.

⁸ *Id.*

⁹ MATT MCKILLOP & ALEX BOUCHER, *Aging Prison Populations Drive Up Costs*, THE PEW CHARITABLE TRUSTS, (Feb. 20, 2018), <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

families and communities since returning home by caring for sick family members, paying taxes, and dedicating their lives to repairing and preventing the types of harmful behavior that they engaged in as young people. Our communities are safer and healthier because of their contributions. Existing law fails to remedy all unnecessarily long sentences—even for individuals who are not a threat to public safety and even when the interests of justice would be best served by a reduced sentence. There is an entire population of incarcerated Marylanders who are not eligible for relief under the JRA who have the same capacity for change, redemption, and positive impact. SB 291 would afford them that opportunity.

V. Senate Bill 291 centers the voices of victims in a manner that is meaningful for victims in a criminal justice proceeding.

Senate Bill 291 appropriately provides victims with notice of a hearing and directs the court to consider “any statement offered by a victim or a victim’s representative” in deciding whether to reduce an individual’s sentence. Victims may decide for themselves whether to attend a hearing or offer a statement; at no point will any victim be required to participate in proceedings pursuant to Senate Bill 291. While all crime victims deserve some form of accountability for the harm done to them, this does not mean that all victims see accountability and justice in the same way or have the same priorities. Victims are not a monolith, some indeed welcome the chance to obtain information about the personal changes made by individuals in their cases and see this proceeding as an opportunity to achieve greater healing and closure. Others may not want to be involved in a process that potentially opens old wounds. All of these victims must be supported, which should include the availability of appropriate and necessary services.

Research demonstrates the diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, for whom healing and accountability requires much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims; their recent report finding that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.¹⁰

Senate Bill 291 provides the opportunity for victims to participate in a way that is consistent with the purpose of the criminal justice system and the voice and participation they deserve. Moreover, our criminal justice system’s primary functions are to promote justice and to protect the community. Prosecutors, and our system more broadly, should represent and balance society’s myriad interests in the pursuit of justice, which means not limiting focus *exclusively* to the interests of individual victims who never wish to see the person who harmed them released. Decisions regarding second chances should likewise be balanced and made in the interest of justice, safety, and broader community needs.

For these reasons, we urge a favorable report on Senate Bill 291.

¹⁰ The Right to Heal and a New Approach to Public Safety: A National Crime Victims’ Platform”, p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.

SB 291 Petition to Reduce Sentence FAV Harman.pdf

Uploaded by: Jane Harman

Position: FAV

SB 291: Petition to Reduce Sentence (Maryland Second Look Act) - FAV

SB 291 is not a radical bill. This is a bill that defines and refines a right that was available to Maryland defendants prior to 2004.

In 1984, Maryland Rule of Procedure 4-345 was adopted by the Maryland Judiciary. A motion for Reconsideration of Sentence was required to have been filed within 90 days of sentencing, but the hearing before a judge for reconsideration of this sentence could occur at any time during a defendant's incarceration (Appendix 1).

From 1984 to the early 2000s, Maryland's prison population nearly doubled. In 2004, the Maryland Conference of Circuit Judges, dealing now with a greatly expanded pool of defendants, asked the Judicial Rules Committee—an umbrella group also comprised mostly of Maryland judges—to limit a defendant's right to a hearing for Reconsideration of Sentence.

The Circuit Judges asked that any defendant's hearing for Reconsideration of Sentence be limited to the first five years of their serving such sentence. However, considering that the personal growth and evolution of a defendant is considered paramount for a reduction of their sentence, this personal growth was unlikely to occur satisfactorily during the first five years of a long sentence. This five-year limit proposed by the Circuit Judges was not approved by the 2004 Judicial Rules Committee, but was then referred to the Maryland Court of Appeals (Appendix 2). That court approved the proposed five-year limitation and ordered that this limitation be applied to all persons sentenced after July, 2004 (Appendix 3).

The five-year limit placed on hearings to Reconsider a Sentence in 2004 was not the consequence of new legislation, instead the result of action taken solely by the judicial branch.

The Second Look Act, SB 291, can be viewed as a restoration by our Maryland legislators of the right of a Maryland defendant to request a hearing before a judge for a Reconsideration of Sentence when the defendant has served at least 20 years of incarceration. The new 20-year incarceration requirement will render the process somewhat more restrictive than the original Rule 4-345. However, the new legislation would restore the right to request a hearing for Reconsideration of Sentence to occur years after the expiration of the current 5-year limit set by the judicial rule change of 2004.

This is also one of the few bills that would save taxpayers money. It is exorbitantly expensive to continue the punitive incarceration of mature and remorseful older inmates who no longer pose any risk to society.

Please vote in favor of this common-sense bill.

Jane Harman, Ph.D.,
7241 Garland Ave, Takoma Park, MD 20912
jane.harman@protonmail.com

Appendix 1 - Maryland Rule 4-345 prior to the 2004 Rules Order

[excerpt, Maryland v Brown 2018]

(a) Illegal Sentence. — The court may correct an illegal sentence at any time.

b) Modification or Reduction — Time for. — The court has revisory power and control over a sentence upon a motion filed within 90 days after its imposition (1) in the District Court, if an appeal has not been perfected, and (2) in a circuit court, whether or not an appeal has been filed. Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity, or as provided in section (d) of this Rule. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.

(c) Open Court Hearing. — The court may modify, reduce, correct, or vacate a sentence only on the record in open court after notice to the parties and an opportunity to be heard.

(d) Desertion and Non-support Cases. — At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children or destitute parents, the court may modify, reduce, or vacate the sentence or place the defendant on probation under the terms and conditions the court imposes.

Appendix 2 - Proposed Rule Change 2004

<https://www.mdcourts.gov/sites/default/files/import/rules/reports/courtletter-revisorypower.pdf>

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE CHANGE

The Rules Committee has submitted a Letter Report to the Court of Appeals, transmitting thereby proposed amendments to Rule 4-345, Sentencing -- Revisory Power of Court, of the Maryland Rules of Procedure.

The Committee's Letter Report and the proposed rule change are set forth below.

Interested persons are asked to consider the Committee's Letter Report and proposed rule change and to forward on or before April 5, 2004 any written comments they may wish to make to:

Sandra F. Haines, Esq.

Reporter, Rules Committee

Room 1.517

100 Community Place

Crownsville, Maryland 21032-2030

ALEXANDER L. CUMMINGS

Clerk

Court of Appeals of Maryland

Appendix 2, cont'd- Proposed Rule Change 2004

February 17, 2004

The Honorable Robert M. Bell,
Chief Judge
The Honorable Irma S. Raker
The Honorable Alan M. Wilner
The Honorable Dale R. Cathell
The Honorable Glenn T. Harrell, Jr.
The Honorable Lynne A. Battaglia
The Honorable Clayton Greene, Jr.,
Judges
The Court of Appeals of Maryland
Robert C. Murphy Courts of
Appeal Building
Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Letter Report to the Court, transmitting hereby a recommendation of the Conference of Circuit Judges ("the Conference") that Rule 4-345 be amended to establish a certain five-year limit on a court's exercise of its revisory power over a sentence involving a crime of violence.

The proposed amendment has received the unanimous endorsement of the Conference. The Rules Committee, by a vote of 11-10, has declined to approve the recommendation. The relevant portion of the Minutes of the January 9, 2004 meeting of the Rules Committee at which this vote was taken are enclosed for the Court's reference. Also enclosed are the relevant portions of the Minutes of the March 9, 2001 meeting of the Rules Committee, at which this issue previously was discussed, and the Minutes of the September 15, 2003 meeting of the Conference, at which the vote was taken to recommend the amendment.

The Conference also recommended that the time for filing a

Appendix 2, cont'd. - Proposed Rule Change 2004

motion for modification under Rule 4-345 in a circuit court be reduced from 90 to 30 days. This recommendation received a strong negative vote from the Rules Committee, with only two members in favor, and therefore has not been included in the draft Rule.

Because of the importance of the issue of the revisory power of the court in criminal matters, the unanimous recommendation of the Conference, and the close vote by the Rules Committee, the proposed amendments to Rule 4-345 are submitted to the Court for its determination of this policy issue.

For the guidance of the Court and the public, following the proposed rule change is a Reporter's Note describing the reasons for the proposal and any changes that would be effected in current law or practice. We caution that the Reporter's Note was prepared initially for the benefit of the Rules Committee; it is not part of the Rule and has not been debated or approved by the Committee; and it is not to be regarded as any kind of official comment or interpretation. It is included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully submitted,

Joseph F. Murphy, Jr.
Chair

Linda M. Schuett
Vice Chair

JFM/LMS:cdc
Enclosures
cc: Alexander L. Cummings, Clerk

Appendix 2, cont'd. - Proposed Rule Change 2004

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-345 to reorganize it, to add the phrase "or has been dismissed" to relettered subsection (e)(1), to add a certain cross reference after subsection (e)(1), to add a new subsection (e)(2) that sets a five-year limit on the court's exercise of its revisory power over a sentence involving a crime of violence except where the State's Attorney and defendant agree that the court may exercise its revisory power, and to make certain stylistic changes, as follows:

Rule 4-345. SENTENCING -- REVISORY POWER OF COURT

(a) Illegal Sentence

The court may correct an illegal sentence at any time.

(b) Fraud, Mistake, or Irregularity

The court has revisory power over a sentence in case of fraud, mistake, or irregularity.

(c) Correction of Mistake in Announcement

The court may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.

~~(e)~~ (d) Desertion and Non-support Cases

Appendix 2, cont'd. - Proposed Rule Change 2004

At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children, or destitute parents, the court may modify, reduce, or vacate the sentence or place the defendant on probation under the terms and conditions the court imposes.

~~(b)~~ (e) Modification or Reduction - Time For Upon Motion

(1) Generally

~~The court has revisory power and control over a sentence upon~~ Upon a motion filed within 90 days after ~~its~~ imposition of a sentence (1) in the District Court, if an appeal has not been perfected or has been dismissed, and (2) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence except that it may not increase the sentence. ~~Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity, or as provided in section (e) of this Rule. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.~~

Cross reference: Rule 7-112 (b).

(2) Defendant Convicted of a Crime of Violence

Unless the State's Attorney and the defendant agree that the court may exercise its revisory power, the court may not

Appendix 2, cont'd. - Proposed Rule Change 2004

revise a sentence after the expiration of five years from the date the sentence originally was imposed on a defendant convicted of a crime of violence, as defined in Code, Criminal Law Article, §14-101.

~~(c)~~ (3) Notice to Victims

The State's Attorney shall give notice to each victim and victim's representative who has filed a Crime Victim Notification Request form pursuant to Code, Criminal Procedure Article, §11-104 or who has submitted a written request to the State's Attorney to be notified of subsequent proceedings as provided under Code, Criminal Procedure Article, §11-503 that states (1) that a motion to modify or reduce a sentence has been filed; (2) that the motion has been denied without a hearing or the date, time, and location of the hearing; and (3) if a hearing is to be held, that each victim or victim's representative may attend and testify.

~~(d)~~ (f) Open Court Hearing

The court may modify, reduce, correct, or vacate a sentence only on the record in open court, after hearing from the defendant, the State, and from each victim or victim's representative who requests an opportunity to be heard. No hearing shall be held on a motion to modify or reduce the sentence until the court determines that the notice requirements in ~~section (c)~~ subsection (e)(3) of this Rule have been satisfied. If the court grants the motion, the court ordinarily

Appendix 2, cont'd. - Proposed Rule Change 2004

shall prepare and file or dictate into the record a statement setting forth the reasons on which the ruling is based.

Source: This Rule is derived in part from former Rule 774 and M.D.R. 774, and is in part new.

REPORTER'S NOTE

The Conference of Circuit Judges *Ad Hoc* Committee to Consider Amending Rule 4-345 has recommended several changes to Rule 4-345, including reducing the 90-day period for filing a motion for modification or reduction of a sentence to 30 days in the circuit court and imposing a five-year limit on the courts' revisory power when the defendant has been convicted of a crime of violence.

With two members opposed, the Rules Committee voted to recommend retaining the 90-day period for filing the motion, rather than reducing it to a 30-day period. The Committee was concerned that a reduction in this long-standing time period would lead to an increase in late-filed motions, which would result in an increase in post conviction proceedings.

By an 11 to 10 vote, the Committee also declined to approve the proposed five-year limit on the court's exercise of its revisory power over sentences involving a crime of violence, except where the State's Attorney and defendant agree that the court may exercise that power. However, in light of the close vote and the strong support of the Conference of Circuit Judges in favor of the rule change, the Committee is transmitting the proposal to the Court of Appeals for a policy determination by the Court.

The proposed addition of the phrase "or had been dismissed" to subsection (e)(1) appears to be noncontroversial. The addition of the phrase and a cross reference to Rule 7-112 (b) clarify the revisory power of the District Court over a sentence imposed by that Court.

Other changes, including replacing the phrase "revisory power and control" with the phrase "revisory power," are stylistic only.

Appendix 3 - Rules Order 2004

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted a Letter Report to the Court, transmitting thereby proposed amendments to Rule 4-345 of the Maryland Rules of Procedure, as set forth in that Letter Report published in the *Maryland Register*, Vol. 31, Issue 5, pages 443 - 444 (March 5, 2004); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, the proposed rule changes, together with the comments received, and making certain amendments to the proposed rule changes on its own motion, it is this 11th day of May, 2004,

ORDERED, by the Court of Appeals of Maryland, that the amendments to Rule 4-345 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the rule changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all sentences imposed on or after July 1, 2004; and it is further

Order 2004

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

Robert M. Bell

/s/ Irma S. Raker

Irma S. Raker

/s/ Alan M. Wilner

Alan M. Wilner

★

Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

★ Judge Cathell declined to sign the Rules Order.

Filed: May 11, 2004

/s/ Alexander L. Cummings

Clerk
Court of Appeals of Maryland

Appendix 3, cont'd

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-345 to reorganize it, to add the phrase "or has been dismissed" to relettered subsection (e)(1), to add a certain cross reference after subsection (e)(1), to set a certain five-year limit on the court's exercise of its revisory power over a sentence, and to make certain stylistic changes, as follows:

Rule 4-345. SENTENCING -- REVISORY POWER OF COURT

(a) Illegal Sentence

The court may correct an illegal sentence at any time.

(b) Fraud, Mistake, or Irregularity

The court has revisory power over a sentence in case of fraud, mistake, or irregularity.

(c) Correction of Mistake in Announcement

The court may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.

~~(e)~~ (d) Desertion and Non-support Cases

At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children, or destitute parents, the court may modify, reduce, or vacate the

Appendix 3, cont'd

sentence or place the defendant on probation under the terms and conditions the court imposes.

~~(b)~~ (e) Modification or Reduction — Time For Upon Motion

(1) Generally

~~The court has revisory power and control over a sentence upon~~ Upon a motion filed within 90 days after ~~its~~ imposition of a sentence ~~(1)~~ (A) in the District Court, if an appeal has not been perfected or has been dismissed, and ~~(2)~~ (B) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence except that it may not revise the sentence after the expiration of five years from the date the sentence originally was imposed on the defendant and it may not increase the sentence. ~~Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity, or as provided in section (e) of this Rule. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.~~

Cross reference: Rule 7-112 (b).

~~(e)~~ (2) Notice to Victims

The State's Attorney shall give notice to each victim and victim's representative who has filed a Crime Victim Notification Request form pursuant to Code, Criminal Procedure

Appendix 3, cont'd.

Article, §11-104 or who has submitted a written request to the State's Attorney to be notified of subsequent proceedings as provided under Code, Criminal Procedure Article, §11-503 that states ~~(1)~~ (A) that a motion to modify or reduce a sentence has been filed; ~~(2)~~ (B) that the motion has been denied without a hearing or the date, time, and location of the hearing; and ~~(3)~~ (C) if a hearing is to be held, that each victim or victim's representative may attend and testify.

~~(d)~~ (f) Open Court Hearing

The court may modify, reduce, correct, or vacate a sentence only on the record in open court, after hearing from the defendant, the State, and from each victim or victim's representative who requests an opportunity to be heard. No hearing shall be held on a motion to modify or reduce the sentence until the court determines that the notice requirements in ~~section (c)~~ subsection (e) (2) of this Rule have been satisfied. If the court grants the motion, the court ordinarily shall prepare and file or dictate into the record a statement setting forth the reasons on which the ruling is based.

Source: This Rule is derived in part from former Rule 774 and M.D.R. 774, and is in part new.

JAS TESTIMONY FAVOR SB291.pdf

Uploaded by: John Spillane

Position: FAV

TESTIMONY ON SB291 MARYLAND SECOND LOOK ACT

Senate Judicial Proceedings Committee
January 30, 2025

FAVORABLE

Submitted by: John Spillane

Chair Smith, Vice Chair Waldstreicher and members of the
Judicial Proceedings Committee:

I'm John Spillane and I am testifying in support of SB291, the Maryland Second Look Act. I'm submitting this testimony as a community member in District 22, in Prince George's County.

Passage of the Maryland Second Look Act will create meaningful opportunities for sentence modification for those incarcerated people who, after having served 20 years of their sentence, are able to demonstrate their growth and rehabilitation. If they show that they are no longer a threat to public safety, I believe they should have the opportunity for release.

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. We know many men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

Currently, incarcerated people in Maryland can only petition the Court for modification within 90 days of sentencing; that severely limits any potential sentence modifications. 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 2004. Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences.

We need to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities: 2,212 people serving life sentences in MD, 80% are Black, compared to only 31% of Black Marylanders in the general population. 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, Mississippi.

For these reasons, I encourage you to vote favorably on the Maryland Second Look Act SB291.

Thank you for your consideration.

John Spillane
Hyattsville, MD 20781

second look testimony senate JPR 2025.pdf

Uploaded by: Judith Lichtenberg

Position: FAV



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



www.MA4JR.org

January 28, 2025

Testimony in support of SB 291: Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

We are testifying on behalf of the Maryland Alliance for Justice Reform (MAJR), where we serve on its executive committee and co-chair its Behind the Walls Workgroup.

The Second Look Act would create an opportunity for incarcerated people to have their sentence reduced after decades of imprisonment. SB 291 reflects an emerging consensus among contemporary experts on criminal justice about the low recidivism rates of those who have served long sentences, the likelihood that they have transformed themselves, and the high cost of incarcerating aging prisoners. The bill would allow an individual who has served at least 20 years to apply to a judge for a reduction of sentence.

Those who can demonstrate their growth and rehabilitation and show that they are no longer a threat to public safety should have the opportunity for release. Currently, incarcerated people can only petition the court for modification within 5 years. Maryland judges used to have the ability to review sentences without this time limit, but this opportunity was eliminated in 2004.

This bill has serious racial justice implications. Of the more than 2,000 people serving life sentences in Maryland, 80 percent are Black—a huge disparity when compared to the 31 percent of Black Marylanders in the general population. Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next most racially disparate state, Mississippi.

We know that people age out of crime and that those released from decades-long sentences have very low recidivism rates. Since the Maryland Supreme Court held 13 years ago that improper jury instructions invalidated the life with parole sentences of 235 people (in what is known as the [Unger cases](#)), 96 percent returned to the community without incident. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars; none had been paroled; their average age was 64.

We know many more men and women serving decades-long sentences who have worked hard, transformed their lives, and deserve the chance to reenter and succeed in their communities. It is unconscionable that they will live out their days in prison no matter

who they are today or how they have changed. These people do not present a threat to society; they are remorseful for their crimes; and they can and want to make valuable contributions to their communities.

A right to petition for sentence reduction does not, of course, guarantee that a reduction will be granted. But for many reasons—justice, mercy, racial inequities, wastefulness, and cost—sentence modification should be at least a possible outcome for prisoners who have served 20 years in prison.

On behalf of MAJR, we urge you to give a favorable report to SB 291.

Respectfully,

Judith Lichtenberg
Hyattsville, MD 20782
District 22
301.814.7120
jalichtenberg@gmail.com

Donna Rojas Thompson
Germantown, MD 20874
District 6
202.251.9202
dmrojas129@gmail.com

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2,000 Marylanders who advocate for evidence-based legislative and policy changes to Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this legislation and urges the committee to give SB 181 a favorable report.

Copy of SB 291 - Criminal Procedure - Petition to

Uploaded by: Kam Bridges

Position: FAV



Advocating better skills, jobs, and incomes

Testimony for Senate Bill 291

**Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)**

TO: Hon. William C. Smith, Jr, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Job Opportunities Task Force

DATE: January 30, 2024

POSITION: Support

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports Senate Bill 291, which would allow certain individuals who have served twenty years of their sentence to petition the court for a reduction of sentence.**

The state prison population and expenses may be reduced via sentence reductions for incarcerated people with lowest-risk status. Successful applicants for SB 291 sentence modifications would be very low risk in light of their age, deteriorating health, and demonstrated self-rehabilitation achievements. Cost savings are especially likely because costs increase dramatically for older individuals in prison. Wasteful and unnecessary policies and practices—such as the ongoing incarceration of people who pose the lowest risk of reoffending—harm public safety by siphoning massive sums of money that could otherwise support programs that actually prevent crime. The cost savings that are likely to result from the passage of SB 291 would allow the reallocation of critical funds to assist with drug treatment, reentry and other rehabilitation programs for people at higher risk of engaging in criminal behavior.

This bill also has serious racial justice implications, given that 80% of the 2,212 people serving life sentences in MD are Black; a huge disparity compared to the 31% of Black Marylanders in the general population.

Maryland spends approximately \$60,000 annually per incarcerated person. That does not include the amount of money the state loses for every individual that is not gainfully employed due to their incarceration, which limits the state's collectible revenues. Given the research that suggests these prison populations are less likely to reoffend, SB 291 is a sensible bill that lessens state expenditures without compromising public safety.

For these reasons, JOTF supports Senate Bill 291 and urges a favorable report.

For more information, contact:

Kam Bridges /Public Policy Advocate / Kam@jotf.org

2025 - SB 0291 - Second Look Act.pdf

Uploaded by: Ken Phelps Jr

Position: FAV



TESTIMONY IN SUPPORT OF SB 0291

**Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)**

Judicial Proceedings

FAVORABLE

TO: Sen. William C. Smith, Chair; Sen. Jeff Waldstreicher, Vice-Chair; and the Members of the Senate Judicial Proceedings Committee

FROM: Rev. Kenneth Phelps, Jr., The Episcopal Diocese of Maryland

DATE: January 30, 2025

In 2015 (2015-A011) and again in 2018 (2018-D004), the Episcopal Church adopted resolutions calling for comprehensive reforms on both the state and federal level aimed at reducing mass incarceration practices, disparities in sentencing, the elimination of solitary confinement and the humane treatment of prisoners.

Incarceration rates in the United States have quintupled in the last 40 years, and our jails and prisons now house 2.2 million people. State expenditures on corrections have increased approximately ninefold since 1985. These facts reflect changes in laws and sentences, not increases in crime rates. Moreover, racial and ethnic disparities rise as the severity of punishment increases. The Black imprisonment rate was more than five times that of whites in 2016; the Latino rate was two and a half times that of whites.

The proportion of the Maryland prison population that's Black is more than double the national average, making the racial disparity the highest of any state in the union. Disparities are most pronounced among those incarcerated as “emerging adults” (18-24) who are serving long sentences. “Nearly eight in 10 people who were sentenced as emerging adults and have served 10 or more years in a Maryland prison are Black. That is the highest rate of any state in the country.” Keeping people incarcerated for crimes they committed when young is particularly problematic. We know that the brain does not reach maturity until a person is in their mid-twenties. And over the course of decades people can change radically.



THE EPISCOPAL DIOCESE OF MARYLAND

The Maryland Episcopal
Public Policy
Network

Moreover, for several reasons, “people in prison are physiologically 7 to 10 years older than their chronological age,” making their care much more expensive. Some states estimate that it costs four times as much to care for older prisoners than younger ones. Because people age out of crime by middle age, incarcerating them does not serve any counterbalancing public safety benefit.

So there are a variety of reasons—rooted in justice, mercy, racial inequities, inefficiency, and cost—to enact a Second Look Act.

The Diocese of Maryland requests a Favorable report

SB291 Second Look Dr. Carmen Johnson - 2025.docx (

Uploaded by: Larry Stafford

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: **Dr. Carmen Johnson**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

Subject: Written Testimony in Support of SB291, the Maryland Second Look Act

I, Dr. Carmen Johnson, is in support of SB291, the Maryland Second Look Act, by submitting this written testimony as a community member from Odenton, Maryland and the Founder of Helping Ourselves to Transform. The Maryland Second Look Act creates a meaningful opportunity for sentence modification for incarcerated individuals who have served at least 20 years of their sentence. Those who can demonstrate personal growth and rehabilitation, proving they are no longer a threat to public safety, should have the chance for release.

Currently, Maryland only allows sentence modification petitions within 90 days of sentencing, severely limiting opportunities for review. Judges previously had discretion to review extreme sentences, but this was removed in 2004. Additionally, Maryland's parole system has historically denied life-with-parole cases, contributing to prison overcrowding and extreme racial disparities. Of the 2,212 people serving life sentences in Maryland, 80% are Black, despite Black Marylanders making up only 31% of the state's population. Maryland also leads the nation in sentencing young Black men to the longest prison terms.

This bill provides an essential step forward, especially considering evidence that most individuals age out of crime. Data from the release of 200 Marylanders under the Unger v. Maryland decision shows a recidivism rate of less than 4%, saving the state a projected \$185 million in incarceration costs. Many others serving long sentences have similarly demonstrated readiness to reenter and contribute to society. The Act ensures victims are notified of resentencing hearings and given the option to participate, without requiring their involvement if they choose not to. Research shows victims prefer a system focused on rehabilitation rather than punishment by a 2-to-1 margin.

*SB291 offers a critical pathway for addressing racial disparities, promoting rehabilitation, and saving state resources, while maintaining public safety. I urge you to support this important legislation. Thank you for your time and consideration. For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act SB291**.*

Sincerely, *Dr. Carmen Johnson*, 202-674-6300

UMD Gender, Prison, and Trauma Clinic SB 291.pdf

Uploaded by: Leigh Goodmark

Position: FAV

IN SUPPORT OF SB 291

To: Senate Judicial Proceedings Committee
From: Gender, Prison, and Trauma Clinic, University of Maryland Carey School of Law
Date: January 23, 2025
Re: Written Testimony in support of Senate Bill 291

The University of Maryland Carey School of Law Gender, Prison, and Trauma Clinic unequivocally supports Senate Bill 291.*

The Gender, Prison, and Trauma Clinic represents incarcerated clients convicted of crimes related to their own gender-based victimization. Our representation of incarcerated women has taught us to reject the idea that women should fall under one (and only one) of two categories in the eyes of the law: victim or offender. This false dichotomy has contributed to Maryland sentencing women who are in fact criminalized survivors of gender-based violence to excessively long sentences. The Second Look Act would allow courts to revisit this narrative and provide relief to those who deserve to rejoin their communities. Opponents of this legislation may insist that individuals who are convicted of crimes of violence and sentenced to long sentences are too dangerous to be released--“the worst of the worst” offenders. We have found that this is simply not true. In fact, we represent many women whose only criminal action is defending themselves against an abusive partner or being held responsible for the actions of an abusive partner (in cases involving failure to protect their children from their abusive partners, felony murder, and imputed liability).

Our clients use their time in prison productively to seek education, engage in programming, learn skills that make them employment ready, and address other issues that led to their incarceration. Although they have been convicted of crimes of violence, they are not violent people, and they could be productive members of society if given the opportunity. We urge you to give them this opportunity by creating a pathway for them to seek judicial review of their sentences. We urge a favorable report on Senate Bill 291.

*This written testimony is submitted on behalf of the Gender, Prison, and Trauma Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law or University of Maryland, Baltimore.

MTsiongasSB291Testimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

FAVORABLE

Submitted by: Magdalena Tsiongas

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Magdalena Tsiongas, am testifying in support of SB291, the Maryland Second Look Act. I am submitting this testimony as an impacted family member, whose loved one John, has been incarcerated since 19 years old on a life without parole sentence.

Prior to last session, I started the Maryland Second Look Coalition, of now over 200 individuals and 50 organizations, to work together to create second chances for those we love behind bars. Our coalition is led by impacted family members and previously incarcerated people, and supported by justice advocates. I have been so moved by the many stories that people have shared with me; mothers having spent 40 years working to find a way for their son to come home; friends who left their mentors behind in prison and promised to help them find their path; and spouses and children wanting their families to be whole again. This work is motivated by love and a strong belief in the ability for change.

That love is what brought me to this work and I will share some words from John on what the opportunity for a second look would mean for him:

My name is John and I am a college student, a partner, a son, a brother and an uncle. But for the past 18 years, I have been incarcerated on a life without parole sentence for murder, since I was 19 years old. At 19, I didn't see a future for myself, didn't have any drive, didn't have any purpose, I was just trying to survive. I was, what I thought was, taking care of myself. When I was sentenced, the judge didn't see a future for me either.

But since then, I received my GED, I've become a college student, I've been attending therapy every week for at least an hour for the past 6 years. I now have the opportunity to look at the violence and abuse in my own life and past that put me on this trajectory, like surviving childhood abuse, attempted murder from my own mother, surviving being shot twice as a teenager, and the PTSD that came along with those traumas. On my own healing journey, I've been working to set others up for success who I see struggling around me with the same traumas, with addiction and hopelessness, depression. I hope for the opportunity to be able to show that I have healed and grown as a person and can thrive and be productive and positive in the community, if given the chance.

Hope is a powerful tool. For those with extreme sentences in Maryland, many have been operating without hope, but still striving to improve themselves and help others from inside the prison walls.

I ask you to take this opportunity to demonstrate your commitment and belief in rehabilitation and the potential for transformational change.

Please vote **favorably** on the **Maryland Second Look Act SB291**.

Thank you.

SB 291_Barry Support.pdf

Uploaded by: Margaret Barry

Position: FAV

MARGARET MARTIN BARRY
TESTIMONY SUBMITTED TO
THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

IN SUPPORT OF SB 291, MARYLAND SECOND LOOK ACT

As a concerned Maryland resident, I ask you to favorably vote SB 291, the Maryland Second Look Act, out of this Committee and support its passage into law. I have testified in the past in support of this legislation, in my prior role as a law professor and as a member of Montgomery County Women's Democratic Club. I plead yet again for its passage, and thank Senator Sydnor for his leadership in sponsoring this important bill.

Rehabilitation is a central tenet of our system of incarceration. While we have flipped the tiller mightily in favor of punishment and ignored the numerous studies that demonstrate that lengthy sentences do little to deter crime, our sentencing laws and the orderly running of our prisons rely, nonetheless, on returning rehabilitated citizens to the community.

Yet, there is a sense that people who are given lengthy sentences are fundamentally incorrigible. This is simply untrue. You have heard in the past and will hear the evidence that proves it, particularly as it applies to older people.

A meaningful chance of release from prison is a powerful incentive for people who are serving long sentences to remain steadfast in their efforts to be rehabilitated.

Recognizing and rewarding an individual's personal transformation is humane and just. It is also a cost-effective in that it costs a lot to house people in our prisons, and more as they get older.

Yet we persist in allowing people incarcerated for many, many years to languish in prison. Their efforts to improve themselves are ignored. Their potential as returned citizens discarded.

These days we are particularly aware of the threatened tax increases and loss of needed services. Keeping in prison people whose records demonstrate that they meet the terms of SB 291 is a misuse of our limited spending capacity and unnecessarily extends dependency of people who could contribute to our tax base.

I have purposely kept my comments brief since I know you will hear in depth testimony from others who will make important points in support of this legislation for you to consider. My primary purpose is to convey that SB 291 is needed, it makes sense and, though these days this view seems particularly fragile, it is the right thing to do.

ECI Testimony - 01.28.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

1-11-25

RE: SECOND LOOK ACT

TO WHOM IT MAY CONCERN:

MY MARYLAND SENTENCING GUIDELINES SAID THAT I SHOULD BE SENTENCE BETWEEN 4-33 YEARS.. MY SENTENCING JUDGE GAVE ME LIFE PLUS LIFE! ACCORDING TO WHAT I KNOW, THE JUDGE MUST PUT A REASON FOR SENTENCING ME OUTSIDE OF THE MARYLAND SENTENCING GUIDELINES, HE DIDN'T! MY SENTENCES WASN'T FAIR AND REASONABLE..

ON JUNE 6, 2013 THE PAROLE COMMISSIONERS TOLDED ME ON MY FIRST PAROLE HEARING THAT THIS WAS MY FIRST AND LAST PAROLE HEARING AND I WAS NEVER GOING TO BE PAROLE IN THE STATE OF MARYLAND. THIS IS NOT FAIR AND REASONABLE.. THIS IS MY FIRST TIME IN PRISON AND MY SECOND TIME IN TROUBLE TROUBLE WITH THE LAW. THE FIRST TIME I WAS 15 YEARS OLD AND CHARGED

CONF

AS AN ADULT. WE NOW KNOW THAT THIS WAS NOT FAIR FROM RECENT CLINICAL STUDIES..

I WAS UNDER THE INFLUENCE OF CRACK COCAINE DURING THE COMMISSION OF THE CRIME. I WAS 30 YEARS OF AGE AND HOMELESS.. I TURNED MYSELF IN TO THE POLICE AND PLEADED GUILTY FROM THE VERY BEGINNING.. I DO BELIEVE THAT I DESERVE A SECOND CHANCE..

MY PUBLIC DEFENDER ASKED MY SENTENCING JUDGE TO GIVE ME A SECOND CHANCE AND HE SAID THAT "HE HAD A SECOND CHANCE WHEN HE WAS 15 YEARS OLD". I AM NOW 65 $\frac{3}{4}$ YEARS OLD AND I HAVE BEEN INCARCERATED FOR 35 $\frac{1}{3}$ YEARS.. MY CONSECUTIVE LIFE SENTENCES ARE PROBABLE LIFE SENTENCES.. THE PAROLE COMMISSION TURNED MY SENTENCES INTO LIFE WITH NO PAROLE.. THIS IS ANOTHER REASON WHY I NEED A SECOND CHANCE..

CONT

I CURRENTLY HAVE ATLEAST 20 OR MORE CLASSES UNDER MY BELT THAT ARE SELF-HELP GROUPS AND N.A, A.A.. I AM READY TO RETURN TO A FREE SOCIETY

FOR THE ABOVE REASONS THE SECOND CHANCE ACT COULD CORRECT THE ERRORS IN MY SENTENCING, PAROLE HEARINGS AND PASS RECORD ERRORS.. PLEASE HELP!

RESPECTFULLY,

ROBERT J. COOPER JR.

EASTERN CORRECTIONAL INSTITUTION

#209556/224126

Darnell Roberts #185247-387315
Eastern Correctional Institution
30420 Revells Neck Rd.
Westover, MD 21890

Family Support Network
3937½ Minnesota Ave., NE
PO Box 64093
Washington, DC 20029

January 1, 2025

Dear FSN:

Please accept this letter as my written testimony in support of the Md. Second Look Act. I further ask that this letter be shared with the House and Senate Judiciary Proceedings Committee.

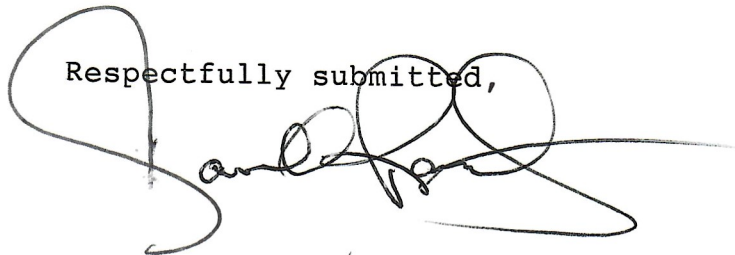
My name is Darnell Roberts and I'm 59 years old. In January 1987, while at the age of 19, I was sentenced to Life plus ten years in prison for a murder conviction. As of this date, I have spent nearly four (4) decades in prison as a result from this conviction. I truly understand that no crime should go unpunished, but the length of sentences being served today for crimes committed are far beyond what is deemed appropriate today. When I came to prison I was young, energetic, and misguided. Fortunately for me, I began taking advice from men who have been incarcerated for many years, some who are home today because of the "Unger" ruling, and listening to these men gave me direction on what it was that I wanted to do with my life. A great deal of this advice from these men were positive and meaningful. The men I listened to were fortunate enough to get a second chance at life prior to any discussion(s) of the Second Look Act being discussed. Taking advantage of this opportunity, these men who were released under the "Unger" ruling have thrived and succeeded in society since their release.

I am the president of the Lifer's Group here at the Eastern Correctional Institution in Maryland and I stress to our group plenty of times how important it is to lead a good and positive life. I stress to our group how we live now will carry over into how we will live when that day come to be released. This is my first ever incarceration. I'm not one who have been here before and returned. I know the importance of what a second chance can do, not only for you, but those in our families and communities. I know that if ever given a second chance at life in society, I would make the best from it because it is something I have worked hard at obtaining. I know that if the Maryland Second Look Act became law, so many men and women, incarcerated and free, will benefit from it. I personally have learned a great deal of respect for life and others during my incarceration. I only pray for the day to come to where I can get a second chance at life and prove to others that giving me a second chance was not a bad decision for those to make. I along with many others

are sitting here today with great minds waiting on the day to come where we can share our experiences and knowledge with others in attempts at keeping others from travelling down that road we did many, many years ago. I know I have learned from the mistake I made at such a young age and await on the day to come where I can atone for what I did as well as help our youth today in society who are being misguided as I was when I was their age.

Having the Maryland Second Look Act bill passed, it will not only gave the men and women incarcerated today hope, but the feeling to know all we have acquired throughout our incarceration can now be shared with others at attempts of helping those we have left behind from the mistakes we made years ago. I only pray that this bill gets passed so I, along with others can prove to society that although we made that mistake early in our lives, we can rebound from it and lead sound and productive lives in society as we all should. I thank you in advance for reading this and your acknowledgment of this letter will greatly be appreciated.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "S. Anderson", written over the closing text. The signature is stylized with loops and a long horizontal stroke extending to the right.

TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

Greetings My Name is Tony Michael Chatman-Bey

As I sit down to write this letter, I am asking myself what can I possibly say that would convey to you that I am no longer the same self-indulgent, hedonistic young man that committed that horrific crime in 1987; for which I have served thirty-seven years and counting. After a lot of soul searching, prayer and with the help of completing just about every self-improving program that the state has to offer, I have come to understand a number of inescapable facts; (1) I take "Full Responsibility" for my crimes/actions. (2) In no way am I trying to minimize the seriousness of those crimes. (3) My only purpose in offering this statement is to try to give you some insight into the self-centered, immoral, and selfish person I was in the summer of 1987, as opposed to the wiser sixty-six-year-old man I am now in 2025. I have spent at least thirty of those years of incarceration doing everything in my power to make a 180% difference in my mind, body and soul.

Back in 1993 at the old Maryland Pen., I wrote an op-ed for the institution's magazine, the "Greystone". The title was *The Criminal Justice System: Punishment, Justice, or Revenge*.

The essence of the article was asking the vital question, why are people sent to prison? If it's about punishment and revenge, then nothing really needs to change, the system does that already. However, if it's about justice and/or that much over used word rehabilitation, then some major changes must be made. *The Second Chance Act*, is one of those much needed changes.

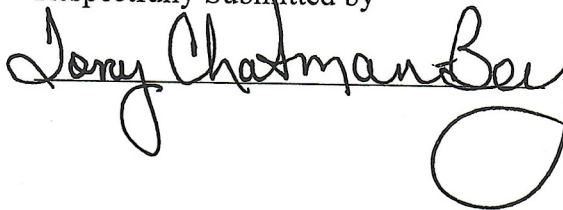
I could explain and give you numbers showing how people my age who have served as much time as me, have the lowest percentage of committing another crime. As members of the legislature you already know this, therefore, instead I am hoping my actions and achievements will show you that I am no longer a risk to society. I only request the (Second) chance to prove it. I am willing to prove this not only by my behavior, but I am willing to accept any conditions that are deemed necessary; home monitoring, sex registration, drug testing, etc.

When I came into the system back in 1987, I deserved to be here, the person I am now does not. I can do more to help change my community by being an example to the young men about what can happen if they don't change the way they are living.

I want to thank you in advance for your time and consideration in my request for a second chance to prove that I am indeed ready to be a law abiding citizen, and an asset to my family and community.

Please find enclosed a summary of the educational and rehabilitation programs that I have earned/completed over the years. I have done the work necessary to ensure that when given a second chance, I will not waste it!

Respectfully Submitted by



TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

CERTIFICATES & RECOMMENDATIONS

1. AVP LEAD FACILITATOR	BASIC	31 MARCH 19
2. AVP FACILITATOR	BASIC	3 AUGUST 17
3. AVP LEAD FACILITATOR	BASIC	8 FEBRUARY 17
4. AVP FACILITATOR	T for T	27 OCTOBER 16
5. MEMBER IN GOOD STANDING	VETERANS	2015-16
6. AVP FACILITATOR	BASIC	30 JULY 15
7. CERTIFICATE of COMPLETION	COMMUNICATION	20 JULY 15
8. CERTIFICATE of ACHIEVEMENT	DLR REENTRY & EMPLOYMENT RESOURCES	12 MAY 15
9. AVP FACILITATOR	T for T	30 APRIL 15
10. CERTIFICATE/EVALUATION	RELATIONSHIP	6 APRIL 15
11. CERTIFICATE of ACHIEVEMENT	GREAT TRUTHS of THE BIBLE	24 DECEMBER 14
12. V.P. CERTIFICATE of ACHIEVEMENT	LIFER'S ENCOUNTER GROUP #5	4 DECEMBER 14
13. AVP FACILITATOR	BASIC	28 SEPTEMBER 14
14. AVP FACILITATOR	ADVANCED	31 JULY 14
15. CERTIFICATE/ EVALUATION	LIFER'S ENCOUNTER GROUP #4	10 APRIL 14
16. CERTIFICATE of COMPLETION	CONFLICT RESOLUTION I	24 MARCH 14
17. CERTIFICATE of COMPLETION	AVP T for T	5 FEBRUARY 14
18. CERTIFICATE of RECOGNITION	1st PLACE POETRY COMPETITION	27 FEBRUARY 14
19. CERTIFICATE of APPRECIATION	PAROLE PORTFOLIO & COMMUNICATION	12 DECEMBER 13
20. CERTIFICATE of APPRECIATION	ECI HONOR GUARD	2012-13
21. CERTIFICATION of APPRECIATION	FAMILY DAY WORKER	3 JUNE 13
22. CERTIFICATE of APPRECIATION	"POETRY WORKSHOP 1"	16 APRIL 13
23. CERTIFICATE of APPRECIATION & CONTRIBUTION	"THE FISHER HOUSE"	2013
24. COMMUNITY SERVICE PROJECT	MARINE CORPS LEAGUE	
25. CERTIFICATE OF APPRECIATION	FRIENDS OF A SAFE PLACE A CHILD ADVOCACY CENTER	
26. CERTIFICATE of COMPLETION	PAROLE SEMINAR	5 MAY 12
27. CERTIFICATE of PARTICIPATION	PAROLE PORTFOLIO	21 FEBRUARY 12
28. CERTIFICATE HOLY CONVOCATION	MEMBERSHIP "M.S.T of A."	6 DECEMBER 11
29. CERTIFICATE of COMPLETION	"BIG BROTHER OUTREACH	23 APRIL 11
30. CERTIFICATE OF APPRECIATION	SUPPORT VICTIMS RIGHTS WEEK	17 MARCH 10
31. CERTIFICATE of APPRECIATION	U.S. ARMY SPECIAL FORCES ASSOC.	18-24 April 10
32. CERTIFICATE HOLY CONVOCATION	MEMBERSHIP "M.S.T of A."	2009
33. CERTIFICATE BRANCH TEMPLE	MOORISH SCIENCE TEMPLE OF AMERICA, INC.	20 OCTOBER 06
34. INCENTIVE BANQUET AWARD	MHC-ANNEX	28 NOVEMBER 03
35. CERTIFICATE of APPRECIATION	MHC-ANNEX	27 SEPTEMBER 03
36. CERTIFICATE OF COMPLETION	DISCOVERING THE INTERNET	27 SEPTEMBER 03
37. CERTIFICATE OF MEMBERSHIP	VETS OF THE VIETNAM WAR, INC.	4 FEBRUARY 03
38. CERTIFICATE OF APPRECIATION	M.S.T. of A. "SMALL CIRCLE"	AUGUST 2002
39. CERTIFICATE OF MEMBERSHIP	HOLY CONVOCATION	30 DECEMBER 00
40. CERTIFICATE OF APPRECIATION	SLOW PITCH UMPIRE	26 SEPTEMBER 00
41. CERTIFICATE OF APPRECIATION	FAST PITCH UMPIRE	1999
42. AVP FACILITATOR	AVP BASIC	1998
43. CERTIFICATE OF MERIT	CONCERNED VETERANS	15 FEBRUARY 98
44. CERTIFICATE OF RECOGNITION	COPPIN ST. ALUMI ASSOCIATION	9 NOVEMBER 94
45. BACHELOR OF SCIENCE DEGREE	APPLIED PSYCHOLOGY	11 MAY 94
46. CERTIFICATE OF COMPLETION	AVP T for T (FACILITATOR)	16 MAY 93
47. PROGRAM "IAC"	OZZIDDI THEATRE COMPANY	12 FEBRUARY 93
48. LETTER OF ENDORSEMENT	DR. LONNIE MITCHELL, Ph. D.	20 FEBRUARY 93
49. CERTIFICATE OF COMPLETION	PEER COUNSELING & DRUG ED. PREVENTION	12 JANUARY 93
50. CERTIFICATE OF COMPLETION	AVP ADVANCE	25 NOVEMBER 92
51. CERTIFICATE OF COMPLETION	AVP BASIC	19 AUGUST 92
52. PROGRAM "IAC"	OZZIDDI THEATRE COMPANY	25 JUNE 92
53. CERTIFICATE OF ACHIEVEMENT	LEFT BANK JAZZ SOCIETY	8 SEPTEMBER 90
54. CERTIFICATE OF PARTICIPATION	U.S. JAYCESS	25 AUGUST 90
55. CERTIFICATE OF MERIT	OLD TOWN JAYCESS	1990
56. OUTSTANDING SERVICES AWARD	ROUND A.C. BOXING TEAM	19 JUNE 90
57. PROGRAM "IAC"	OZZIDDI THEATRE COMPANY	26 MAY 90
58. CERTIFICATE OF MERIT/MEMBERSHIP	U.S. JAYCEES	10 MARCH 90
60. CERTIFICATE OF RECOGNITION	MONTGOMERY COLLEGE	28 JUNE 89
61. CERTIFICATE OF COMPLETION	STREET LAW 1 with DISTINCTION	21 MARCH 88
62. LETTER OF COMPLETION	VERIOUS COURSES MONTGOMERY COLLEGE	21 MARCH 88
63. LETTER OF THANKS	DIRECTOR MONTGOMERY COUNTY DETENTION CENTER	7 MARCH 88
64. CERTIFICATE OF COMPLETION	SALESMANSHIP COURSE	31 DEC. 87
		29 OCTOBER 87

January 16, 2025
David Johnson
V. President LIFERS Group
Eastern Correctional Institution-East


House & Senate Judiciary
Proceedings Committee

I was convicted of murder at age 18 stemming from an incident that occurred in 1988. I am now 54 years old. Today, I have been incarcerated for 36 years. The Second Look Act would restore some legal rights that I lost due to my attorney's inactions.

My legal journey began with a plea offer from the State; that I would enter into an Alford Plea to two counts of Second Degree Murder in exchange I would receive 40 years of prison time. I declined the State's offer to elect a jury trial at which I was found guilty of two counts of First Degree murder and subsequently sentence to two consecutive Natural Life Sentences. I was told by my trial attorney that he would file the post-trial motion for modification of sentence and sentence review by a Three Judge Panel. After exhausting my direct appeal, I filed a pro se motion for post-conviction. I was informed by appoint attorney that he would file a supplemental petition for post-conviction to include claims that he discovered during his investigation of my case. Ultimately, my post-conviction attorney did not raise any claims on my behalf, leaving me with only one legal path to have the right to file the Motion for Modification restored which is a Reopening of Post-Conviction.

The passing of the Second Look Act would provide Incarcerated Individuals such as myself a clear path to have the right to file a motion for modification of sentence restored. More importantly, the individuals that will be affected by the passing of this piece of legislation are those that have had an opportunity to truly benefit from the rehabilitative services that DPSCS has offered. It would be a total waste of the rehabilitative process to continue one's incarceration after they have demonstrated positive change. Furthermore, it would be a dis-service to society to not benefit from the rehabilitated individuals whom have gained valuable life skills while incarcerated.

Respectfully submitted,


David Johnson 203354
30420 Revells Neck Rd
Westover Md 21890

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Phillip Jones

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

My name is Phillip A. Jones. I am an incarcerated individual who entered prison at the age of 19. After a drug fueled night which resulted in another young man being shot. Thank God, he did not die of his injuries. I have spent 33 years in prison for this offense. And now, at the age of 53, I have made many strides to restore justice. I am no longer the teenager who, due to my addiction, committed crimes which led to me being incarcerated.

For the past 19 years, I have done what was required to heal and rehabilitate myself. I have taken every program offered to me in prison, I have worked skilled jobs such as Data Entry Invoice Clerk, Accounts Payable. I have participated in numerous self help groups. I have maintained good conduct without infractions for several years. And I have pursued my education in whatever ways I could. Along with these, I also host a podcast. I am a youth consultant, teaching reentry classes, a public speaker and I am the author of two books. I use my experience and my story to steer the youth away from gang involvement and self-destructive tendencies.

Over the years of my incarceration, I have had to seek out external alternatives to education, and/or vocational programs, due to limited availability for lifers, in pursuit of degrees and certifications. We are often placed at the bottom of waiting lists or excluded altogether in order for short time incarcerated individuals with release dates to be prioritized. I am also a proponent of mental health as well as

restorative justice. I have taken 100% responsibility for the crime I committed as an adolescent. And with that, I have displayed remorse for causing injury to the victim in my case. Also making amends through consistent efforts to grow and develop into a pro-social human being. And finally, taking measures to address my own traumas in order for me to heal and be mentally and emotionally sound.

The Maryland Second Look Act would serve as a means to allow individuals like myself to go before the sentencing court and present evidence to the judge which demonstrates that one is deserving of a second chance. Having matured, adopted healthy values, and have done the work of rehabilitation, aside from parole, which only just became available widely to lifers with the removal of the governor, in Maryland lifers have no viable means of release, no matter how model of a prisoner they have become. I was an emerging adult (19 years old) which means I will spend more time incarcerated than any other demographic. Juveniles and adult prisoners do less time than emerging adults for the same offenses. Maryland has JRA for juvenile offenders, and adults in their 30s and 40s won't serve as much time due to life expectancy. Justice requires that something be done to make sentencing equitable and fair across the board in the state of Maryland. The Second Look Act will level the playing field.

Thank you,
Phillip A. Jones

ECI Testimony - 01.28.2025v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Dontay Toliver

2025-Maryland General Assembly Legislative Session

-Md Second Look Act

Greetings,

-My name is Dontay Toliver I am currently housed at the Eastern Correctional Institution I'm serving a life sentence for a crime I committed when I was 15 years old, I've been locked up for 20 years and I'm now 44 years of age. I think the Md Second Look Act would benefit a lot of inmates who have been incarcerated for a long period of time who've worked on rehabilitation and have taken the proper steps through change of character, education, religion, etc. Many of us have been locked up for a long period of time with no appeals or outlets to look forward to but still work on ourselves to be able to reenter society. I'm an inmate who benefited from the (JRA) Juvenile Restoration Act and I think the Second Look Act entails some of the same principals as the JRA. Many of my peers such as myself came to prison very young, teenagers or early 20's. I think the Md Second Look Act should be passed to create opportunities for prisoners who are deserving and sincere about bettering themselves in the name of freedom. I can speak to this first hand. I was a 15 year old boy when I first got incarcerated but over the years as I aged and matured I became a different person.

DEPT > INMATE...
RELIGION ETC. Many of us have been locked up for a long
period of time with no appeals or outlets to look forward
to but still work on ourselves to be able to re-enter
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young teenagers or early 20's. I think the 2nd Second
Look Act should be passed to create opportunities
for prisoners who are deserving and sincere about
bettering themselves in the name of freedom. I can
speak to this first hand. I was a 15 year old boy
when I first got incarcerated but over the years as
I aged and matured I became a different person.
Yes I grew into a man naturally but threw cognitive
groups, education and programs that also assisted
my growth. In many cases after many years we tend
to build up respectable resumes through the inst. inst.
programs but after years and years of being locked
up appeals eventually run out and the progression

Timeline doesn't match up with the appeal timeline, so after X amount of years that growth that we made those college courses or those traits we earned doesn't have a platform? I think the Second Look Act would fulfill that via. And yes Parole is a option but with a stiff sentence that might not be feasible. I myself was initially sentenced to a 3 life consecutive sentence that would have me go up for parole after 45 years, 15 years for every life sentence.

The Md Second Look Act would provide a great opportunity to a ~~respectable~~ nice portion of ~~inmate~~ prisoners who are not threats to the community anymore. Respectfully in my opinion I think the Md Second Look Act should be passed based on that testimony.

Dontay Toliver
ECT 1/26/97
30420 Revell's Neck Rd
Westover, MD
21890



David M. Fischer
ECI #262-021
30420 Revells Neck Road
Westover, MD 21890-3368

10 January 2025

House and Senate Judiciary Proceedings Committee
Attn: Senator Charles E. Sydnor, III
11 Bladen Street
Annapolis, MD 21401

RE: Testimonial in support of Maryland Second Look Act

Dear Senator Sydnor:

I learned from the *Family Support Network* (thefamilysupportnetwork.org) that the *Maryland Second Look Act* is coming up for consideration this session. As someone who has spent nearly 30 years incarcerated, I am glad that the bill is being given another look. I have been looking forward to its eventual passage for years. There exists a significant time gap between the 5-year cap for a potential Sentence Modification hearing by the judge, and a first parole hearing which may occur decades later. The prison system has many programs available designed to help rehabilitate individuals. These programs, combined with the life-altering experience of long-term incarceration, do work in many cases. However, these beneficial changes are diminished if there is no meaningful possibility of a second chance at rejoining society.

This is my first and only incarceration, but not my first brush with the law. Throughout my teenage years, to my incarceration on my current sentence, I was arrested a number of times. I suffer from "Social Anxiety Disorder," a condition which creates intense anxiety in social situations, making it extremely difficult to make friends. This contributed to my falling in with the only people who would accept me since I couldn't make friends with the people that I wanted to associate with. This "undesirable" crowd was impressed by actions – like shoplifting or breaking into cars –

rather than interesting conversations. As long as I was willing to go along with their criminal inclinations, I was accepted by someone, instead of being ignored by everyone.

I am in no way dismissing my actions. I went along with almost everything. I committed crimes. I am responsible for my conduct and deserve to be punished. I accept responsibility for my actions.

For nearly 30 years I have done everything possible to turn my life around and become a better person. Through the help of a number of Social Work and Case Management programs available in different institutions, I was able to determine how my life ending up going the way it did. And, I have been able to break through much of the social anxiety that was holding me back from making proper associations and friendships.

For most of my incarceration I have tried to help others, working primarily as a tutor in the education department of every institution I have been in. I have helped teach adult education for those with under a 4th grade reading level (Reading Academy), teaching students with learning disabilities (like dyslexia), English as a Second Language (ESL) students, GED students preparing to take their exams, and, my current assignment, teaching *Microsoft Office* to post-secondary students. Each position has had unique challenges, which I have enjoyed almost as much as seeing the differences I have made in hundreds of students' lives.

I have also held jobs in Maintenance as an electrician and in the MCE (Maryland Correctional Enterprises) Meatcutting Plant as the head of the Maintenance Department. I have earned dozens of certificates, letters from supervisors, and even a college degree from *Ohio University* with a perfect 4.0 average.

And, over the last few years, especially during our quarantine lockdowns, I have been looking to the future and what my post-incarceration life might look like. I have developed a plan to build a completely off-grid, 10-acre homestead, for myself and my family. Raising our own animals and crops to provide clean, organic food in a healthy environment. I have read every book on construction, farming, raising animals,

preparing food, land management, etc. that I could get my hands on, and turned that knowledge into a 300+ page plan covering every aspect of the homestead. (The letterhead icon is from my plan. I call it *MorningStar Ranch*.) And the entire construction will be funded by money I earned through 20+ years of investments in mutual funds (which I learned from a course at MCI-J).

For, literally, decades, I have done everything in my power to become a better person, to help others become better people, all in the hopes of someday being able to rejoin my family back in Baltimore County (Woodlawn) before something happens to one of my brothers or my parents. Without the passage of the *Maryland Second Look Act*, that may not be possible. I never received a sentence modification hearing, and parole is always a longshot, at best. I still have not even had my first parole hearing.

I have seen the types of people that are in prison, and I will be the first to admit that many of them are right where they need to be. Many of them will leave prison the same people they were when they entered. For them, rehabilitation has not happened. But for many of us, myself included, a significant change has occurred during our sentences. We deserve the chance of a "Second Look," and only you can make that happen. If the *Maryland Second Look Act* passes and becomes law, other inmates will see that staying out of trouble, hard work, and doing the right thing can actually yield results. More will be inspired to rehabilitate themselves, and incarceration can become more than just "locking them up and throwing away the key."

I urge you to pass the *Maryland Second Look Act*, for the many who have put in the work and deserve to be seen again. Thank you for your time and consideration in this matter.

Sincerely,



David M. Fischer

David Logue #1336504-292463
30420 Revells Neck Rd.
Westover, MD 21890

January 6, 2025

To whom it may concern:

This letter is submitted to the House and Senate Judiciary Proceedings Committee in support of the Maryland Second Look Act.

My name is David Logue and I'm 62 years of age. I'm serving a life sentence and have completed 26 years of this sentence to date. I began this sentence at the age of 35.

I think the Maryland Second Look Act should be made into law because it has been proven that the people who was released on the Unger issue, all whom have served a minimum of 25 years, have not been in trouble and are productive members of society. Given the second chance, these individuals have proven to everyone that we can become productive members of society. No one who has served a minimum of 25 years of incarceration ever wants to return to prison which should be a factor going forward. We only want to be a part of those men who have become productive members of society and spend the remainder of their lives with our families. Health issues are also a factor for this bill. We are going to have many health issues. I am personally dealing with a second battle of cancer and I am the only one of many who have the same problems with health issues.

In closing, I strongly believe that if the many men and women who are incarcerated today for lengthy periods of time have learned a valuable lesson in life from our mistakes and if given a second chance, will not be a statistic in contributing to the recidivism rate in the state of Maryland. The Second Look Act will give us the opportunity to seek a second chance at life while contributing to society in positive ways which we all can benefit from. This bill should be passed because it is not us who have been here for decades contributing to the recidivism rate. I thank you for your time in this matter.

Sincerely,

David Logue

January 8, 2025

Martina Hazelton
Co-Founder and Executive Director
Family Support Network

My name is Adrian Ward. I am sixty three years old. At the age of eighteen, my high school track coach, without preamble asked me to come along with him. Obediently I followed him down a hallway to a classroom full of fellow high school students. After placing me in front of the students, he began speaking of an incident that happened the day before. A young kid from a nearby middle school had approached him and inquired as to my whereabouts. The young boy had wanted to meet me to acquire an autograph. That coach, who had positioned me in front of those students many years ago, pointed to me and said, "All of you should aspire to be like Mr. Ward, a role model..., a person who people could look up to."

Today I am in prison. At present I am serving a life sentence, dating from 11-27-81, for rape. So far I have served 42 years of my sentence. I was born February 12, 1962, single and have a 12th Grade education. I graduated from Northwestern High School in North Baltimore in 1981 and attended Villanova University during the fall semester. My college studies were terminated by my arrest of the above offense. My work history prior to my arrest was limited to summer and part time employment.

During my incarceration, I have learned a lot about myself. Despite what I did, Insanely enough, I always considered myself a good person. I had good friends, average grades, and was active in several community activities. However a good person does not go out on a beautiful Sunday morning and terrorize another human being.

Since incarcerated, I had several parole hearings. At every parole hearing, I was always asked, "Do you think your sentence is fair?" I always said yes. If my sentence was designed to punish me, it certainly has. If it was intended for me to face what I have done, and reflect on the pain and suffering I've caused others. It has done that also. What it has not done was to give me a second chance. My mother and father had lost a son. My younger brother and sister ostracized by their community because of the deeds of their older brother. But most of all, the victim did not deserve the pain and suffering that I caused them. I can only imagine that their suffering did not end with my assault. The fact that they not only survived, but had the strength and courage to face me in court, and look me in the eye without fear, or shame to tell their story, is to be admired.

ECI Testimony - 01.28.2025v2.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

ANTONIO STEWART SR.
30420 REVELLS NECK Rd.
WESTOVER, MD 21890

January 08, 2025

Family Support Network
SENATOR CHARLES E. SYDNOR III, ESQ
3937½ MINNESOTA AVE, NE
PO Box 64093
Washington, DC 20029

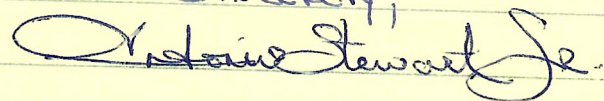
DEAR SENATOR SYDNOR,

I WAS TWENTY NINE YEARS old AT THE TIME OF MY OFFENSE. I HAVE SERVED APPROX. SIXTEEN YEARS OF MY 50 YEAR SENTENCE. IM CURRENTLY 45 YEARS old AND I BELIEVE BY THE PASSING OF THE MARYLAND SECOND LOOK ACT, WOULD BENEFIT THOSE OF US WHO HAVE MADE THE CHANGE TO BECOME APART OF SOCIETY AGAIN.

IN THE SIXTEEN YEARS OF INCARCERATION I HAVE HELD NUMEROUS POSITIONS SUCH AS; SEGREGATION WORKER, PRISON EXTERMINATOR, MCE SEWING SHOP AND CURRENTLY ADMINISTRATIVE CLERK FOR THE CHAPLAIN'S OFFICE. THESE JOBS HAS GIVEN ME A DIFFERENT OUTLOOK ON LIFE WHICH HAS BEEN IMPORTANT TO MY GROWTH.

I HAVE TAKEN ADVANTAGE OF PROGRAMS WITHIN THE INSTITUTION SUCH AS; ALTERNATIVE TO VIOLENCE LEVELS 1 AND 2, PURPOSE FOR DRIVEN LIFE, KAIGOS, MINISTRY TRAINING COURSE along with certificates for participating and training others on different instruments. I also obtained a 2 year degree thru STRATFORD CAREER INSTITUTE FOR SECURITY AND POLICE SCIENCE.

I believe the MARYLAND SECOND LOOK ACT should be passed so that it would give an opportunity to those who ARE INCARCERATED hope for tomorrow.

Sincerely,


D.O.C 364-174

Joseph Middleton
ECI-East #198-133
30420 Revells Neck Road
Westover, MD 21890-3368

3 January 2025

House and Senate Judiciary Proceedings Committee
Attn: Senator Charles E. Sydnor, III
11 Bladen Street
Annapolis, MD 21401

RE: Second Look Act; Favorable/Support testimonial

Dear Senator Sydnor:

I was twenty-four years old at the time of my offense. I have served thirty-six years on a life sentence (with parole eligibility). I am sixty years old and I believe that I am the perfect example of why the *Maryland Second Look Act* should be passed. I am a highly energetic, hardworking, and dedicated person who has organized and lead Adult Education programs, self-improvement workshops, and seminars over the past fifteen years. This demonstrates my motivation as well as my desire to help others. Throughout this experience, I was able to practice my listening and communication skills in order to identify and respond to the needs of others.

My practical knowledge relative to mentoring includes mindfulness, self-reflection, and psychological approaches. I developed these techniques through years of reading and studying which has helped me to deal with many things in my own life, such as the loss of three sons, a granddaughter, a wife, and a father. It has also been vital to my ability to deal with my own depression and anxiety.

I have held a number of jobs during my incarceration, including Carpentry aide, special housing clerk, MCE Meatcutting Plant leader, maintenance plumber, Volunteer Activities Coordinator clerk, special project construction, academic aide, and SUI Metal shop fabricator. All of the skills relative to these jobs I've learned while incarcerated since 1989.

In addition to these things, I have taken advantage of every program made available to me. These include the Alternative to Violence program, Thinking/Deciding/Changing, N.A./A.A., Conflict Resolution, Jaycee's, and Victim Awareness. I have also been involved in a number of activities such as Big Brother's (2004-2009), Founder and President of Prison Awareness (2010-2016), Salisbury University Book Club (2016-2021), and an active member and leader in the Catholic Fellowship for over the past thirty years.

Lifers are never given the opportunity to change and show that they are ready to go back in to society. People who want to change and have taken every opportunity to improve themselves should have the chance to be evaluated and show that they have changed.

I desire and plan to take advantage of all of the skills and experience that I have obtained over the years of my incarceration and use them in the real world as a free citizen. It is for this reason and many others that I believe the *Maryland Second Look Act* should be passed so that men like myself would have an opportunity for a second chance at life.

Respectfully submitted,

Joseph E. Middleton Jr

JCI Testimony - 01.10.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

JANUARY 6, 2025

Ms. MARTINA HAZELTON:

TO: HOUSE AND SENATE JUDICIARY
PROCEEDINGS COMMITTEE.

I AM SENDING YOU MY TESTIMONY
AS TO WHY THE MD SECOND LOOK ACT
SHOULD BE PASSED.

I AM CURRENTLY SERVING A LIFE
PLUS 44 YEAR SENTENCE WITH PAROLE
FOR 1ST DEG MURDER FELONY. I PLEAD
GUILTY TO THE CRIME, AND I AM SO SORRY
FOR WHAT I'VE DONE. I WAS 24 YEARS
OLD AT THE TIME AND CURRENTLY 59 YEARS
OLD AND WILL BE 60 YEARS OLD 2025.

I'VE SERVED 30 YEARS IN PRISON AND
WILL PROBABLY SERVE MANY MORE YEARS
IN PRISON IF: (1) THE MD SECOND LOOK
ACT DON'T PASS, (2) IF I AM NOT
GRANTED PAROLE IN SEPTEMBER 2025.

I know that many Marylanders will be against this bill and continue to have the mindset of "Lockem up and throw away the key."
I truly understand their grievance and I have compassion for them.

So I would like to address this committee in these words, don't judge me anymore for what I've done as a younger man, judge me for what I've achieved as an older respectable, responsible man, look at my positivity:

Ive obtained my GED, and participated in various programs such as:

- 1) Alternative to Violence (AVP)
- 2) Thinking for a Change
- 3) Social Work Program
- 4) SMART RECOVERY (SELF MANAGEMENT AND RECOVERY TRAINING)
- 5) Alcohol Anonymous (AA)
- 6) Narcotic Anonymous (NA)

- 7) I've completed 6 YEARS of Bible Study Courses with SOURCES of Light Ministry
- 8) 1 YEAR Bible Study Course with Amazing Fact Bible School.
- 9) 1 YEAR Bible Study Course with GOSPEL ECHOES TEAM.
- 10) I AM CURRENTLY ONLINE (Instagram for my clothing line which I am trying to get off the ground) Anthony Fleming 8/66
- 11) I've taken the liberty of getting SEVERAL younger guys out of these prison gangs.
- 12) And I am putting the finishing touches on my nonprofit program called FACT FATHERS And Children Together, which deals with, drugs, gangs, TEEN PREGNANCY, POVERTY, VIOLENCE, DEPRESSION, BULLY, AND MOST OF ALL, how to be a father to your child.

So, upon passing the MId Second Look Act, you will be opening doors for older men with ideas

Such as these and much more,
which in turn can save the younger
generation before they explode and
give them insight about prison, drugs,
gangs, etc.

Sincerely,

Anthony Fleming

Anthony Fleming

J.C.I. # 259-474

P.O. Box 534

Jessup, MD. 20794

Marcus-William: Tunstall®
Concerned Citizen of MARYLAND, INC

RE: MARYLAND NEEDS TO COME
INTO COMPLIANCE WITH THE LAW

Good Day My MARYLAND Law Makers,

I am a concerned Citizen of MARYLAND. I ask that you give to me your undivided attention as I exercise my constitutional right to address my body of MARYLAND Legislators. As such, I call upon you to uphold your "Oath of Office", as outlined in ARTICLE I, §9 of the CONSTITUTION OF MARYLAND. And, required for good governance by ARTICLE I, §11, CONST. OF MD.; accord ART. 44, MD. DECLARATION OF RIGHTS.

In MARYLAND, the law promulgates the objectives of sentencing as being for punishment, deterrence, and rehabilitation. See, Cruz-Quintanilla v. State, 455 Md. 35, 40 (2017)(citing Smith v. State, 308 Md. 162, 166 (1986)). The Supreme Court of the United States ("SCOTUS") has delineated that judges are the ones who must keep their eye on rehabilitation regarding sentencing. See, Jennings v. State, 339 Md. 675, 683-84 (1995)(citing United States v. Grayson, 438 U.S. 41, 45 (1978)(quoting Williams v. New York, 337 U.S. 241, 248 (1948)("sentences should be determined with an eye toward the reformation and rehabilitation of offenders"))).

This General Assembly has passed legislation, giving judges the power to punish. By giving judges the power to impose a sentence. The Legislature has given judges the power to deter criminal offenders/defendants. When this Congressional Body legislated that judges may order those sentences be served under the custody of the Commissioner of Corrections. However, MARYLAND's Legislature has yet to give judges the power to complete the CONSTITUTION. By failing to give judges the power to keep an eye on rehabilitation and reformation.

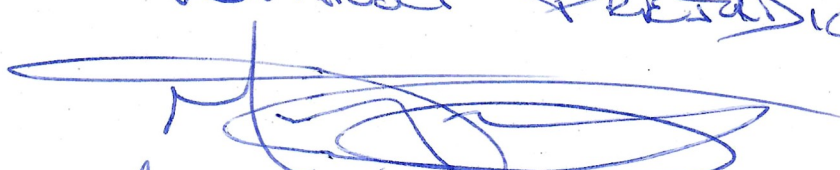
Since the SCOTUS explained that it is a judge's constitutional duty to keep an eye on rehabilitation/reformation. The Supremacy Clause of the CONSTITUTION dictates that MARYLAND's Legislature create a statute. Which gives every criminal defendant the right to file for a sentence modification -- so that a judge may monitor that criminal defendant's rehabilitative progress. Regardless of their age; regardless of the crimes of which they were convicted. And, regardless of the amount of time they have served.

Anyone who opposes such is not one who is true to their oath to uphold and enforce the CONSTITUTION(s). They are not even being true ministers of justice. Because a true "Minister of Justice" is one who protects the rights of the public, the rights of the victims. And, they protect and

safeguard the rights of the convicted. Ensuring that the convicted receives rehabilitation and true due process. A true "Minister of Justice" is not merely a prosecutor. See Attorney Grievance Commission of MARYLAND v. Cassilly, 476 Md. 309, 375, 379 (2021); Atty. Griev. Comm'n v. McDonald, 437 Md. 1, 46 (2014)(quoting Atty. Griev. Comm'n v. Gansler, 377 Md. 656, 697 (2003)); and Walker v. State, 373 Md. 360, 395 (2003)(prosecutor is obligated to safeguard the rights guaranteed to all people, including those who have been convicted)(citing and quoting Sinclair v. State, 27 Md.App. 207, 222-23 (1975)).

This Body of the 2025 Legislature must pass a statute giving judges the authority to completely exercise their constitutional duty. To review a convicted citizen's rehabilitation. By permitting that convicted citizen to file for a deservingly earned sentence modification/reduction motion.

ALL CONVICTED CITIZENS IN MARYLAND MUST BE GIVEN A CHANCE TO HAVE THEIR ORIGINAL SENTENCES RELOOKED AT BY A CONSTITUTIONAL COURT JUDGE.

"Without Prejudice"

Marcus William Toustale

JCI Testimony - 01.22.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Jason Allen, #356415
Jessup Correctional Institution

Re: Support for the Maryland Second Look Act

To the House and Senate Judiciary Committees,

As a 41 year old man with roughly 17 years in and beginning my first adult incarceration at 24 years old, my lived experience has me believe that this is the legislature needed to change our communities. I am much different than I was at 24 and I've watched many changes throughout my incarceration. As a minister and Certified Peer Recovery Specialist, I look for the inspiration that revives hope in this hopeless environment. Transitions from gang leaders to gang emancipators and drug dealer to pastor are real. But people need the hope to do so. Many of the men I refer to are big fish in a small pond, working in prison to address social issues that legislators across the nation fail to address in the past. Knowing that their greatest value is being utilized to prevent future crimes before they occur rather than picking up the pieces of people afterwards. We must critique the apathy towards this population that renders them underutilized.

The Kerner Report of President Ford's administration of the past acknowledged that incarceration and utilization of the justice system to address social issues harms black community's. Strom Thurmond and Ronald Reagan intentionally sought to criminalize being black. This was exacerbated later on by calls from Black legislators to incarcerate those in their communities by the government. Essentially, apathy towards the plight of marginalized Blacks who strive through adverse childhood experiences to survive is the social issue that our nation struggles with today.

Prison is where society sends those who've needed the most support, failed, or they don't know what to do with. This is not meant to diminish personal accountability as long sentence server to address this point. However, the macro-level illustrates the societal need for us. As the current model doesn't work and does more harm socially as well as economically. Empowering those who fight for a second chance to have hope in a better possibility. We have the training, lived experience, and desire to address social issues in our communities that the police do not. Thank you for this opportunity to convey the importance of recognizing the Incarcerated Citizens as assets to better develop our communities through Second Chances.

In Jesus Name,

Jason Allen

Steven S. Carrow 1941106
JCI P.O. Box 534
Jessup, Maryland 20794
January 10, 2025

To: The Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR for the Criminal Procedure – Petition to Reduce Sentence

My name is Steven Carrow and I have been a Maryland resident my entire life. I've served in the U.S. Marine Corps and I am a Gulf War Veteran. I am serving a life sentence and have been incarcerated for the past 2 1/2 decades. I have been a productive incarcerated citizen with an impeccable institution record.

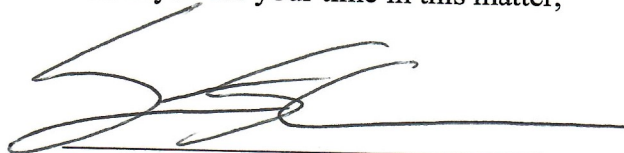
Maryland Law promulgates the objectives of sentencing as being for: punishment, deterrence, and **rehabilitation**. See Cruz-Qunitanilla v. State, 455 Md. 35, 40 (2017)(citing Smith. v. State, 308 Md. 162, 166 (1986)). The Supreme Court of the United States ("SCOTUS") has delineated that judges are the ones who must keep their eye on rehabilitation regarding sentencing. See, Jennings v. State, 399 Md. 675, 683-84 (1985) (citing United States v. Grayson, 738 U.S. 41, 45 (1978) (quoting Williams v. New York, 337 U.S. 241, 248, (1948) ("sentences should be determined with an eye toward the reformation and rehabilitation of offenders")))).

The General Assembly has created legislation giving judges the power to punish. By giving them the power to sentence. The Legislature has given judges the power to deter criminal defendants. When they legislated that judges may order those sentences to be served under the custody of the Commissioner of Corrections. However, Legislature has yet to give judges the power to keep their eye on rehabilitation. This Bill shall give judges that power for rehabilitation.

Since the SCOTUS stated that judges are responsible for keeping their eye on **rehabilitation**. The Supremacy Clause dictates that MARYLAND'S Legislature create a statute. Which gives **every criminal defendant** the right to file for a sentence reduction. Regardless of their age; regardless of the crimes of which they were convicted. And, regardless of the amount of time they have served.

Once again, I am asking for a **FAVORABLE VOTE** for the Criminal Procedure – Petition to Reduce Sentence

Thank you for your time in this matter,



Steven S. Carrow 1941106

Jason Allen, #356415

Jessup Correctional Institution

Re: Support for the Maryland Second Look Act

To the House and Senate Judiciary Committees,

My lived experience of coming into prison at 24 and with 17 years in on Life leads me to believe that the Maryland Second Look Act is needed to change our communities for the better. I am not the same and have changed throughout my incarceration. As a minister and Certified Peer Recovery Specialist, I look for the inspiration that revives hope in this hopeless environment. I am not an aberration. Transitions from gang leaders to gang emancipators and drug dealers to pastors are real. But people need the hope to do so and the living receipts to see what they could lose and what is possible if they change. Many of the men I refer to are big fish in a small pond. They advocate and work in prison to address social issues that legislators across the nation failed to address. Knowing that their greatest value is them being utilized to prevent crimes out of love rather than picking up the pieces of people afterwards, we must critique the apathy towards this population that renders them underutilized.

During President Ford's administration, the Kerner Committee issued a report acknowledging that incarceration and utilization of the justice system to address social issues harms Black communities. Strom Thurmond and Richard Nixon intentionally sought to criminalize being Black with "The Southern Strategy". This was exacerbated later by calls from Black legislators to incarcerate those in their communities selling or using drugs intentionally funneled there by the government. Apathy towards the plight of marginalized Blacks who strive through Adverse Childhood Experiences (ACES) to survive is the critical social issue that our nation struggles with today.

Prison is where society sends those who've needed the most support, failed to support, or send who they don't know what to do with. This is not meant to diminish personal accountability as long sentences served addresses this point. However, the macro-level illustrates the societal need for us. As the current model doesn't work and does more harm socially as well as economically, empowering those who desire a second chance increases the possibility of a better outcome for everyone. We have the training, lived experience, and desire to address social issues in our communities that the police do not. Thank you for this opportunity to convey the

importance of recognizing the Incarcerated Citizens as assets to better develop our communities through Second Chances.

In Jesus Name,

Jason Allen

TO: Honorable State Senators and Representatives
FROM: Richard McLeod, #190814
RE: Testimony for Second Look
DATE: January 9, 2025

Dear Sirs and Ma'ams,

To all the Honorable Senators and Representatives for the great State of Maryland I extend salutations. Additionally, I wish to thank you in advance for this opportunity to speak on behalf of the passage of the Second Look Act in its original form.

My name is Richard "Hanif" McLeod. I am a State Certified Peer Recovery Specialist, and have been incarcerated since 1987, nearly four decades. I am serving a Life without parole sentence for Felony Murder; a crime for which I am both actually and factually innocent.

I would like to take a moment to say that I am in support of returning the discretionary authority of modifying criminal sentences to the judiciary. Judges have the unique ability to take all factors of a given case and balance the interests of all parties to insure a just outcome.

As you are already aware, it is well established law that the intent behind the original adjudication of a given crime is to address the interests of the victim, the community at large, as well as the defendant. The Judge is charged with the duty to address punishment, deterrence, and rehabilitation. This principal is validated by the Supreme Court when they said that Judges sentence with an eye towards rehabilitation. We can see clearly that the courts have seen to the first two principals in the original sentence of offenders. Where-as, they have lost the jurisdiction over those same cases involving lengthy terms of confinement. In what world is a Court going to give genuine consideration to changing a sentence where the victims and the community is still very much in their healing processes.

I would like to make Two final points. The first: is that the passage of this Act is in no way a magic wand that releases *anyone* from prison. It simply enables a Court to review the history of an incarcerated person to determine if there is evidence of rehabilitation supporting the possibility of modifying his or her term of confinement. And second: There are sufficient amounts of data that show:

- a) that once individuals have twenty or more years into their sentence's they have diminished the level of criminal behavior substantially from their youth and there-by present a significantly reduced threat to the community; and
- b) that the comparative benefit of continued incarceration for individuals who have often decades of demonstratable rehabilitation far outweighs any punitive value.

There are many other reasons that validate the over-all need and benefit of passing this Bill. I won't belabor the point by restating them. I wish to simply state that there are many inside, as well as outside of the Maryland Prison system that will profit from its passage. We are currently trying to address a major budget concern for our State. The millions of tax-payer dollars that will be saved by the passage of the Second Look in itself will significantly aid in solving some of those concerns.

In closing, I wish to again thank all of you for the work that you do for this State. I want to say that I whole-heartedly support the passage of the Second Look Act as is.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. McLeod". The signature is fluid and cursive, with the first name "Richard" and last name "McLeod" clearly distinguishable.

Richard L. McLeod, C.P.R.S.

Cc; rlm

File

MCI-J Testimony - 01.22.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

January 8, 2025

To: Maryland Senate and House Committee

From: Kevin Briscoe #173493/401893

P.O. Box 549

Jessup, Maryland 20794

Re: Support for Second Look Act

Honorable Committees,

Thank you for looking at the Second Chance Bill, it allows a progressive look towards being at least considered in a manner of one's voice being heard after being silent for decades. The point being most persons after being incarcerated for long periods have chosen to redevelop their flawed way of thinking as well as being in control of their thoughts, feelings and behavior. Having adopted a more positive outlook allows us to value respect for others while a clearer approach to what it means to not only take responsibility for one's actions but also handling with life's obstacles without putting their pain on others.

There are no shortcuts to this process because all factors had to be considered, society, our victims, our thought process, self-reflection and a great deal more.

I don't come to any conclusion about anything until hearing all sides of the good, bad and indifferent. All sides speak from experience and pain, realizing it's the pain that keeps us from being objective or receptive.

The second look is just that, a second look, not a get out of prison free card. What may not matter to one person may to another, we don't know the positive impact it can have on the healing process of those harmed or society after hearing how much the pain others matter to us, how this persons thinking has changed and more importantly what they have to offer being a part of the living society again. Several of the issues leading one to prison were their thinking, the other lack of support. The thinking has been corrected, now what is being asked for is the support.

If society's mission was to correct one's thinking so they could properly function within society's rules and values, then at some point it was meant for that person to show and prove their value and worth.

Please consider allowing one an opportunity to live a realistic lifestyle that reflects growth and self-worth.

It's like having a death sentence not in the literal sense but picture having made some extremely poor decisions, learning from them but never allowed show how understanding those choices allowed the change that is now your view of yourself, a light remaining in darkness always that disappointment to society, family and self?
(You might as well not exist)

What has been redeveloped in most allows one to be seen in a different light, now understanding I am not the sum of my past, matured to the point that life and others matter. Which leaves one to ask the greater question, does it matter? , Did anyone care to see change? Or was that a misconception of what the justice system stands for?

On a personal note, I am still working towards greater understanding as to where all my pain came from; the difference now is I do know I am in control of my thoughts, feelings and behavior. Now having the tools to recognize and overcome negative feelings which allow me to make decisions based on logic not emotions.

Is forgiveness so far from us? Lest we forget all of the pains so many have suffered do to personal ignorance and flawed thinking. Is that not what we all have been fighting against? We are standing tall not because of anything we've done but because our minds are correct and we are now able to be counted (as humans), allow us to be counted.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kevin Briscoe".

Kevin Briscoe

Heal My Heart

I wake up in the morning just to pray, I give thanks to see another day, but no matter how hard I try the pain of my past just won't go away.

The Lord helped me realize only time can heal certain pain, please Father hear me when I am Praising your Holy Name.

I use to see life through different eyes, but loving Jesus brings to mind that he is that Greater Love and Greater Peace that lets us all know a better day is on the way.

Father please Heal My Heart and Ease My Pain, give me the Strength to Love again. Heal My Heart and Ease My Pain, give me Hope to Trust again, give me the Strength to Live and to Trust so I can Love now that I now know how.

Only Jesus can Ease Our Pain as he uses his Word to make things simple and plain, to teach us the ways of Love to ensure his message is heard by all.

Learning more about what plan the Lord has for me helped me turn over a new leaf, I am determined to live a better way, that is if I have an opportunity someday.

I'd feel much better if the past would go away, but then how would one see all of the examples Christ left for you and me to show us the way, the pain we've caused ourselves and others teach us the values of what we can't always see.

Those examples show us there are something's in lives we must change, choosing what is right because that is how we gain our insight.

To give thanks in all things as we often don't see the beauty in pain, but it's the pain that brings the much needed change which later keeps us going in the direction this simple but not always plain.

There is no Greater Love or Peace than Living for the Lord
(No Matter How Hard)

Heal My Heart and Ease Your Pain we all suffer to reveal what's plain.

Kevin Briscoe

Testimony / Lifer / MCI-J

I am 67 years old and I have been incarcerated since the age of 28.

As a younger man I was heavily involved in using illicit drugs and alcohol and didn't realize the destruction I was causing to so many people by leading such a destructive life. The end result of this foolish behavior was I took the life of another human being by driving my automobile under the influence of a hallucinogenic drug.

After this tragic event occurred and sobering up in prison that I finally realized the pain and suffering I caused, not only to the victim and his family, I nearly destroyed my family as well. At this point there was nothing I could do other than change my behavior/thinking. I was in prison serving a Life Sentence due to my insanity and realized that I was the only one who could change me so I started on a life time journey of rehabilitating myself.

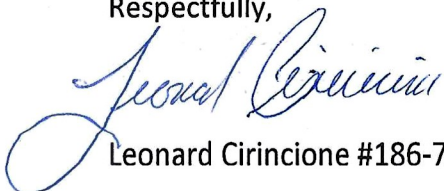
Throughout the decades I've spent in prison I've worked diligently on changing my negative ways. The first step was to get involved in 12 step programs (AA-NA) second step was to educate myself. I enrolled in the College Program and decided to major in Applied Psychology w/a concentration in Drug and Alcohol Addictions. My rationale for choosing Applied Psychology as a major was to get a handle on myself and apply the tools that I learned to heal myself and possibly be a role model and help others in their struggle.

Throughout the years I also got involved in many other institutional programs and worked full time with Maryland Correctional Enterprises. Now almost 40 years later I am still involved in 12 step programs and working for Maryland Correctional Enterprises.

I feel the Maryland Second Chance Act would be very beneficial not only for myself and many other men who like myself worked diligently on correcting their negative ways that lead them to prison. Not only have we corrected our negative behavior, we can now be role models to the younger generation who are headed in the same direction that we did. We can be a big part of stopping the madness that is occurring with our youth.

There is a lot more to say but I will conclude this testimony for now.

Respectfully,

A handwritten signature in blue ink, appearing to read "Leonard Cirincione". The signature is stylized with a large, looping initial "L".

Leonard Cirincione #186-738

1-13-25

To: House & Senate Judiciary Committee,

My name is Marvin Crossell, I am serving Life sentence in the Maryland Penal System and I support this Second Look Bill.

First, I would like to thank you for taking the time to read why it is important for the passing of a Second Look Bill. I can imagine that it may be difficult for you to consider giving individuals who are incarcerated a second chance with all the chaotic things that are going on in our society today. I believe though that we all have to remain hopeful and vigilant if we are to induce positive changes in both individual's, and our society. The Former President, Barack Obama once said something that resonated with me when he came into office; he stated at a very chaotic time in our country and world's history, "Change will not come if we wait for some other person or some other time. We are the ones we have been waiting for. We are the change that we seek." For me, that included everyone from every walk of life. It does not matter what color you are, what your beliefs are, if you are rich or poor, or have made bad decisions in your life. That call went out to everyone, it still does!

I believe the Second Chance Bill matters because it gives an individual like me: incarcerated at age 19, no priors, time served – 45 years a chance to change the narrative of his or her life. Now none of us can undo the crimes we have committed, nor can we undo the poor choices we have made in the past. However, many of us have grown and changed from the young, misguided, uneducated and lost individuals we were. A second chance matters because with it comes the opportunity for new beginnings, to be a better person and it gives us the chance to help rebuild the communities we shared a part in there deterioration. Moreover, there are still a great number of things that could attest to why a second chance matters, but I will end with this. When many of us who have served 30 plus years where sentenced, we had 90 days in which to file for a modification of sentence and within a year we would have a hearing. The thing is, within that time none of us had the opportunity to grow, to transform our lives or learn from the bad choices we had made. In fact, I did not fully understand the extent of my actions, how those choices affected my victim, their family, the community and even my own family, as

well as my own life. Today the laws are changed and the courts are not permitted to even consider modifying anyone's sentence after 5 years of being sentenced; even if it is warranted where an individual has shown through their institutional record that they have transformed their lives through self-reflection, education, self-help and cognitive groups. On a personal note, it took some time for me to truly realize the crimes that I committed but I came to the place where I did and it was at that point that I made a choice to change. I felt like I owed it to my victim, to a whole community that lived in fear for a time, to a woman who raised me with good morals and values, and I owed to myself to change. So in an environment that was inundated with violence, chaos, drugs and alcohol. One that was limited and less than ideal, I began to take the steps that I believed would promote growth and change in my life. I began to get active in self-help groups that really taught me about being less self-centered, doing for and giving to others. I enrolled in school, obtained a G.E.D., and then went on to be the first and only person in my family of six sisters and four brothers to obtain a college degree (B.S. in Management Science). I also became active in mentoring groups that were geared towards at risk youth from all over the state of Maryland. In addition, by the grace of God Who transformed my heart, I no longer use drugs or drink alcohol, and my life has meaning and purpose.

In closing, please know that behind these walls and fences are some very talented and gifted individuals. It is unfortunate that many of us had to come to prison to discover our purpose in life, or that we even possessed gifts and talents that could possibly provide for our families and ourselves or to share with the world; but such is the case. Now we are armed with wisdom, education and other tools to help us better navigate out in society today. I am not proud of my actions and unfortunately, I can never take back or undo the things I have done and that is something that I will have to live with for the rest of my life. Though I am not the victim in this matter, I have paid a great price, I believe I have put in the work to transform my life and I am asking to be given the opportunity to, at the very least, be given consideration for a second chance. Thank you!

Respectfully,

Marvin Croft

MCI-W Testimony - 01.28.2025v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Committee: House and Senate Judiciary Proceedings Committee Favorable Support

My name is Janet Johnson. I am currently incarcerated at Maryland's Correctional Institution for Women. I entered the system as an emerging adult at the age of 18 and at 19 was sentenced to 25 years to life with the possibility of parole.

The scientific community recognizes emerging adults as adolescents between the ages of 18 - 25. Youth between the ages of 18 -25 are classified as emerging adults because, while they have exceeded the age required for classification as a juvenile, their brain hasn't reached the stage of development required to classify them as an adult. Farrington, Loeber and Howell explain in their research article Young Adult Offenders that the higher executive functions of the brain, which includes planning, verbal memory and impulse control, are not usually developed fully until the age 25.

I am now 37 years old and have worked hard at becoming the woman I am today. On May 31, 2024 I graduated from Goucher College with Honors. I achieved honors by defending my thesis that questioned "Have cultural norms shifted to signify that eighteen is no longer the marker at which an adolescent transitions into adulthood? Science supports that brain maturation within an adolescent is not reached until the age of 25. What does this mean for emerging adults within Maryland's criminal justice system?"

I spend my time giving back by tutoring my peers and training to become a peer recovery specialist. I have all of the hours required for certification and am just waiting to take the test. I enjoy creating programs that assist in the rehabilitation of the women in my community. I share this with you because I want you to know that I am not the same person I was at the age of 18. I have grown and am working hard to prevent at least one at-risk youth from making the same mistakes that led me to prison by sharing my journey of growth.

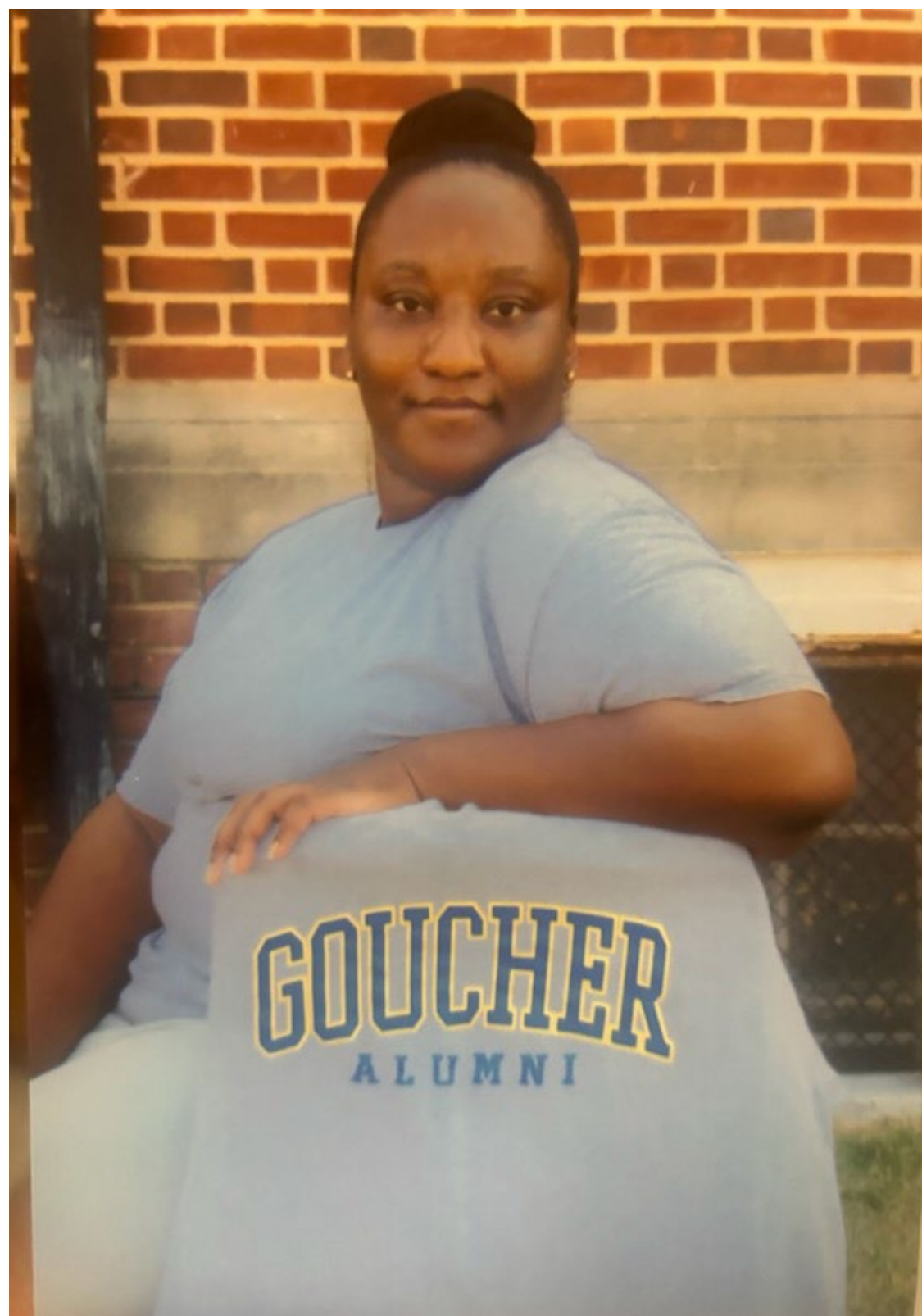
I am an adult who was incarcerated at the age of 18. I believe that I needed to be held accountable for my decisions that led me here. Someone lost their life and that is something I have to live with for the rest of my life. Although I do have parole eligibility, because of my sentences, there is no guaranteed timeline for release. I was given a 10 year hit as a result of my parole hearing in 2020. My next hearing is in 2030. If given a recommendation for release, I would still have to have a risk assessment. The process for a risk assessment has been lengthy. For most people, the process has been three years.

Passing the Second Look at would mean a realistic release date for emerging adults like me. I didn't fit the criteria for the Juvenile Restoration Act of 2021 because I was 18 at the time of my offense. However, the scientific data that renders juveniles less culpable than adults includes emerging adults as being less culpable as well.

I thank you in advance for your time and support of this bill.

Respectfully,

Janet Johnson # 923246
7943 Brockbridge Road
Jessup, Md 20794



My name is LaTronda Jackson

I came to prison by way of very unfortunate events and an Alford Plea. I have taken full responsibility for my part. I relapsed and found myself in fight or flight situation. No other way for me to describe it. I had been clean since 2004 when I gave birth to the third of my six beautiful children. My life went wrong at the age of 5. I felt abandoned, unloved, unwanted and was molested, abused and broken by the same people who said they loved me. Throughout my entire existence I experienced those things, thinking the whole time it was my fault, thinking that I did something to deserve it.

When I got clean, had therapy, counseling and gained the understanding that I was a child and wasn't responsible. I was a victim. It mess me up. I needed help not drugs. I knew better so I begin to do and wanted better. I not only wanted better for myself but also for my children. I begin to be a Mom, productive member of society, husband (Islamic marriage) a roof over our heads and living drug free. I had just had my youngest daughter she was 3 months plus when, I found out my husband was cheating on me and selling drugs. He had 7 children plus my six that I cared for most of the time. They all went to family member's homes for visits and it should have been just me and him. It wind up only being me. I was devastated, possibly suffering from PTSD and I broke down turned to that pain reliever instead of using the coping skills and my NA sponsor. It was biggest mistake of my life. 2 hours. I went through the neighbor, meet with the guy. I had money. In the end he wanted what I wasn't willing to give. He decided he wanted to take it. Here I sit with 35 years in prison for defending myself. I thank good every day for saving my life. It could have been me and I might not have made it back from that relapse.

During my time in MCIW I have remained infraction free. I stayed available as much as I can for my children participating in classes, Family and Children's days. I continue to take group and classes that will allow me to be a better stronger person than I was when I got here. I have maintained a job my whole duration. I have an abundance of certificates and certifications and am aiming for more. When I am release I will prove to the world I am deserving of the freedom rewarded. I miss my children most of all. Changing the cycle.

To Whom It May Concern,

Before my incarceration I was so lost, checked out, unaware, misguided, suffering and suffering from so much abuse mentally, physically, sexually, and emotionally. Not knowing who I was from day to day. I was smothering myself with drugs and alcohol just to be numb. I didn't want to bare the pain and heartbreak I felt constantly from being unwanted, unloved, and abandoned. I was in and out of Foster homes and mental institutions. I have been incarcerated since January 23rd, 2009. I was 19 yrs. Old. I am now 35. Since being behind these walls I have learned and accomplished so much. I have achieved my diploma and 40 certificated from multiple self-help group and classes. I am a mentor for The Youth Challenge Program. I have a job working for Maryland Correctional Enterprise being the line leader of my department. I have overcome everything I was suffering from before my incarceration. I thrive each and every day to put my best foot forward. I am full of humility. I have self-discipline, self-love, self-respect, ambition, integrity, dignity and a heart is so much better. I also have graduated from a 6 month program called ATP(Addiction Treatment Protocol). I attend regular meetings Of Al-Anon, AA. I even buff the floors within the institution. If this bill was to pass, it would mean to me that I have another chance to live my life the proper way and utilize the excellent tools I have obtained. I will be a wise and virtuous human being, giving back to the community, showing that I am worthy of living in society among everyone else. I can show my greatness. I would like to help guide the youth and help them to not make the same mistakes I have. This bill would affect my life because I now know my purpose. I am a leader, a teacher, and a role model. So many are lost, we all live and learn and if I could help save someone's life before heading to that dead end. Then that just what I would do. I want to be to society and my community what I didn't have. I know who I am and I know life will show up but there is a different me now. I know how to look hardship in the face and not run. There is nothing that will stop me from living out my purpose. Please allow me the second chance and an opportunity to show you everything I have written in the lines above. Thank you.

Respectfully Submitted, :

Josiah (Brittany) Barkley #924902

JBarkley

1

My name is Cynthia Levering
I am 62 years of age. I have
been incarcerated for 34 years.
There has not been one day
or one minute to pass in those
almost 35 years that my heart does
not ache because of my actions or
the lack of them. all of my life
is full of remorse and regret.
I was sentenced to life plus 75 years
without parole. I only knew my co-defendant
for 30 days. I accepted a ride with a
stranger; he took me to a room in
a house in which I was held against
my will, I was sexually assaulted and
forced to smoke PCP repeatedly over
a course of days. a drug I
never liked or used to even
self medicate which I did most of my
life. I do believe I was at the lowest
point of my pitiful life. I had no
desire to live. This would explain
to me why I did not run away
once I gained my co-defendants
trust. and he untied me. In the

beginning I was tied up on that room on the mattress on the floor. I do recall a very big dog in the room as well. I do not have much memory of the events thereafter; not only was I forced to smoke PCP I also self medicated with my prescribed medications Valium and Placidyls which I did abuse; but were prescribed by DR RUBIN.

I cannot fathom the person I am today committing such a heinous and senseless act as the one I am charged with. It has been hard to live with my self, not to mention forgiving myself. So that I may also be forgiven by God. My heart will never not hurt, and the remorse will forever consume me. I am 62 years old now. I do not know how many years I may have left of life but I wish with all my heart & soul I too, like many of the people I have met here many years ago with like charges who are now home

There is an extreme disparity in sentencing depending upon where you go to trial and its jurisdiction in which that trial took place. I was offered a plea of life w/ Parole if I pled guilty but I did not accept; I regret that today. I was given life w/o Parole plus 75 years.

I do not know the criteria that is used to determine who gets a second chance and who does not. But I have known many who have. They are all doing great for which I am pleased and proud of them.

My first 20 years I tried to accomplish what I could to better myself. I received my GED in 1996.

I worked for MCE for about 20 years in various shops. With all my experience + training in the 20 years I worked for MCE, I never received a work related infraction. I have developed transferable skills with the 4 different shops in

which I worked. I earned
many Certificates to include master
Bee Keeping which I loved. I also
worked and kept the gardens up
for my first years here.

But after 17
years I became hopeless feeling
and very depressed. I had no
sense of hope or incentive and
the quiet I felt for all the
lives my actions affected
consumed me. Today I am working
through the quiet by having
a relationship with the Lord,
reading his word and much prayer.
I know he has forgiven me.
I only hope I pray that
humankind will also forgive me.
So that I may live my
remaining years free and
trying to give back with
Love and compassion where
it is needed. God has put
many good people in my life
who have been true blessings.

for which I am forever grateful.
I have been married now
since 1999 and have a loving
husband & family. I pray you
may find it in your heart
to also forgive me and
consider a second chance
in whatever life I may have
left to live.

Respectfully,

Cynthia Leveing

I attend Lutheran St Dymas
service and have been for the
last 25 years. I wish to go to
the Marian House a structured transitional
housing program where I would receive
intensive & holistic support during
my return to society. The Marian House
is in Baeto, Md & provides comprehensive
programming for formerly incarcerated women.
I also have the support of my
husband of 25 years, Daniel Freeman.

NBCI - 01.31.2024.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Warren X Stuckey /241-212
North Branch Correctional Institution
14100 McMullen Hwy., S.W.
Cumberland, Maryland 21502

RE: Support and Consolidation for Justice
Reform to Change Laws to Protect Against Intermecine Harms

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3937 1/2 Minnesota Avenue, NE
P. O. Box 64093
Washington, DC 20029

Dear Ms. Hazelton:

This letter is being written on behalf of the men who reside in North Branch Correctional Institution-(**herein after 'NBI'**)-; because we wish to share our sentiment with you and the Attorney General (Mr. Anthony Brown) for the noble endeavor in which you'll have taken upon yourselves.

All of the letters of the men who support the many who are advocating for us really wish you to know that we are with you in spirit. As the Student Minister of the Nation of Islam, I am in a continuous struggle (**though worth every second**) for self-development and reform which entails doing that which is in line with producing a reformative mind through efforts of reposure; enabling one to grow beyond the deplorable thinking and behavior patterns. It isn't until the human being learns how to truly evolve the self, that he/she is able to reform and give the same to others.

Since coming to prison in 1983, for the murder of a childhood friend (Larry "Woodie" Erickson), I have spent my time trying to figure out what was causative enough to transform a young mind to do that which troubles the innate propensity for right thinking. Of course, we can all concede to how certain conditioning has been the culprit to belie and distort that which the communities (i.e. **"culture"**) in Black and Brown areas suffers from, and pass them off as mere slippages of those languishing therein; however, those understanding the power of having a voice knows better. For whenever you take the ability of people to articulate their feelings (i.e. **like human beings should**); what depreciates as a result is more than just the gift of expression; they become what they see. And, this means to lose that ability altogether.

Children moves in errant due to what the eye catches; because they lack the know how of distinction between right and wrong. This is precisely why parents and other guardians sometimes find it difficult to grasp "why?" Now, after years of research and experiments; it becomes obvious that the mind capacity of even early adults lack true comprehension of a wide tendency to produce for that mind, clarity of measuring a full impact for deviation. We learn this empirically. This is why the task; as well as the path, assured by those like yourselves are of extreme importance. They help to facilitate a better lens from which to see how enbrangled goes this intermecine problem.

Each individual whose names affixes this show of support, most of whom have endeavored to prove ourselves worthy of such advances on your parts, by living a life that could be easily

braved to support the argument against giving us a second chance to live in a wellness state outside of these confines.

We are extremely hopeful of the Bill passing with respect to this regard. If you haven't seen or been told by the many you represent in these laborious undertaking; know that our gratitude speaks volumes of your worth in the cause of justice and devotion. WE thank you; and say, "Mizpah!"

Sincerely,

Warren X Stuckey ("Warren Muhammad")

CC:MS

Anthony G. Brown

200 Saint Paul Place

Baltimore, MD 21202

Greeting Mr. Brown,

First and Foremost I would like to start off by thanking you for your concerns and your efforts in reducing Mass incarceration and also establishing meaningful reform in Maryland's criminal legal system.

As an incarcerated individual serving a sentence of Life without the Possibility of Parole, I feel discriminated against because of my sentence. Serving a life without Parole sentence doesn't allow me to move throughout Maryland's prison system to be able to take advantage of certain programs or special Trades other institutions may have to offer. I believe that there should be a criteria met that would allow incarcerated individuals the opportunity to advance throughout the prison system. The idea of reform is for one to improve on self, the system doesn't allow individuals to do that.

I would also like to thank you and your constituents for your work and support in trying to get the Second Look Act Bill passed. I believe in second chances for individual who have earned it, I also believe that they shouldn't be taken lightly. I am amongst some men who are well deserving of a second chance, and I pray that one day they'll get that chance because they have so much to offer to society.

Mr. Brown I can't even express to you the importance of this bill and the affect that it will have on individuals who are so eager to do the right thing, to re-enter society and be productive citizens to there communities.

Again Mr. Brown, thank You and all who support the cause for reducing mass incarceration and establishing meaningful and effective reform in the legal systems.

Sincerely,

James Turner

James Turner

364-875

November 26, 2023
10:07 AM

ABRAS MORRISON
N.B.C.I. - 227630/136197
H100 Mc-Mullen Hwy, 50
Cumberland, MD 21502

Dear Honorable Anthony G. Brown;

Goodmorning Sir!

Sir, first allow me to THANK you for reviewing and supporting the Second Look bill in Maryland, to change the mass INCARCERATION of BLACKS and other MARGINALIZED people. Yes Sir, you ARE CORRECT AND it has been proven that lack of educational, services, equality and care leads to us making negative decisions. One of the main reasons for men and women spending 3 to 5 decades incarcerated, is because when errors ARE raised to the courts, the circuit courts use their discretion instead of applying the Md. law. In my case, my co-defendant pled guilty, did 29 yrs on his life sentence, had his sentence modified twice & freed June 2020. I did not plead guilty received life without parole sentence. I have raised the claim with verifiable proof that the State's Attorney lied to the court for me to receive the enhanced/increased penalty. Up to now no one from the State's Attorney office, including

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the State's Attorney have said that my claim
is untrue. I say again, no member of the
opposing party has said, nor can they say, my
claim is untrue. Yet, up to now, every judge
has just denied the motion or petition with no
opinion. In Gregory Daniel Lambert's
situation, he did exactly what you told him to
do pertaining to his Md. R. 4-351 claim, he
even used the exact case and motion you said
he should have filed. Yet, the Circuit Court
judge denied his claim with NO OPINION.
So, as you can see Sir, the Circuit Court judge
are not using the Md. law to address errors,
they are using their discretion, which many
times leaves you and the Appellate Courts to
deal with the claims. Please make sure that in
the Second Look Act bill, it is stated that,
ONCE AN INCARCERATED PERSON SATISFIES THE
REQUIREMENTS, JUVENILE OR NOT, THE COURT MUST
MODIFY THE INCARCERATED PERSON'S SENTENCE. Otherwise
Sir, the judges will use their discretion and
deny the modification, every 5 yrs., leaving
MASS INCARCERATION OF BLACKS AND OTHER
MARGINALIZED PEOPLE UNCHANGED.
Thank You Sir, for reading these words.

2

Sincerely,
Abner Morrison

DEAR HONORABLE ANTHONY G. BROWN;

GOOD DAY SIR!

I PRAY THIS LETTER REACH YOU IN THE BEST SPIRIT.

I WOULD LIKE TO FIRST THANK YOU FOR YOUR SUPPORT OF THE SECOND LOOK ACT BILL. AS YOU KNOW, MANY BLACK MEN, WOMEN AND CHILDREN ARE DISPROPORTIONATELY INCARCERATED IN MARYLAND AND ALL ACROSS THIS COUNTRY. PART OF THE REASON FOR THIS PROBLEM OF MASS INCARCERATION IS NOT ONLY THE CULTURAL, ECONOMIC, SOCIAL ILLS, ETC., OF BLACK PEOPLE, BUT ALSO THE STATES ATTORNEYS AND JUDGES THAT DON'T FOLLOW THE LAWS/MD. RULES WHEN ERRORS ARE MADE BY THE STATE, THE COURT OR LAW ENFORCEMENT. INSTEAD OF GRANTING BLACK MEN, WOMEN AND CHILDREN RELIEF ACCORDING TO THE MD. RULES/LAWS OR EVEN THE PROGRESS/GOOD BEHAVIOR OF THE INCARCERATED, THE STATE AND/OR THE COURT CHOOSES TO KEEP US INCARCERATED; THEREFORE PERPETUATING THE MASS INCARCERATION OF BLACK MEN, WOMEN AND CHILDREN. PEOPLE SUCH AS YOURSELF ARE IN A POSITION TO HAVE MERCY ON US. THANK YOU FOR YOUR TIME AND ENERGY.

SINCERELY,



GREGORY DANIEL LAMBERT
327-299/1528429
N.B.C.I.

14100 MCMULLEN HWY, S.W.

CUMBERLAND, MD. 21502

11-27-23

DaJuan Marshall #400888 #2102583

14100 McMullen hwy, S.W

Cumberland, Md. 21502

Mr. Brown,

I am writing on the behalf of myself and the many other incarcerated men, women, and children throughout Maryland. I thank you for having interest and considering the Second Look Bill. As you know there are many of us incarcerated looking towards, fighting towards, and deserving of a second chance at life and the Privilege of freedom. From those who have languished behind bars for a crime committed in their childhood, or to those of us who are truly innocent but were still convicted, or to those who've truly transcended from their past self. This second look gives hope and would be in the best interest of Justice and morality.

As I enter my 16th year of incarceration, I think of the men and women who have been in bondage for 20, 30, 40+ years, and to what end?

Is it humanly possible to not evolve past the mistakes or faults committed in our youth? We should all be deemed worthy of rehabilitation, redemption, and reconciliation. For crimes one is convicted of should punishment be the end all, say all?

I have met the genuine at heart, and some of the greatest minds on this journey, and surely their families and society would receive a great service by their presence. The Second Look act would bring fair balance on the scale of justice. So once more on the behalf of the often forgotten and exiled... I thank you, and thank you for taking time to read my words. Sincerely, DaJuan Marshall

In The Name of Allah, The Beneficent
The Most Merciful

As-Salaam Alaikum (Peace and Blessing be upon you)

Mr. Brown first, before I begin to address any subject matter. I would be remiss if I don't thank you and all of those who stand/work shoulder to shoulder with you on the Reduction of Mass Incarceration, and Restructuring this broken Maryland Criminal Legal System.

Now as a Incarcerated Individual (II) serving a life with parole sentence, by guilty plea; which is a high rate in itself. I have been confined since 2009, and what the system calls a model (II) and still hasn't gotten all the system has to offer. I believe as a Lifer we should've multi-option that will maximize the potential for Self-Improvement, and Higher Education. Because in doing so this gives the person the opportunity to show and prove his/her Rehabilitation; isn't this suppose to be the goal for the prison system?

So working to pass the Second Act Bill is very much needed. So those who has qualified themselves as Redeemed(II)'s, will then in return be the solution to the problem in society. Me and many other Brother's are willing to be The Price of Redemption to save one life. I hope and pray that all parties argue their proportion of the bill and why it should pass like their children's life depends on it, because it does. Now why I said that is because your children ~~are~~ either growing up in some of the same or similar environment.

my final thoughts, and suggestion is to jump start this Reform in the Maryland Criminal Legal System. ONE I believe it should be a Integrity Unit inside Baltimore County and in any state that doesn't have this Integrity Unit (IU) in place; Because the unit establish responsibility and accountability from the Highest to the Lowest, (from Police officers, Prosecute's, and Judges etc.) Our Criminal legal system has all type of Rules and Regulation Md-Rules, Criminal Procedure etc. that (must) be followed to the Letter; not circumvent. So whenever The Law is precisely shadow it creates Balance and Justice brings peace.

Mr. Attorney General, what you are witnessing in our city streets is the lack of Balance. Mr Brown our goal is to correct misconduct of any kind ~~of~~ the root. So let's continue to work hard to restore our communities. Thank you for all your Support Sir!

your truly
Robert X Crowder 364-717

"Where there No Justice, there No Peace"

Marvin L. Warner
14100 Mcmullen hwy, SW
Cumberland, md 21502
December 22, 2023

Dear Attorney General Anthony Brown,

Hello sir! My Name is Marvin L. Warner. I'm currently incarcerated at North Branch Correctional Institution, serving a Life Sentence. I'm writing you in reference to (Maryland Second Look Act). I would be remiss in my duties as a reformed man, if I didn't express my gratitude to you and your administration for supporting the second look act. The second look act, ~~the~~ is a great step towards criminal justice reform in the state of Maryland.

I know that the keys to making the state of Maryland a safer environment reside in the hearts of the men at N.B.C.I, with a second chance

and proper Funding, I and many others
will become a great asset to the
communities within the state. Myself
and many other men and women look forward
to benefiting from this. Thank you sir!

Sincerely
Marvin Warner
Marvin Warner

Dec 15, 2023

To: Attorney General - Anthony G. Brown

I Am writing you this letter to show my Appreciation and Admiration towards you, For Supporting and Advocating For the passing of The Second look Act that's coming up For A Vote next year. I Am A Individual who fits under the Criteria of this Bill. I was arrested At the Age of 18yrs old and convicted At 19yrs For A Murder, And Sentence to A Life Sentence without the possibility of parole) this Bill will help me Greatly. in Achieving my Freedom Back giving me the opportunity. To Make Something out of my life on A positive note. And giving Back to my Community. My Family support me And they also Support's you, And the Advocation of this Bill. I would like to know who Else i need to contact And Support with my Family to get this Bill passed into law.

Thank you! For listen Sincerely Mr. Jerome Blauding Jr

SN# 1662295 N.B.C.F

Cumberland, MD 21502

14100 McMillen Hwy S.W

(Time of my Arrest 1996)

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Position: FAV

MR. ANTHONY BROWN:

12-22-23

MY NAME IS ERIC CLARK AND I AM CURRENTLY INCARCERATED AT M.B.C. IN CUMBERLAND, MARYLAND. I AM RESPECTFULLY ADDRESSING THIS LETTER TO YOU IN REFERENCE TO YOUR APPRECIATED SUPPORT AND ASSISTANCE WITH THE SECOND LOOK ACT BILL. MR. BROWN, THIS LETTER ISN'T JUST ABOUT ME THANKING YOU ON BEHALF OF MYSELF; SIR, THIS IS A LETTER ON BEHALF OF ALL OF THE MEN AND WOMEN HERE IN MD AND ACROSS THE COUNTRY, WHO ARE ACTUALLY UNABLE TO SAY "THANK YOU". SO MANY MEN AND WOMEN WHO ARE INCARCERATED REALLY DO DESERVE A SECOND CHANCE — A SECOND LOOK AT LIFE. MANY OF US CAME TO PRISON AS LITTLE BOYS AND GIRLS WITH UNDEVELOPED MINDS; MEANING, WITHOUT ANY VALUES OR TRUE GOALS. YET, OVER THE PAST 20, 25, 30 YEARS A LOT OF THESE SAME YOUNG BOYS AND GIRLS HAVE EVOLVED, GROWN AND MATURED INTO MEN AND WOMEN OF AND WITH HONOR, INTEGRITY AND RESPECT. ELEMENTS OF VALUES AND PRINCIPLES THAT DIDN'T EXIST IN OUR EARLIER UN-NURTURED YEARS. THIS IS WHY THE SECOND LOOK ACT BILL IS SO NEEDED, SO IMPORTANT AND SO POWERFUL. THIS BILL GENERATES AN INCENTIVE TO SO MANY TO CONTINUE TO GROW AND TO CONTINUE TO DO GOOD. THIS BILL IS A POWERFUL ENCOURAGEMENT TO MEN AND WOMEN TO CONTINUE TO PROPERLY REHABILITATE THEMSELVES IN A MORE POSITIVE AND MORE STRONGER MANNER. THAT'S MENTALLY, MORALLY, EMOTIONALLY, SOCIALLY AND SO ON. YET; HOW CAN WE DEMONSTRATE OUR TRUE GROWTH FOR SELF AND OTHERS, IF WE AREN'T AFFORDED ~~AN~~ ^A GENUINE OPPORTUNITY TO BE OUR TRUE REHABILITATED SELF. THAT'S ONE WHO DOESN'T TAKE LIFE OR IT'S BLESSINGS FOR GRANTED. ONCE AGAIN, ON BEHALF OF ALL THE MEN AND WOMEN THIS BILL AND YOUR ACTIONS HELP — "THANK YOU" ^{ooo}

ERIC CLARK #188-711

Dear Att. General Brown, I'm writing to you in reference to the Second Chance Act, as well as the traumatic issue being the mass incarceration within our community in our state. I am in full support of the initiative and any necessary actions needed to be taken in the form of programming and rehabilitation. I believe that between the misunderstandings and complexities in the cases of charged and convicted persons and the bias nature in which we are judged in these cases, as well as taking the next steps in remedies within the Honorable Courts and judges not using law to fulfill the requests in such errors is another issue. Judges shouldn't be able to use discretion at the least, when their responsibility is to strictly exercise the law. Sir I believe that everything ties into problems needing to be addressed in the form of mental health aid. I hope that all parties involved can work together to reach the ultimate goal of correcting these matters at hand, and I would like to personally thank you for taking the time to address such matters.

Respectfully submitted,

Quanta' Warrell
492031

Dear Atty. Gen. Anthony Brown,

My Name is Myron X & I'd first like to thank you in advance for taking time to read my letter.

I submit it in Prayer, seeking your assistance or/and instructions as to how I may receive relief regarding an error in my sentence, as it pertains to Md. Rule 4-351(a)(5) governing Commitment Records.

Specifically on Jan. 1998 I was sentence to Double Life & 50 Years. However, during my sentencing, the Judge failed to follow the guidelines established by 4-351(4) in stating when my Sentences were to end & the next was to begin, with multiple consecutive sentences. For simplicity & clarity, I've included a 2 page copy from my transcripts to display for you exactly that which my complaint is in reference to.

Mr. Atty. Gen., I hope & pray that you can offer some insight that'll ultimately assist me in this matter. I assure that I am not a person who is

Mr. Anthony G. Brown
Attorney General of Maryland
Office of the Attorney General
Criminal Division
200 - Saint Paul Place
Baltimore, Maryland 21202

Bro. Edward J. X (Ford), Jr. 475837/45189
North Branch Correctional Institution
14100 - Mc Mullen Hwy, S.W.
Cumberland, Maryland 21502-5777
December 17th, 2023

RE: THE SECOND CHANCE ACT

Dear, Attorney General Brown

It is with a heavy heart that has been filled with aspiration caused by the introduction of THE SECOND CHANCE ACT. It is with the high hopes of the possibility of acquiring your support and overall endorsement of said legislation, that I am initiating this communication. Not that I am one who is so adept at coining petty phrases, or so gifted with my word usage, however, I do sincerely pray that my words as, herein, will cause you to reflect in thought.

As the State of Maryland has for quite a number of years has not even considered ever granting parole to its prisoners, who had been sentenced to serve (parole-eligible) life sentences. That is, even if over many years of incarceration the prisoners in question had clearly demonstrated their "rehabilitation", which was being done "solely" for political purposes. As the state has a new progress governor now, it is hoped that Maryland will leave that antiquated political way of thinking in the past, as we are now living in the twenty-first (21st) century!

In support my position is this: the prisoners in this category has caused a bottleneck to develop, which has and is the direct cause of prison over-crowding; exorbitant prison budgets;

along with under staffing, etc. But even more to the point, Stanford University conducted a study which clearly demonstrated that older prisoners, who had spent lengthy periods of incarceration were less-likely to return to a life involving criminal activity. And there are mountains of other behavior studies that has arrived at the self-same conclusion. Lastly, crime is the product of poverty; the lack opportunity; racism (in some cases); environment, and of course, many would say "GREED". However, from my personal situation at that juncture in my life, it was "the only" means that I had open to myself to survive!

Only if hind-sight was our fore-sight, none of the life altering mistakes that people made ~~would~~ of ever come about! Even more real and consequential over time, people do change; Thus, the need for belief in reform, redemption, and the possibility of rehabilitation. In closing, let me just say this: the yachts in the DMV see out there running amok and those of us who they would willingly listen to, are here warehoused in prison; that is, when we should be out there straighten-out those yachts and improving our neighborhoods. I close wishing you and your family continued good health, and a very happy holiday.

Respectfully Yours,
Mrs. Edward J. X (J.D.), Jr

Mr. Anthony G. Brown
Attorney General of Maryland
Office of the Attorney General
Criminal Division
200 Saint Paul Place
Baltimore, Maryland 21202

James Logan
347025/2039203
14100 Mc Mullen Hwy, SW
Cumberland, Md 21502
December 19th 2023

RE: The Second Chance Act

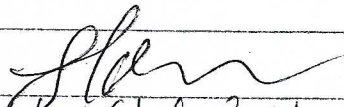
Dear, Attorney General Brown

After learning about the Second Chance Act and the possibility of acquiring your support and overall endorsement I had to write this letter. The Second Chance Act is not only a great thing for the Maryland Prisoner, but also for the Maryland Justice Prison System. Mass incarceration is becoming a big problem for the United States. The Maryland State Prison system alone is overcrowded. Most incarcerated individuals after spending a substantial amount of years say 8 years are really trying hard not to return to prison or a criminal lifestyle for that matter. Many men and woman in the Maryland State Prison System are serving life sentences and have spent more than 25 years incarcerated. Majority of these individuals have been rehabilitated and ready for a Second Chance. It is my sincere prayer and hope that you endorse this Second Chance Act and give these men and women a Second Chance.

Sincerely,
James Logan

12-20-2023

to Whom this letter is concern I AM
LLOYD Walters at North branch Correctional
Institution doing life +20+20. the Second
Chance act is in need of pushing from A body
of people in power and people of Control and
people of influence. the Second Chance
act is what people like me need but the prob
lem is there is know one pushing for it behind
the Second Chance act. the problem is know
is concern like the people that need it the
most like me. I AM Sorry for the individual
that got the chance to do right but did wrong.
the Second Chance act need pushing need
ever one in power to be pushing for the second
Chance act. I LLOYD Walters is in need of the
Second Chance act because I have A son that
is seven that need is daddy and mommy to grow
him up right and not wrong. to Whom this
letter is concern please push for the Second
Chance act please.


LLOYD Walters

Peace & Blessings

12-22-23

Dear Sir

My Name is Thomas D. Cook I'm sending you this letter thanking you for supporting the Second Look Act giving someone like myself hope of not having to spend another 15 years in Prison.

I don't have the best adjustment history and I've been lock up for over 25 years. Now,

I've been able to grow and come to an understanding of who I am and my worth. I have completed some programs while being housed here at N.B.C.I.

When you spoke about mass incarceration, I see the men and women who look like myself.

I don't proclaim to be innocent, but I will say that everytime I broke a rule, a penalty was to be paid. So when the judge says that he would use my sentence as a deterrent for others. Never once did he say anything about Rehabilitation being apart of my sentence. This is a real issue that should be address. So again thank you for not only speaking on this but putting action behind your words.

Sincerely
Thomas D. Cook #283-822

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

Print Name	Sign Name	Age of II.	Years Served
1. ABRA MERRISON	Abra Morrison	52	32
2. DaQuan Marshall	Daquan Marshall	42	16
3. THOMAS D. COOK	Thomas D. Cook	48	26
4. Traves Thaniel	Travis Thaniel	43	20
5. Eric Athinson Jr	Eric H. Alkinson	36	20
6. Nasiruddin Bey	Nasiruddin Bey	46	25
7. Daniel Sullivan	Dan Sullivan	43	12
8. Roberto A Murillo	Roberto A. Murillo	46	16
9. Danny McGee	Danny McGee	67	27
10. Andre' Lawson	Andre' Lawson	40	23
11. John Falkenstein	John Falkenstein	67	10
12. Eugene James	E. J.	30	5
13. Mark A. McKee	Mark A. McKee	53	21
14. DaQuan Dickerson	DaQuan Dickerson	27	7
15. John Garcia	John Garcia	56	21
16. Donald Peoples	Donald Peoples	32	12
17. Bill Phillips	Bill Phillips	38	3
18. Marvin Warner	Marvin Warner	37	13

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Keith Jones	Keith A Jones	48	18 yrs
20.	Forbes B	Forbes Lee	48	24 years
21.	Alvaro Hernandez	Hernandez	41	14
22.	Lamont Brown	Lamont Brown	50	18 years
23.	Ernest Rivers	Ernest Rivers	56	17 years
24.	Andre Chavis	Andre Chavis	64	21 years
25.	FREDERICK VAUGHN	F. Vaughn	35 35	20
26.	Garry Qualls	Garry Qualls	33	16
27.	Nathaniel Appleby	N. Appleby	72	50
28.	David Hunter	D. Hunter	36	12 1/2
29.	Demetrius Thompson	Demetrius Thompson	28	5 1/2
30.	Dominic Daniel	Daniel Daniel	31	7
31.	Douglas Starliper	Douglas Starliper	44	23
32.	Tron Johnson	Tron Johnson	22	15 1/2 months
33.	Wyndell Butler	Wyndell Butler	33	
34.	Antonio Davis	Antonio Davis	28	7
35.	Cordell Chase	Cordell Chase	38	18
36.	Wanhuan Taylor	Wanhuan Taylor	43	13
37.	Arthur Smith	Arthur Smith	40	18
38.	Garry Qualls	Garry Qualls	49 49	16
39.	DERRICK DAVIS	Derrick Davis	53	30
40.	Dominic Webster	Dominic Webster	64	15
41.	D. Lewis	Derrick Lewis	32 32	10
42.	Frederick Christian	Frederick Christian	44	14
43.				
44.				
45.				

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

Print Name	Sign Name	Age of II	Years Behind
1. Abbas Morrison	Abbas Morrison	52	32
2. Robert Bryant	Robert Bryant	47	24
3. Quinton Heard	Quinton Heard	47	8 1/2
4. Avon Tyll	Avon Tyll	29	6 1/2
5. Nathaniel Nelson	Nathaniel Nelson	43	22
6. TEDDY SHANNON	Teddy Shannon	35	7
7. Gregory Barber	Gregory Barber	39	17
8. Laniel Walker	Laniel Walker	44	16
9. Devin Lee	Devin Lee	32	8
10. Grey Thomas	Grey Thomas	34	12
11. RUSSELL HARDEN	Russell Harden	41	15
12. Tremayne Lewis	Tremayne Lewis	35	10
13. Rodney Holloman	Rodney Holloman	43	8
14. Jason Herring	Jason Herring	42	7
15. Mark Canty	Mark Canty	51	25
16. Adrian Outten	A. Outten	37	17
17. Martin Harris	M. Harris	39 II	12
18. Robert Hanna	Robert Hanna	43 II	23

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Elgin Phelps	Elgin Phelps	71 58	21 yrs
20.	Ryan Holden	Ryan Holden	II 26	6 years
21.	Ricardo Henriquez	Ricardo Henriquez	IF 57	32/years
22.	Anthony Bowers	Anthony Bowers	II 38	6 years
23.	Miguel Duke	Miguel Duke	II 27	6 years
24.	Irvn Brown	Irvn Brown	II 41	22 yrs
25.	Sean Jenkins	Sean Jenkins	II 29	11 years
26.	ERIC CLARK	Eric Clark	II 55	36 years in
27.	Mark Hemphill	Mark Hemphill	46	27 yrs
28.	Michael Wallace	Michael Wallace	FI 38	17 years
29.	Shawn Clark	Shawn Clark	II 49	30 years
30.	George Murray	George Murray	II 43	11 years
31.	Yasamin Vann Shheed	Yasamin Vann Shheed	II 49	20 yrs
32.	Jamal Chapman-Bey	Jamal Chapman-Bey	II 46	15 yrs
33.	Lateef Mapp	Lateef Mapp	II 35	3 yrs
34.	JAVON Sands	JAVON Sands	II 42	23 yrs
35.	Red Cannon	Red Cannon	ID 50	14 yrs
36.	Donta Matthews	Donta Matthews	33	14 yrs
37.	Rodell Cole	Rodell Cole	41	20 yrs
38.	T. Webb	T. Webb	27	14 yrs
39.	Darvin Cooper	Darvin Cooper	18	6 years
40.	George Skights	George Skights		
41.	George Skights	George Skights	49	29
42.	Jishua Edwards	Jishua Edwards	36	16
43.	Warren X Stuckey	Warren X Stuckey	52	31
44.	GREG LAMBERT MASTER GX	Greg Lambert	49	20
45.	Robert X Crowder	Robert X Crowder	44	15

From: North Branch Correctional Institution.
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Purpose: "With my signature, ~~and~~ I declare the need and my support for Maryland Second Look Act."

Print Name	Sign Name	Age of II	Years served
ABRAHAM MORRISON	Abram Morrison	52	32
Enrique Gonzalez	Enrique Dwy	48	30.
Dominick Simons	Dominick Simons	33	Since 2014
Ryan Jensen	Ryntchen	23	4 years
DAVON MARKHAM	Davon Markham	35	50
RICHARD D. MOSE R. D. M	R. D. Mose	39	7
TYRELL BROGDEN	Tyrell Brogden	38	25 years
Derrick Sellman	Derrick Sellman	36	30 years
Korey Stevenson	Kory Stevenson	38	43 years
DWAYNE HARRIS-EL	D. Harris-El	54	33
JOHN C JOHNSON	John C Johnson	48	29
Donald Vaughan	Don Vaughan	40	26
James F. Young II	James F. Young II	29	7
ERIC V. POOLE	Eric V. Poole	55	22 years
Nicholas Cottman	Nick Cott	29	13

1.

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Uploaded by: MARTINA HAZELTON




Position: FAV

NAME	SIGNATURE	Age	Years incarcerated
HARRY DAVIS	Harry Davis	32 year old	14 years in
Arthur Phillips	Arthur Phillips	43 years old	17 years in
Janeal Thompson	Jane Thompson	32 years old	11 years in
Kristopher Stull	Kestell	41 yrs old	5 yrs in
John Kidwell	John Kidwell	35	3 yrs in
Charles Mayberry	Charles Mayberry	48	25 yrs
Walter Grey	Walter Grey	44 years old	18 years
Ronald Russell		10 years	1-C-53
Frank Thodos	Frank Thodos	18	36 7 yrs
Edward Knight	Edward Knight	52	28 years in
R. Rahman	R. Rahman	41	22
Bill Wallace	Bill Wallace	51	31
Juan Brown	Juan Brown	45 years	8
Yahji Shihed	Yahji Shihed	38 year	8 years
Nike Hicks	Nike Hicks	24 Years	7 Years
Jeffrey Corbett	Jeffrey Corbett	38 years	14 years
Kennell S. Williams	Kennell S. Williams	53 38 years old	34 years
Shawn Jones	Shawn Jones	52 years old	54 years
EDGAR Davis	Edgar Davis	52 yrs	27 years

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Behind
1.	Abbas Morrison	Abbas Morrison	52	32
2.	Andre Chavis	Andre Chavis	44	21
3.	James Coombs	James M. Coombs	52	30
4.	Jerrell Jones		36	17
5.	Thomas Taylor	Thomas Taylor	42	17
6.	Jason Mitchell	Jason Mitchell	44	22
7.	Ken Scales	Ken Scales	63	34
8.	Kwasi Sadler	Kwasi Sadler	30	7
9.	Anthony Brown	Anthony Brown	63	33
10.	Desmond Dickey	Desmond Dickey	52	23
11.	Enrique Pizarro	E.P.	39	17
12.	Pelecarpie Long	P. Long	41	19
13.	Delonte Bryant	Delonte Bryant	30	9
14.	Dayven Byrd	Dayven Byrd	30	2
15.	Tony Cateer		31	12
16.	Jonathan Edmonds	Jonathan Edmonds	34	16
17.	Wayne Boor		24	15
18.	Darnell Rinklin	Darnell Rinklin	33	13

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Mario Rodriguez	MR	35	17
20.	A. Torres	Torres	24	8
21.	D. Markham	DM	35	16
22.	W.C. Turner - 41	WC Turner	41	5
23.	J Woodley	J Woodley	39	10
24.	Terence Buttr	Buttr	31	
25.	TERRENCE BUTTER	Terence Buttr	35	31
26.	Christian Brooks	Chris Brooks	40	17
27.	JUAN RANDOLPH	Juan Rand	36	8 1/2
28.	Larry Hirsch	Larry Hirsch	31	14
29.	Malik Shalour	Malik Shalour	26	8
30.	E Cody Russ	Cody Russ	26	
31.	DWAYNE HARRIS-BL	D. Harris - BL	54	33
32.	Ricky Horton	Ricky Horton	35	Double life Plus 90 years
33.	GARREN WITMER	Garren Witmer	54	37
34.	Paul Duff	Paul Duff	35	10
35.	Danzel Phipps	Danzel Phipps	28	10
36.	ROBERT ANDERSON	Robert Anderson	34	11
37.	John H. Dunn	John Dunn	41	14
38.	Adrian Washington	Adrian Washington	33	15
39.	DARRON TAYLOR	Darron Taylor	32	13 1/2
40.	Overy Smith	Overy Smith	25	7
41.	Christopher X	Chris X	32	9
42.	Robert Hyatt	Robert Hyatt	#33	5
43.	Jordan N. Jennings	Jordan N. Jennings	#1	
44.	Kerrin Coyle	Kerrin Coyle	#35	2.8
45.	Michael Martin	Michael Martin	#52	10

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Behind
1.	Bro. Edward J. X (Ford), Jr.	Bro. Edward J. X (Ford), Jr.	76	43+
2.	Brandon Morris	Brandon Morris	39	20
3.	Elwood Green	Elwood Green	35	48+10
4.	Kim Hargett	Kim Hargett	39	17 1/2
5.	Orlando Green	Orlando Green	28	8 1/2
6.	Lamont A. Curtis	Lamont A. Curtis	52	28 1/2
7.	Harold Singfield	Harold Singfield	11	9
8.	D. Smith	D. Smith	10	6+
9.	R. Stroyd	R. Stroyd	13	2+
10.	Maurice Smith	Maurice Smith	#14	40
11.	Type Jones	Type Jones	#15	Life, SAB-55
12.	Joseph Jackson	Joseph Jackson	#39	30 years
13.	LaRue Richardson	LaRue Richardson	33	10 1/2
14.	T. Hewe	T. Hewe	38	Life
15.	Derry Powell	Derry Powell	32	30
16.	D. Brooks	Donta Brooks	#44	25 1/2
17.	Arnold Davis	Arnold Davis	44	17
18.	D. McGee	D. McGee	20	20

	Print Name	Sign Name	Age & I.I.	Yrs. Served
19.	Brian Wenson	Brian Wenson	27	14 years
20.	Trevin Jenkins	Trevin Jenkins	32	13 years
21.	Volany Smith	Volany Smith	38	16 1/2
22.	Dion Rosseseau	Dion Rosseseau	26	7 1/2
23.	Keith Edmonds	Keith Edmonds	44 yrs	27 1/2 yrs
24.	Eber Umancor	Eber Umancor	28 yrs	10 yrs
25.	Lamont Anthony Johnson	Lamont Johnson	39	15 yrs
26.	Darryl T. Powell	Darryl T. Powell	36 yrs	18 yrs
27.	Tavon Monroe	Tavon Monroe	38	17 yrs
28.	William Taylor	William Taylor	35	32
29.	Nathaniel Coates	Nathaniel Coates	24	12 yrs
30.	Daniel Brigham	Daniel Brigham	46	27 yrs
31.	Shaun D. Joyce	SHAUN D JOYCE	43	15 yrs
32.	Anthony G. Ablonczy	Anthony G. Ablonczy	38	7 yrs
33.	Alphonso Johnson	Alphonso Johnson	23	27
34.	William Stewart	William Stewart	51	28.5
35.	James Earl	James Earl	32	16 yrs
36.	James Macbade	James Macbade	34	11 yrs
37.	HARRIS DAYTON	HARRIS DAYTON	43	16 yrs
38.	James Logan	James Logan	45	21 yrs
39.	Jody Miles	Jody Miles	54	27 yrs
40.	Reginald Williams	Reginald Williams	53	18 yrs
41.	Ryan Hollebon	Ryan Hollebon	45	8 yrs
42.	Ron Shadwin DAVIS	Ron Shadwin DAVIS	70	25 years
43.	Pick Stallings	Pick Stallings	42	17 yrs
44.	Myles Gray	Myles Gray	31	11
45.	William A. Geyer III	William A. Geyer	64	16 yrs

HU-20

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

	Print Name	Sign Name	Age of I.I.	Years Received
1.	Bro. Edward J.X (Red), Jr.	Bro. Edward J.X (Red), Jr.	76	43+
2.	John P. Hicks	John P. Hicks	46	7
3.	LLOYD Walters	Lloyd Walters	57	6
4.	Eugene Waller	Eugene Waller	51 51	19
5.	Gregory Holder	Gregory Holder	41	11
6.	D'ANGELO HEMSLEY	D'angelo Hemsley	47	7
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				




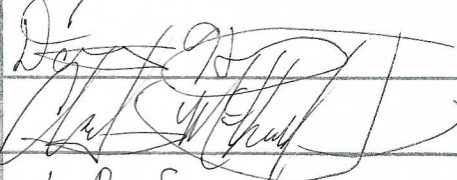
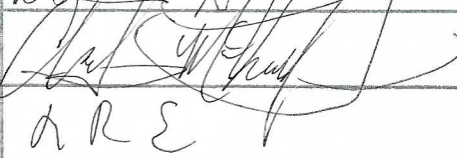



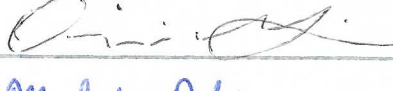
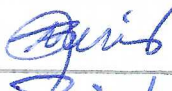


From: North Branch Correctional Institution
Incarcerated Individuals



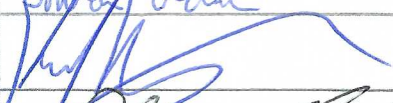

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Record
Look At (2024):"

	Print Name	Sign Name	Age of I.I.	Years Behind
1.	Bro. Edward J. X (Ford), Jr.	Bro. Edward J. X (Ford), Jr.	76	43+
2.	John P. Hicks	John P. Hicks	46	7
3.	LLOYD WALTERS	LLOYD WALTERS	57	6
4.	Eugene Waller	Eugene Waller	51 51	19
5.	Gregory Holder	Gregory Holder	41	11
6.	D'ANGELO HEMSLEY	D'angelo Hemslay	47	7
7.	DAVID PATRICK	David Patrick	40	20
8.	Michael Boyer	Michael Boyer	50	20
9.	WALTER HALL	Walter Hall	58	34
10.	GARY SWANN Gary Swann	Gary Swann	68	38
11.	Michael VAUGHN	Michael Vaughn	42	20
12.	Vernon Evans	VERNON EVANS	74	40
13.	Edward Bell	Edward Bell	48	20
14.	Larry Davis	Larry Davis	68	17
15.	JIMMY BROWN	Jimmy Brown	59	16
16.	Evan D. Smyth	Evan D. Smyth	60	20
17.	Charles W. Selby	Charles W. Selby	56	16
18.	Nyckell Butler	Nyckell Butler	33	14

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	GREGORY Hilton	Gregory Hilton	23	20
20.	Charles Burns	Charles Burns	52	19 19
21.	Johann Yarbrough	John Yarbrough	52	17
22.	Jose Ulloa	J. Ulloa	50	28
23.	HERB CRAWFORD	Herb Crawford	46	27
24.	Fabian Stelm	Fabian Stelm	58	17
25.	TERRELL Bush	Terrell Bush	43	18+
26.	TROY NASH	Troy Nash	62	15
27.	TAMAR Dudley	Jim Dudley	44	25
28.	Wallace Ball	Wallace Ball	65	29
29.	Keith Carroll	Keith Carroll	45	25
30.	LEON A. COSTLEY JR	Leon A. Costley Jr	58	21
31.	Darrell MATTHEWS	Darrell Matthews	52	14 1/2
32.	Christopher Grizzle	Christopher Grizzle	34	14
33.	NEILL Lawrence	Neill Lawrence	31	13
34.	Richard Jenkins	Richard Jenkins	59	36
35.	Jerry H. N. By	Jerry H. N. By	60	29
36.	JEFFREY Blackwell	Jeffrey Blackwell	41	21
37.	BARY MICK	Gary Mick	49	24
38.	Richard Miller	Richard Miller	60	16
39.	Wm. Brown	Wm. Brown	56	15
40.	Ricardo Watson	Ricardo Watson	52	18
41.	Butchie Stemple	Butchie Stemple	49	22
42.	Charles's Hanks	Charles Hanks	73	17
43.	Charles Duckett	Charles Duckett	50	17
44.	Vince Wade	Vince Wade	56	31
45.	S. Davis	Thomas Davis	64	25

	PRINT NAME	SIGN NAME	AGE OF I.I.	YEARS SERVED
46.	Randy Clayton		38	12
47.	Raymond Wilson	Raymond Wilson	63	25
48.	James Harley Jr		45	7
49.	Thomas Krenn		33	14
50.	Michael Farmer	Michael Farmer	40	22
51.	Danien Stallworth	Danien Stallworth	47	26
52.	Alexis Jordan	Alexis Jordan	37	19
53.	Otis Edwards	Otis Edwards	48	22
54.	Tiboryh Shaked	Tiboryh Shaked	54	31
55.	Dawn Wiggins	Dawn Wiggins	38 43	23
56.	Derrick Taylor	Derrick Taylor	45	19
57.	Raymond Williams	Raymond Williams	49	14
58.	Dominick Hursey		50	7
59.	Clark McKnight		56	12
60.	Rashad Eady	R E	36	13
61.	Gerald Sears		44	14
62.	Robert GARNER Jr	R Garner Jr	39	19
63.	Carlos Ovalle		48	15
64.	HERMAN BOLLING, JR	Herman Bolling Jr.	73	15
65.	Charles Martin		46	15
66.	Charles L. Bellamy	Charles Bellamy	41	17
67.	Dominic Givens		32	12
68.	Malcolm Pulliam	Malcolm Pulliam	47	14
69.	Euladio Tardis		70	7
70.	SMITH H. DEAN III	Smith H. Dean	65	27
71.	John Reed		48	28
72.	Ellsworth Slye		44	19
73.	Vincent THOMAS	Vincent Thomas	52	15

	PRINT NAME	SIGN NAME	AGE OF I.I.	YEARS SERVED
74.	Jose R Mejia-Varela	JRMV	33	12 Years
75.	James Trimble	James Trimble	60	43
76.	TIMOTHY C. WEINMERSER	Timothy C. Weinmester	65	16
77.	Jamaal G. Alexis	J. Alex	37	16
78.	Gregory Wilson		47	20 yrs
79.	SONG YUN	Song Yun	52	33 yrs
80.	JAMES HADLEY	James Hadley	55	15 yrs
81.	William Brown	William Brown	42	14 yrs
82.	ANTHONY BROWN	Anthony Brown	50	26 yrs
83.	Charles Thomas	Chck	59	15 year
84.	Rodney Pitts		50	29 years
85.	Joseph Stanley	Joseph Stanley	38	15 yrs
86.	Laymon Kirby	Laymon Kirby	56	26 yrs
87.	Sulio Aguilar	Sulio Aguilar	43	19 Years
88.	Hector Mosquera	Hector Mosquera	35	18 yrs
89.	Antoine Adams	Antoine Adams	55	20 yrs
90.	Karlief Moya		47	7 yrs
91.	John A. Miller IV		51	26 yrs
92.	Tony Bruneau	Tony	32	19 yrs.
93.	Michael Harrod	Michael Harrod	55	13 1/2 yrs
94.				
95.				
96.				
97.				
98.				
99.				
100.				
101.				
102.				

RCI Testimony - 01.10.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

①

To: House and Senate Judiciary Proceedings Committee
Favorable Support

Fr: Deirdre Nichole Rose, #162-393/0307498
Roxbury Correctional Institution, H.U.# 1-A-31
18701 Roxbury Rd.
Hagerstown, MD 21746-1002

I am writing to express my personal connection as to why the MD Second Look Act should be passed. I am 67 years old, transgendered and an Honorably Discharged Navy veteran. I joined the military at age 17 and was released from Active Duty October 28, 1980.

I was incarcerated March 28, 1981 at the age of 23. I have served over 43 years, day for day, since this date. Having never been incarcerated before, survival was extremely difficult for me, in addition to being addicted to drugs and alcohol.

I began my incarceration at the Maryland Penitentiary, 954 Forrest St. in Baltimore. I was on Protective Custody (P.C.) for 3 years before being forced to move into population. I worked as a Teacher's Aide/Tutor for GED students on P.C.

Once in population I began to rehabilitate myself through Psychological Therapy and working

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to assist others as a Teacher's Aide/Tutor in the Vocational Drafting/Woodshop program. As well as attending and participating in A.A., Jaycees, Concerned Veterans 954, and the Coppin State College Extension Program, eventually earning a Bachelor's Degree in Business Management with a 3.699 G.P.A. and Alpha Kappa Mu Honor. As well as eventually working for M.C.E. Graphics as a Mechanic.

It took me 15 years to become totally sober and defeat my Substance Abuse problem. I was transferred to R.C.I. in 1993 and then to M.C.I.H. in 1996. At M.C.I.H. I began training as an A.V.P. Facilitator, becoming Certified in 1999 and working with Community Correctional Services Comm. as well as lifestyles and Jaycees, while continuing to assist others as a Teacher's Aide/Tutor in the school program. It was in 2001, when I found my Spiritual Path at M.C.I.H. - Native American/Wicca.

Transferred to Jessup - Maryland House of Corr. in 2003, I again worked for S.V.I./M.C.E., learning to sew in the Uniform Shop. Continuing to serve others as an A.V.P. Facilitator, Veterans group and attending A.A. and Native American services. Sent to W.C.I. - Cumberland in 2007 and back to M.C.T.C. Hagerstown in 2008.

I continued to serve Veterans Group and A.V.P. as a Facilitator. Transferred back to J.C.I. in 2009 again working in the Uniform Shop for S.V.I./M.C.E., attending Native American and A.V.P. Again sent back to Hagerstown, M.C.T.C. then M.C.I.H. (again) serving as A.V.P. Facilitator and Veteran's group Board member. Continuing to work at M.C.E. as a Clerk and welder in Metal II, as well as eventually volunteering for America's Vet Dog program, training Service Dogs.

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August 23, 2023 I was diagnosed with H.P.V. Throat Cancer and treated with Radiation and Chemotherapy at John's Hopkins Hospital beginning Feb. 2, 2024. I am still recovering from this as well as being hospitalized in July 2024, for a near fatal Blood Clot in my lungs.

I was treated at Meritus Medical Center, spending 5 days in I.C.U. (10 days total) and have been recovering since then.

I feel that I have proven that I deserve a chance to be released from Prison and be able to serve the Community at large. I have resolved my problems and overcome my faults. I have continuously given Service to others and find that this helps me to be peaceful and calm as well as Spiritually centered.

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Many family members have passed away, including my mother, father, brother, sister and my youngest son. My two remaining children (1 daughter, 1 son) are a part of my life as well as my grandchildren.

I pray you will give this testimony to the Committee and help US get a Second Chance to be of service to others. There are many others like myself, who deserve this. Our experiences are valuable to others who need help. I would like to continue my service to others when released and become a counselor.

Very Sincerely

Deirdre N. Rose

SB 0291 - SECOND LOOK ACT - FSN - MARTINA HAZELTON

Uploaded by: MARTINA HAZELTON

Position: FAV

January 30, 2025 @ 1:00pm (Senate Hearing)

Maryland General Assembly
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: SB 291 – Criminal Procedure – Petition to Reduce Sentence (Md Second Look Act)
SUPPORT

Please accept my written testimony in support of Senate Bill 291. I am testifying on behalf of the Family Support Network (FSN) and from my personal experience.

FSN is a network of individuals with incarcerated loved ones, returning citizens and advocates that support one another and serve as a voice for those behind the wall. I have the lived experience and remain near to those that are dealing with the daily challenges of having an incarcerated loved one. Most of the FSN returning citizens and those still serving are lifers or have life equivalent sentences.

My husband was incarcerated at 16 years of age and served 28 years and 8 months in Maryland prisons. In 1993, he was sentenced to two consecutive life sentences plus 23 years. Given his sentence he was not eligible for his first parole hearing until he had served 40 years at which time, he would have been 56 years of age. With all his post-conviction options exhausted and parole out of sight. We thought all was lost. However, after retaining private counsel in March 2017, a Motion to Correct an Illegal Sentence was filed and through that motion it was discovered that there was illegality in his sentence. Subsequently, his original sentence was modified to correct the illegality and through that action he was able to file a second Motion for Reconsideration. His initial Motion for Reconsideration was denied in 1999. After 25+ years of incarceration, the second Motion for Reconsideration was granted and a hearing was scheduled. My husband was not the lost 16-year-old teenager that was engulfed in a situation where he found himself at the wrong place, at the wrong time, with the wrong people. He was now a man in his mid-forties that had matured, committed himself to being a better person, engaged in developmental opportunities whenever possible and ultimately was no threat to public safety. His impeccable institutional record and demonstration of growth garnered the State's support and recommendation of release. On November 8, 2021, his sentence was reduced to time served and by the grace of God he became a free man on November 9, 2021. Since his release he maintains full employment, supports our family, and makes positive contributions to strengthening our community. None of this would have been possible without a Second Look, we both know how fortunate he is and that his case is an exception and not the rule. The one thing that he expresses that lingers over his mind the most is that he left behind so many deserving men that are just like him. He says those men are trapped in a system that has forgotten about them and has left them for dead. He proclaims often that he is not special and that the same "Second Look" that God blessed him with should be bestowed upon others.

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incarceration of Black and Brown men in Maryland. The extreme level of incarceration did not occur overnight by one specific action. It took years and incremental actions that had negative affects throughout the legal system to get here. To undo the injustices and address this crisis it is also going to take several actions over a period of years to achieve real justice reform. In 2021, the Juvenile Restoration Act (JRA) was passed but, it ended on the day it was signed as it was retrospective legislation. I implore you to build upon that to ensure we give those most deserving of a second look an opportunity to do so after having served 20 years in prison regardless of their age at the time of the offense.

We have been in communication with those behind the wall so they may also exercise their voices and participate in this legislative process. Please read their stories, lament the amount of time they have served and acknowledge that redemption is possible. Second chances are needed and necessary.

On behalf of myself, FSN and the Md Second Look Coalition I hope that you will unequivocally support this bill and move it forward with a **favorable** vote.

Respectfully,

Martina Hazelton

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3937 1/2 Minnesota Ave, NE
PO Box 64093
Washington, D.C. 20029
Website: thefamilysupportnetwork.org



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To: House and Senate Judiciary Proceedings Committee
Favorable Support

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SB 0291 - SECOND LOOK ACT - FSN - MARTINA HAZELTON

Uploaded by: MARTINA HAZELTON

Position: FAV

January 30, 2025 @ 1:00pm (Senate Hearing)

Maryland General Assembly
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: SB 291 – Criminal Procedure – Petition to Reduce Sentence (Md Second Look Act)
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Respectfully,

Martina Hazelton

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3937 1/2 Minnesota Ave, NE
PO Box 64093
Washington, D.C. 20029
Website: thefamilysupportnetwork.org



MEJC Written Testimony Favorable SB291 1-30.pdf

Uploaded by: MECJ Maryland Equitable Justice Collaborative

Position: FAV



POSITION ON PROPOSED LEGISLATION

Bill: Senate Bill 291 Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)

From: Maryland Equitable Justice Collaborative

Position: FAVORABLE

Date: January 30, 2025

The Maryland Equitable Justice Collaborative (MEJC) supports Senate Bill 291, the "Maryland Second Look Act," and urges this Committee to issue a favorable report.

About the Maryland Equitable Justice Collaborative

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions the Attorney General and Public Defender held with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed under the direction of the OAG and OPD. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation No. 13 specifically urges the Maryland General Assembly to enact comprehensive Second Look legislation to provide pathways for individuals serving long sentences to have their cases reviewed considering rehabilitation, age, and public safety considerations.

National Movement to Rethink Long Sentences

By implementing the "Second Look" law, Maryland joins [the](#) many states recognizing that excessively long sentences, especially those handed down during emerging adulthood, are potentially misaligned with public safety and rehabilitation goals. California, New York, and Illinois have enacted similar Second Look laws to address racial disparities, reduce prison populations, and promote fairness.

From a public safety viewpoint, the prolonged incarceration of low-risk, older individuals may waste resources that could be better allocated to crime prevention and community support. Studies consistently indicate that individuals often "age out" of criminal behavior, with recidivism rates significantly declining after age 40.¹

Racial Disparities and Excessive Sentencing

Black people are disproportionately subjected to longer sentences due to structural inequities within the criminal legal system.² Disparities arise at multiple process stages, including arrest, charging, trial, and sentencing. Data indicates that Black individuals are more likely to face severe charges, which often carry harsher penalties, and implicit biases and systemic factors may influence judicial decisions. Additionally, policies such as mandatory minimums and sentencing guidelines, while intended to ensure consistency, often have consequences that disproportionately affect Black communities. Furthermore, access to diversionary programs and rehabilitative alternatives is frequently limited, reducing opportunities for equitable outcomes for Black people. These combined factors contribute to the overrepresentation of Black people among those serving lengthy sentences, including life terms.

Disparities in sentencing are particularly pronounced among those serving long sentences in Maryland, with Black defendants significantly more likely to receive sentences exceeding 25 years.³ Additionally, nearly 80% of individuals sentenced as emerging adults, aged 18 to 24, who have served over 10 years in a Maryland prison are Black.⁴ Senate Bill 291 provides a meaningful mechanism to address these injustices by allowing individuals to petition for sentence reconsideration based on demonstrated rehabilitation and public safety considerations.

¹ Council on Criminal Justice. "The Current State of Recidivism: Older People Return to Prison at Much Lower Rates." Council on Criminal Justice. Accessed January 27, 2025. [https://counciloncj.org/recidivism_report/%20\(see%20Table%208\)\)](https://counciloncj.org/recidivism_report/%20(see%20Table%208))).

² Klein B, Ogbunugafor CB, Schafer BJ, Bhadriraja Z, Kori P, Sheldon J, Kaza N, Sharma A, Wang EA, Eliassi-Rad T, Scarpino SV, Hinton E. COVID-19 amplified racial disparities in the US criminal legal system. *Nature*. 2023 May;617(7960):344-350. doi: 10.1038/s41586-023-05980-2. Epub 2023 Apr 19. PMID: 37076624; PMCID: PMC10172107.

³ Fritze, John. "As Pandemic Eases, Share of Black Inmates in Maryland Prisons Peaks." *Maryland Matters*, April 17, 2024. <https://marylandmatters.org/2024/04/17/as-pandemic-eases-share-of-black-inmates-in-maryland-prisons-peaks/>.

⁴ Justice Policy Institute, Report, Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland, (Nov. 2019).

Senate Bill 291 represents a significant advancement in tackling the racial disparities that impact Maryland's criminal legal system. It provides a pathway for sentence reconsideration that aligns with the recommendations of the Maryland Equitable Justice Collaborative while promoting equity, rehabilitation, and fiscal responsibility. The Maryland Equitable Justice Collaborative respectfully urges this Committee to issue a favorable report on Senate Bill 291.

Submitted by: Maryland Equitable Justice Collaborative

Anthony Brown, Co-Chair
Maryland Attorney General

Natasha Dartigue, Co-Chair
Maryland Public Defender

Second Look Testimony Jan 30 2025.pdf

Uploaded by: Michele Kouadio

Position: FAV

Testimony for the Senate Judicial Proceedings Committee
SB 291
January 30th, 2025
Favorable

My name is Michele Kennedy Kouadio and I support SB 291 Maryland Second Look Act.

As an advocate, I have presented oral and written testimony in support of bills including Telephone Cost Savings in Prison, Deaths in Custody, Second Look and the Ombudsman bill which passed in 2024 legislative House and Senate sessions. This year I support Second Look, Medical Geriatric Parole and changes to Restrictive Housing.

I work with many advocate organizations including the Maryland Alliance for Justice Reform (MAJR) and MD C.U.R. E. on a more effective parole and decarceration system - with a goal of unburdening a prison system continually understaffed by over 30 percent. DPSCS employs dangerous use of overtime (costs and staff) despite the admonitions against use of excessive overtime use in the 2024 Moss report as part of the 2025 proposed budget.

This year, I am supporting Second Look legislation to help decarcerate people in prison that merit judicial reconsideration after serving 20 years and meeting other criteria.

The current parole system has very low release rates for people who are serving long term sentences. Life sentences represent about 23 percent of the prison population and sentences over 15-40 years represent another 30 percent.

Maryland taxes cannot support 53 percent of this population whose cost rise from \$50,000 per person to upwards of \$60,000 per person as they age.

People in prison serving long term sentences could be much more useful to their families and the Maryland community if they were working. I work with people who were in prison for too many years and who are now released and working, paying taxes and contributing to their families and community.

Please approve this bill.

MCDAA -Senate Bill 291.pdf

Uploaded by: Michelle Martz

Position: FAV



Maryland Criminal Defense Attorneys' Association

Christine DuFour
President

January 28, 2025

Brian Shefferman
President Elect

Re: Second Look Act, Senate Bill 291

Andrew Alperstein
First Vice President

Rob Cole
Second Vice President

Isabelle Raquin
Secretary

Dave Harbin
Treasurer

The Maryland Criminal Defense Attorneys' Association ("MCDAA") has approximately 500 members that include both attorneys and associated professionals throughout Maryland. MCDAA was formed to promote study and research in the field of criminal defense law and the related areas; to disseminate by lecture, seminars and publications the advance of the knowledge of the law as it relates to the field of criminal defense practice; to promote the proper administration of justice; to foster, maintain and encourage the integrity, independence and expertise of the defense lawyer in criminal cases; and to foster periodic meetings of the defense lawyers and to provide a forum for the material exchange of information regarding the administration of criminal justice and thereby concern itself with the protection of individual rights and the improvement of criminal law, its practice and procedures.

We support SB291.

SB291 Is Good Policy

Senate Bill 291, the aptly named Second Look Act, constructs a balanced procedure enabling a person imprisoned for 20 years or more to have a court assess whether to "modify" or reduce their sentence. It is a balanced and fair bill. It is good legislation for the people of Maryland and is consistent with fairness and sound public safety policy.

We support legislation that requires courts to consider certain factors in their sentencing/re-sentencing decisions as that will hopefully bring uniformity to these hearings and allow the offender to know what he/she has to work towards to try to get a reduction – it also allows for more meaningful appellate review should there be a challenge to the lower court's decision.

So many offenses occur when offenders are young, are under the influence of drugs, or some other life circumstance causes them to get into the system. We believe in reform and providing people with second chances after serving a reasonable amount of time

Judges may feel that for serious cases they would like to see more than 5 years before



Maryland Criminal Defense Attorneys' Association

they modify a sentence, but because of current legislation, their hands are tied from considering reductions more than 5 years out.

Statistics have consistently demonstrated that these older inmates have a very low recidivism rate. Those statistics have been borne out by the recent releases from incarceration under the Justice Reinvestment Act. Long-term incarcerated persons released pursuant to the Unger decision have also had an extraordinarily low recidivism rate.

Incarcerated persons serving long sentences would have even more incentive to be model prisoners, if there was a way to seek a reduced sentence after serving 20 years. Wardens could expect better behavior in the prison population. Taxpayers would see lower taxes due to a reduction in costs of incarcerating older persons, and releases under this bill would result in an increase in the tax base. Formerly incarcerated persons could contribute to the community by working and paying taxes, and being mentors to young people to stay away from crime.

Maryland has the dubious distinction of being the worst state in the nation for over-incarceration of black men, and of racial disparities throughout the justice system. Passage of this Bill would be a beginning to rectify these wrongs.

SB291 is a small step towards improving our state and our society as a whole. It is in keeping with trends around the country to reduce the incarceration rates of older individuals, whose prolonged incarceration does not increase public safety and is an undue burden on taxpayers.

SB291 Fills A Gap In Available Remedies

Prior to 2004, there was no time limit for an incarcerated person to file a motion to reduce their sentence. That changed in 2004, when a five-year limit was imposed. Under current law, if the court did not reduce the sentence within five years, the incarcerated person could never have an opportunity to have his or her sentence reduced, no matter how exemplary their prison record, or how complete their rehabilitation.

SB291 provides a mechanism through a careful court review process to review lengthy sentences and provide an opportunity for consideration of sentence modification for inmates who served 20 years or more and who are no longer a threat to the public.

Additionally, there are many reentry programs providing job training and wrap-around support for inmates reentering society. These organizations have been highly successful in preparing inmates to transition to a productive life in society.



Maryland Criminal Defense Attorneys' Association

Additional Points to Consider

None of the post-verdict vehicles, such as a motion for new trial or postconviction petitions, target the narrow focus of this bill, which is modification after years of incarceration.

- Maryland's 10-day new trial motion is heard prior to sentencing.
- Maryland's 30-day 3-judge panel is heard shortly following trial.
- Direct appeals review trial court error only.
- Fraud/mistake/irregularity motions are very limited and rarely used; they are not applicable to reconsideration of sentence matters.
- Postconvictions/Motion to Reopen/Habeas Corpus relate to constitutional violations and currently require proof of error on the part of a lawyer or prosecutor to get relief. To the extent a belated modification is granted it is because either (1) a lawyer missed a filing or hearing date or (2) the state wants to resolve the case because of some other error or reason.
- Writs of actual innocence and DNA post convictions are narrowly focused to ensure no one is wrongly convicted; they are inapplicable to the conversation at hand.
- Parole considerations are much different than a modification before a judge, where someone is able to be advised, guided and represented by counsel. During the parole process, there is no right to counsel. If an incarcerated person has counsel, that attorney's role is limited to a 30-minute meeting with a commissioner and submission of written documentation. Attorneys are entitled to appear only at open parole hearings, however they are not permitted to sit with, talk to or participate in the hearing. The incarcerated individual must represent himself.

There are currently no other remedies for inmates who have been incarcerated for decades and who are fully rehabilitated and pose no risk to society. The MCDAA fully supports SB 291.

Maryland Criminal Defense Attorneys' Association

Christine DuFour, President

Michelle M. Martz, Member

Lisa J. Sansone, Member

SB 0291 Letter of Support Signed.pdf

Uploaded by: NATHANIEL JONES

Position: FAV



DEPARTMENT OF THE ARMY
DELTA COMPANY, 1ST BATTALION, 145TH AVIATION REGIMENT
5205 MINUTE MAN STREET
FORT NOVOSSEL, ALABAMA 36362-5105

ATZQ-BDE-OD

28 JANUARY 2025

GENERAL CORRESPONDENCE

SUBJECT: Letter of Support per the Second Look Act of 2024 and SB 0291 in Maryland

1. The purpose of this letter is to advocate for support of SB 0291, introduced on November 21, 2024, hereinafter referred to as the Second Look Act of 2024, and SB 0291 in Maryland.

2. H.R. 10223 aims *"to enable incarcerated persons to petition a Federal court for a second look at sentences longer than 10 years, where the person is not a danger to the safety of any person or the community and has shown they are ready for reentry, and for other purposes"* (Second Look Act of 2024, retrieved from govtrack.us). Similarly, SB 0291 in Maryland provides a process for individuals serving long sentences to petition for a sentence reduction under specific circumstances.

3. At the time of this correspondence I, 1LT Nathaniel Jones possess the following qualifications:

- a. Bachelor of Arts degree,
- b. Master of Science and Master of Arts degrees,
- c. Post-baccalaureate certificate and Executive Graduate,
- d. Ph.D. Candidate,
- e. Commissioned as an Active-Duty US Army Aviator
- f. National mental Health First Aid Instructor
- g. US Army Master Resilience Trainer

4. Justification for support of SB 0291 and SB 0291 is as follows:

- a. I, 1LT Nathaniel Jones, am a product of receiving a second chance and have high confidence that reformed individuals, when offered the opportunity. Reformed individuals hold a unique perspective of reality that allows them to thrive in society through civically responsible actions that generate progressive impacts to those around.
- b. Additionally, I worked in the State of North Carolina in conjunction with the NCDHHS, NCDPS, NCDPI, juvenile justice departments, and behavioral health as a consultant regarding the Juvenile Justice and Behavioral Health Initiative funded under SAMSHA during 2018 and 2019 conducting research and providing technical support for programs that encompass the principles upon which H.R. 10223 and SB 0291 are established.

- c. Currently, data cited in H.R. 10223 and SB 0291 shows that second chance programs facilitate substantial positive impacts on those given a second chance and the societies they find themselves in. I was given a second chance in 2012 after an unfortunate situation in 2007. Since 2012 I have earned a Bachelor of Arts degree, both a Master of Science and Master of Arts degrees, a post-baccalaureate certificate, and a Ph.D. Candidate, commissioned into the US Army as an Aviator.
- d. In my latter years of high school, I became entangled with a situation in which my phone was used in the commission of a crime. This caused me to become engaged in the legal system and experience ripple effects that stopped the progression of my life. I lost my first job at a movie theater and struggled to find employment. My college applications were dropped, and this forced me into a dependency on welfare and social systems. I was unable to enlist in the military when trying to support the war efforts, missed out on prom, and other quintessential American experiences. These limitations prevented me from becoming a responsible citizen and did not afford me the opportunity to achieve the potential everyone saw within me. Most of these limitations stemmed from the associated record.

5. Wherefore, I am writing in support of implementing H.R. 10223 and SB 0291 to give demonstrated rehabilitated individuals the opportunity for a Second Look, for a second chance. More specifically, regarding a man named Victor Blythe. Victor Blythe has been serving a lengthy sentence and, in my professional opinion based upon multiple interactions both in person and on the phone, displays true signs of reformation. A father, husband, and now grandfather, he understands the errors of his years as a misguided youth and has matured past the point of recidivism and criminalization, as affirmed by the Adolescent Brain Development Theory cited in H.R. 10223.

- a. Mr. Blythe has a phenomenal reputation among the corrections staff, who have confirmed willingness to draft character reference letters on his behalf, if given the opportunity to receive the chance to reintegrate to society.
- b. Mr. Blythe has successfully completed nearly every training/school available at the institution.
- c. Mr. Blythe currently leads and facilitates classes for others in the institution.
- d. Mr. Blythe serves as a mentor for several incoming younger individuals in the hopes of encouraging them to re-enter society as better individuals, passing his lessons learned and strategies for growth and development to those willing to listen.

- e. Mr. Blyth is an individual that H.R. 10223 and SB 0291 would greatly benefit, allowing his demonstrated qualities and characteristics to become positive contributions to society at large.
6. It is with great hope that this correspondence, and the effort invested in drafting it, is not in vain and does not fall on deaf ears. I bear witness, as does statistical data, that second chances are necessary, effective, and beneficial for our nation. These opportunities have fueled my passion for our nation—a passion that has generated unwavering support for our Constitution, our land, and our communities, cultivating a willingness to lay down my life to uphold the right to freedom, liberty, and justice. A freedom I hope to see reformed individuals receive the opportunity to experience as responsible citizens.
7. The point of contact for this memorandum is the undersigned at (336) 549-6410 or nathaniel.d.jones37.mil@army.mil.

Nathaniel D. Jones
1LT, MS
USAACE SGS CDO

Please note, the use of the current letterhead does not indicate DoD endorsement of the enclosed sentiments.

Ngozi Lawal Jan 28 2025 Testimony.pdf

Uploaded by: Ngozi Lawal

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judiciary Proceedings Committee
January 28, 2025**

SUPPORT

Submitted by: **Ngozi Lawal**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Ngozi Lawal, am testifying in support of SB291, 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 House of Assembly lawmakers capable of voting on this bill vote in favor of the bill's passage.

Passage of the Maryland Second Look Act 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 28 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 broke-in and entered 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 49 years old.

In addition to being accountable for his wrongdoing, Emeka has been improving himself and others in society. He completed his G.E.D. and graduated as valedictorian of his class. Also, during his time in prison, he completed multiple self-improvement programs. He has maintained a job for almost 10 years and has been infraction-free for over 10 years. However, appeals, post convictions, sentence modification requests have all been either denied or unanswered. Despite being behind bars, Emeka has undoubtedly contributed to society in a positive way. He has remained in his daughter's life over the 28 years and continues to be an active, present father. After I completed graduate school, he gave me step-by-step guidance on how to start my beauty business, a Color Me Beautiful franchise in Maryland, that I opened in 2006 and ran successfully until 2009. Along the way he provided me with insights on marketing, staff retention, financial management, and scaling that allowed me to open up my second store. I could not have become the **number one** selling franchise in the country in 2007 without his wisdom and intelligence. And now that I have two sons - ages 6 and 9 years old, he mentors them. His re-introduction to society would be non-violent and would result in a benefit to his community and society as a whole.

SB 291 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 SB291**.

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)

Warren_Allen_The_Sentencing_Project_Support_SB291.

Uploaded by: Nicole Porter

Position: FAV



In Support of Senate Bill 291, The Maryland Second Look Act

Warren Allen, Campaign Associate
The Sentencing Project

Submitted to the Maryland Senate
Judicial Proceedings Committee

January 28, 2025

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

I am Warren Allen, Campaign Associate at The Sentencing Project. I was among the first recipients of a second look remedy under D.C.'s Incarceration Reduction Amendment Act, also known as Second Look. I was sentenced to life imprisonment and am one of the people deemed beyond repair or forgiveness.

The Sentencing Project supports Senate Bill 291. The measure could be an important tool in making meaningful opportunities for persons sentenced to Maryland prisons. Currently, incarcerated people in Maryland can only petition courts for modification within 90 days of sentencing, severely limiting any potential sentence modifications.¹

MY JOURNEY FROM A LIFE SENTENCE TO ACTIVISM

During my time inside, I studied at Georgetown University. I became a leader inside the walls, someone who kept the peace; I was referred to as Black Love. I became a man of devout spirituality. I spent time and grew up with people who have benefited from D.C.'s Second Look Act, which allows people who committed crimes under the age of 25 to petition for resentencing after serving 15 years. Under the Juvenile Restoration Act Marylanders convicted of offenses committed under the age of 18 and who have served at least 20 years for that conviction can request a sentence reduction.

It is an honor to submit written testimony on behalf of the nearly 200 people released on Second Look in DC. We are violence interrupters, elected officials, youth mentors, key staffers for organizations fighting for a better city and world, religious leaders, parents, and good neighbors. We are the ones best able to turn young people around when they are heading down the wrong path.

If you want that for the state of Maryland, then Senate Bill 291 is common sense legislation.

I can tell you for a fact that this is not a get out of jail free card. Gaining a second look is hard earned. Everything about persons seeking a second look, including their institutional record, is scrutinized. We made ourselves worthy of a second chance in an environment that is antithetical to rehabilitation.

Second look is for those who have put in decades of hard work to better themselves and take responsibility. It is for those who are ready to come back and atone with their commitment to making the community better.

¹ Maryland Rule 4-345

MARYLAND'S EXTREME SENTENCES

Maryland incarcerates approximately 15,000 people in its state prisons, of which 21% are aged 51 or older.² The overuse of extreme sentences, limited mechanisms for reviewing these sentences, and ineffectual parole systems have resulted in a large number of aging people with no meaningful process for release. Of the 3,628 people serving life, life without parole, and sentences over 50 years in Maryland, 36% are 55 years old or older.³

Given that Maryland disproportionately imprisons its Black population, lawmakers should create opportunities to determine whether sentences imposed decades ago remain appropriate. Nearly 72% of Maryland's incarcerated population is Black, compared to 32% of the state population.⁴

Second look laws offer a solution. A judicial review of a person's sentence, after serving 20 years, allows for a robust, meaningful adversarial process to determine who can be safely released. Savings from ending unnecessary incarceration can then be reinvested in community-based programs that directly address crime prevention.

Senate Bill 291 proposes a judicial review of sentences after serving 20 years. Reviewing the sentences of those incarcerated for 20 years or longer is a data-driven public safety approach. Evidence suggests that most criminal behavior ceases after 10 years, and as people age, they usually desist from crime.⁵ Even people who engage in chronic, repeat offenses that begin in young adulthood usually desist by their late 30s.⁶ A robust body of empirical literature shows that people released after decades of imprisonment, including for murder, have low recidivism rates.⁷ Moreover, recidivism rates are lowest among those convicted of the most serious violent crimes for which people generally serve the longest sentences—sexual offenses and homicide.⁸

200 AGING LIFERS RELEASED FROM MARYLAND PRISONS

Maryland's real-life experience with releasing people from medium and maximum-security prisons, who had been incarcerated for decades for serious crimes, demonstrates that people age out of crime and can be safely released back into the community. As of March 2024, the recidivism rate for new convictions was 3.5% for all 200 individuals eligible for release under *Unger v. State* court

² Maryland Department of Public Safety, Inmate Characteristics Report, FY 2022.

³ Nellis, A., Barry, C. (2025). [A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States](#). The Sentencing Project.

⁴ Maryland Department of Correction. (2024). [FY 2023 population overview: DOC inmate demographics](#) [Data dashboard].; U.S. Census Bureau. (2022). [Hispanic or Latino Origin by Race. American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B03002](#).

⁵ Komar, L., Nellis, A., Budd, K. (2023). [Counting Down: Paths to a 20-year Maximum Prison Sentence](#), p. 3. The Sentencing Project.

⁶ See Note 5.

⁷ Nellis, A. (2022). [Nothing but Time: Elderly Americans Serving Life Without Parole](#), p. 17. The Sentencing Project.

⁸ Ghandnoosh, N. (2021, May 12). [A Second Look at Injustice](#), p. 10. The Sentencing Project.

decision. This decision held that those convicted at jury trials prior to 1982 were entitled to a new trial based on unconstitutional jury instructions.

From 2013 through 2018, 199 men and 1 woman were released from Maryland prisons as a result of the decision in Unger, which has become known as the Unger Project. All of the releases were convicted of either 1st degree premeditated murder, 1st degree rape, or felony murder. Their ages at the time of release were between 53 - 83 years old. Since release, 14 men have passed away from natural causes without any new violation or conviction. Of the remaining 186 releases, three violated probation based on a technical violation; four were convicted of new misdemeanors, and four were convicted of new felonies.⁹

CONCLUSION

I was once a young man on the wrong path. Today, I am the father of a beautiful daughter. A husband. A taxpayer. A staff member of The Sentencing Project.

Second chances are something we all need. You can offer those safely with a favorable vote for Senate Bill 291 - Maryland's Second Look Act.

The Sentencing Project applauds Maryland for considering Senate Bill 291 and encourages its passage as a step towards advancing second chances.

⁹ Staff. (2024). [Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems](#). The Sentencing Project.

SB0291-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0291

January 30, 2025

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) respectfully requests a **favorable** committee report on Senate Bill (SB) 291.

SB 291 authorizes incarcerated individuals convicted of a crime to petition for a reduced sentence subject to certain conditions in the circumstance that the individual can prove in a hearing that they have rehabilitated and do not pose a danger to the public. These conditions include serving in excess of 20 years of a sentence, not having made a petition within three years, and not having made more than three petitions to reduce sentence. Additionally, after serving an excess of 30 years or being above 60 years of age, SB 291 sets a rebuttable presumption in the aforementioned petitions that the defendant is not a danger to the public.

SB 291 marks a momentous step toward rehabilitative justice and ameliorating systemic inequities for Black Marylanders found in the state's criminal justice system. Notably, as of fiscal year 2023, the percentage of Maryland's incarcerated population who were black was 72.4%, the highest of any state and over double that of the national average. This is despite Black Marylanders representing less than one-third the total state population. Additionally, nearly 8 in 10 people who have served 10 years or more and were sentenced between the ages of 18-24 are Black. As a result, Black Marylanders have been disproportionately burdened with excessive sentencing and punitive incarceration. SB 291 would help to relieve over-incarceration and incentivize rehabilitation efforts among convicted individuals so they may one day reintegrate as contributing members of society.

For the above reasons, the Baltimore City Administration respectfully requests a **favorable** committee report on Senate Bill 291.

O. Moyd Testimony - SB 291 - Second Look Act (1).p

Uploaded by: Olinda Moyd, Esquire

Position: FAV



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

Clinical Program

January 30, 2025

Senate – Judicial Proceedings

**Testimony in Support of SB 291 – Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)**

Submitted by Olinda Moyd, Esq.

Director, Decarceration and Re-Entry Clinic

American University Washington College of Law

As a social justice advocate who has dedicated my legal career to disrupting the machinery of mass incarceration, I have had the honor of representing many men and women confined in Maryland's. The Decarceration and Re-Entry Clinic at the American University Washington College of Law represents individuals before the Maryland courts and the Maryland Parole Commission. Many of these individuals have been detained for decades - far beyond the point of having been successfully rehabilitated, long after achieving educational and vocational goals and way past the stage of being healed from the trauma that led them to prison. We believe that every human being deserves a second chance and that everyone has redemptive value.

SB 291 simply authorizes an individual who is serving a term of confinement to petition a court to reduce their sentence, under certain circumstances, after the individual has served 20 years of their term of confinement. Once the court determines eligibility, the court must hold a hearing where evidence may be introduced in support of the petition. The factors that the court must consider mirror the factors that the courts currently are required to review under the Juvenile Restoration Act¹, the governing statute for most of my clinic practice. These factors focus on balancing public safety with rehabilitation by examining things such as the nature of the offense, the role the individual played in the offense, institutional rule compliance, programming and statements from the victim. Victims are not forced to but may participate in the hearing process to have their voices heard. The court has the judicial acumen to review the evidence presented, assess witness credibility and they are trained to make such thoughtful deliberate decisions to determine if an individual poses a danger and whether it is in the interest of justice to reduce an

¹ Passed by the Maryland General Assembly April 2021, effective October 2021, Criminal Procedure Article, Section 6-235 and Criminal Procedure Article, Section 8-110.

individual's sentence. This bill merely creates one avenue to possible release and contains the necessary safeguards to manage abuse or repeat filings.

This bill does not guarantee release after twenty years in prison, it merely creates an avenue through which an individual can demonstrate rehabilitation. It is worth noting that most western democracies have few or no people serving life sentences, and research suggests that sentences of longer than twenty years are often not justified. See Marc Mauer and Ashley Nellis, *The Meaning of Life: The Case for Abolishing Life Sentences*, (2018). Excessive sentencing thwarts the correctional goals of rehabilitation and reintegration. Most correctional officials will confess that a population without hope is more challenging to prison operations and daily productivity. When prison doors are slammed shut, hopelessness prevails.

Limited Court Review Options

The existing options for getting judicial review of sentences are limited, even though we have historically dolled out extreme sentences in unrestrained fashion. The only way to challenge an excessive sentence is to challenge the constitutionality of the conviction itself. After a conviction and sentencing a person may seek a motion for review by a 3-judge panel but must do so within 30 days after sentencing, (See Criminal Procedure Article, Sections 8-102 – 8-109). A motion for modification or reduction of sentence must be filed within 5 years, when most judges are not amenable to modifying a recent sentence and most individuals have not accumulated enough time in prison to demonstrate rehabilitation. Many individuals spend the first few years navigating the harshness of the prison environment. The passage of time allows judges to fully evaluate an individual's growth, adjustment, education, programming and sincere transformation while behind bars.

Community Asset Upon Release

A person's debt to society is not paid back simply because of the number of years a person spends in prison but are, instead, paid back through spending time retrospectively reflecting upon harm caused and processing through the principles of restorative justice – accountability, healing and rehabilitation and rejuvenation. Many of the individuals who I have represented over the years have proven that, upon release, they can live law-abiding lives and contribute greatly to the very communities that they may have offended years ago. Individuals released pursuant to the *Unger* decision and those released pursuant to the Juvenile Restoration Act demonstrate that most people merely need an opportunity to live out their true purpose and the life they were intended to live before being sidetracked. Because of the overwhelming number of Black men and women captured in our encarceral system and held in Maryland prisons, our communities of color have suffered in their absence. Many can serve as a valuable resource upon their return as evidenced by those who have walked out of prison doors directly to serving their community. All people need is an opportunity and SB 291 merely creates an avenue for such.

One Story of Success

Our clinic recently represented Mr. S before the courts. He qualified under the JRA and this avenue for release would not have been available to him but for the legislative action of the passage of the statute two years ago. He was in prison for over three decades and served most of that time programming and working but living under a cloud of hopelessness that he would ever live in the free world due to his life sentence. However, since his release he has been reunited with his family, working diligently, paying taxes and mentoring young people to deter them from making the mistakes he made which led to his incarceration. He says that his goal is to “be the mentor that was missing in his life during his own adolescence.” His contributions to his community would be void had it not been for legislative intervention and an opportunity to petition the court for release.

We strongly support this bill and urge a favorable vote to foster hope and open an avenue for judicial review for the men and women in our prisons who meet with criteria and demonstrate they are worthy of a sentence reduction.

Olinda Moyd

Director, Decarceration and Re-Entry Clinic

American University Washington College of Law

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Washington, DC 20016

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Mukherjee Testimony in Support of Senate Bill 291.

Uploaded by: Rianna Mukherjee

Position: FAV

Testimony in Support of Senate Bill 291 (Favorable)
Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

To: Senator William C. Smith, Jr., Chair, and Members of the Senate Judicial Proceedings Committee

From: Rianna Mukherjee, Student Attorney, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: January 28, 2025

I am a student attorney in the Youth, Education, and Justice Clinic (“Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, or other means, as well as individuals who have served decades in Maryland prisons for crimes they committed as children and emerging adults. The Clinic supports Senate Bill 291, which would, *inter alia*, allow an incarcerated individual who has served at least 20 years of their sentence to petition a court for a reduction of sentence.

Research shows that recidivism drops at high rates as people age.¹ In a 2021 study, the United States Department of Justice’s Bureau of Justice Statistics (“BJS”) examined data from 24 states between 2008 and 2018.² BJS found that released individuals aged 24 or younger were substantially more likely to be arrested than those aged 40 or older.³ Consistent with this research, in 2021, the Maryland General Assembly passed the Juvenile Restoration Act, allowing individuals who received life sentences as minors to petition a court for a reduction of sentence.⁴ While the Juvenile Restoration Act has been successful,⁵ Maryland continues to deny people who were convicted for crimes committed when they were at least 18 years of age and who have been incarcerated for decades the opportunity to petition a court for a reduction of sentence—failing to fully recognize that people change over decades.

¹ MD. DEP’T OF PUB. SAFETY AND CORR. SERVICES, RECIDIVISM REPORT 14-15 (Nov. 15, 2022) (demonstrating that recidivism rates in Maryland decrease dramatically with older age and when individuals have served longer sentences) https://dpdcs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf.

² LEONARDO ANTENANGELI & MATTHEW R. DUROSE, U.S. DEP’T OF JUST., BUREAU OF JUST. STAT., RECIDIVISM OF PRISONERS RELEASED IN 24 STATES IN 2008: A 10-YEAR FOLLOW-UP PERIOD (2008-2018) 1 (2021), https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfulp0818/Web%20content/508%20compliant%20PDFs.

³ *Id.* at 2.

⁴ Md. Code Ann., Crim. Proc. § 8-110.

⁵ See generally MD. OFF. OF THE PUB. DEF., THE JUVENILE RESTORATION ACT, YEAR ONE – OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (Oct. 2022), https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf.

Our clients, who have all served decades in prison, have changed and grown dramatically as they have aged. They have earned high school diplomas and college degrees. They have had meaningful careers, including training service animals to aid individuals with disabilities and building furniture for state institutions. They have earned myriad certificates and awards. They have nurtured family relationships, mentored youth and adults, and positively benefited people inside and out of the prison system. They are deeply remorseful for the crimes they committed decades ago and dedicated to positively impacting and enhancing public safety in our communities if released. They, and many others, deserve the opportunity to be considered for sentence reconsideration.

Also, passing SB 291 is a crucial step in decreasing the disproportionate incarceration of Black people in Maryland. Here, over 70% of incarcerated people are Black, even though Black people make up 31% of the population.⁶ Notably, disparities are the highest for people incarcerated as “emerging adults” (18-24) serving long sentences. According to the Justice Policy Institute, “[n]early [8] in 10 people who were sentenced as emerging adults and have served 10 or more years in a Maryland prison are Black. That is the highest rate of any state in the country.”⁷ Understanding the racialized mass incarceration crisis in Maryland, the Maryland Attorney General and the Maryland Public Defender have forged a historical collaboration—the Maryland Equitable Justice Collaborative (“MEJC”)—that is committed to addressing these disparities.⁸ Notably, the MEJC recommends that the Maryland General Assembly “[e]xpand access to Second Look laws that empower judges to reduce or modify sentences”⁹

Moreover, incarcerating people for decades is an expensive use of taxpayer dollars. At a time when legislators, other elected officials, and Marylanders are increasingly concerned about the State’s structural budget deficit, SB 291 offers a means for Maryland to be fiscally responsible. Maryland spends on average \$862,096,200 every year incarcerating people.¹⁰ These incarceration costs only increase as people age.¹¹ Thus, allowing people who have rehabilitated the opportunity to petition a court for sentence reconsideration that could lead to their release will reduce the financial burden on Maryland taxpayers.

⁶ JUST. POL’Y INST., RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND 1, 2 (Nov. 2019), https://justicepolicy.org/wp-content/uploads/2022/02/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁷ *Id.* at 4.

⁸ MD. EQUITABLE JUST. COLLABORATIVE, <https://mej-c-maryland-gov-maryland.hub.arcgis.com/> (last visited Jan. 24, 2025).

⁹ MD. EQUITABLE JUST. COLLABORATIVE, HISTORY MADE: MARYLAND EQUITABLE JUSTICE COLLABORATIVE (MEJC) PASSES RECOMMENDATIONS TO ADDRESS MASS INCARCERATION OF BLACK MARYLANDERS IN STATE PRISONS AND JAILS 1,3 (Dec. 12, 2024), <https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>.

¹⁰ MARYLAND MANUAL ONLINE, MARYLAND AT A GLANCE (in FY 2023, the monthly cost of room and board, and health care per incarcerated individual was \$4,970 and that the average daily number of sentenced incarcerated individuals in Maryland was 14,455) <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>.

¹¹ Emily Widra, *The Aging Prison Population: Causes, Costs, and Consequences*, PRISON POL’Y INITIATIVE (Aug. 2, 2023), <https://www.prisonpolicy.org/blog/2023/08/02/aging/>.

For these reasons, the Clinic respectfully asks the Senate Judicial Proceedings Committee to issue a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

Testimony in support of SB0291 - Criminal Procedur

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0291_RichardKaplowitz_FAV

01/30/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0291 - POSITION: FAVORABLE
Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of/ SB#/0291, Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act)

Maryland is facing a moral and racial justice crisis in our criminal justice system. Our incarceration rates reflect that bias against Black and Brown and low-income populations that occurs at every stage of our criminal legal system. From racial profiling by the police to arresting to sentencing the disproportionate effects fall on these groups. It is made visible by the 71% of the prison population in Maryland being Black, a rate that is twice the national average.

This bill makes the promise of criminal justice, rehabilitation, front and center in how we deal pragmatically with prisoners by offering incentives for good behavior. This bill will help create paths to the reduction of prison overcrowding and threats of violence in our prisons. Maryland can create meaningful avenues for release for Marylanders who have transformed their lives based on demonstrated rehabilitation. It offers prisoners with extreme sentences who have served at least two decades an opportunity to petition the court to modify or reduce their sentence and return them to their communities to make positive contributions within our communities.

The only path open for persons serving an extreme sentence to have that sentence reviewed is challenging the constitutionality of the conviction itself. Maryland removed the discretion of judges to review sentences which might be extreme in 2004. Parole and its administration is handicapped and restricting in ways that reflect a “lock them up” attitude. People lack due process rights and legal representation in parole hearings. This bill will let courts, with attendant legal rights for prisoners seeking parole, make decisions about release from extreme sentences under controlled criteria.

I respectfully urge this committee to return a favorable report on SB0291.

FINAL 2025 MD SB291 Testimony - Robert Melvin.pdf

Uploaded by: Robert Melvin

Position: FAV



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www.rstreet.org

Testimony from:
Robert Melvin, Northeast Region Director, R Street Institute

Testimony in Support of SB 291: “Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act).”

January 30, 2025

Maryland Senate Judicial Proceedings Committee

Chairman Smith and members of the committee,

My name is Robert Melvin, and I am the Northeast region director at the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. We engage in policy analysis and outreach promoting free markets, and limited, effective government in a variety of policy areas, including criminal justice reform and civil liberty issues. This is why we have a strong interest in Senate Bill 291, also known as the “Maryland Second Look Act.”

When done well, second look laws can save taxpayer dollars and better prioritize prison resources, without compromising public safety. SB 291 permits a defendant to request a sentence reduction after serving at least 20 years of their sentence.ⁱ To avoid frivolous filings, the measure limits a defendant to three petitions and requires a three-year wait between filings.ⁱⁱ The bill also grants a State’s Attorney ability to file a motion for a sentence reduction with broader discretion.ⁱⁱⁱ

Most importantly, it establishes a hearing process where the court considers defendant, prosecutor, and victim testimony.^{iv} During the hearing, certain factors are considered by the court, including the individual’s age at the time of the offense, nature of the offense, participation in educational and rehabilitation programs, statements from victims, and circumstances at the time of arrest.^v These precautions help ensure a system where courts examine if incarceration remains prudent from both public safety and economic angles.

With many states, including Maryland, facing issues with prison overcrowding, correctional officer (CO) staff shortages, and the growing costs to incarcerate individuals, Second Look laws provide a fiscally responsible solution to these growing economic challenges.^{vi} In Maryland, the current inmate population statistics show that there are approximately 15,000 individuals incarcerated in state facilities.^{vii} The number of prisoners has been growing, and in 2023, the prisoner population increased by 641 and continues unabated.^{viii} Coupled with the problem of hiring an adequate number of correctional officers, with CO vacancy rates growing from 11.1 percent to 12.7 percent, it creates a considerable issue with ensuring that there is appropriate levels of staff to supervise the inmate population.^{ix} That

being said, there are substantial costs related to prisoner retention that must be factored into this equation as well.

In Maryland the state spends around \$114,000 annually per prisoner.^x The growing costs are also exacerbated by a prison population that increasingly require more medical care as they age.^{xi} By adopting SB 291, the state could experience significant savings by shrinking the inmate population, and it would help decrease the pressure on the Department of Public Safety and Correctional Services with respect to hiring of correctional officers. While economic concerns are an important factor, we must not overlook the public safety considerations.

This proposal would also encourage better prisoner behavior and their participation in rehabilitation programs by providing these individuals with the prospect of sentence reconsideration if they make progress.^{xii} This approach helps reduce the chances of reoffending after an individual is released, while excessive sentences have the opposite effect.^{xiii} Most importantly, research demonstrates that recidivism rates contract by large margins with age, with most “criminal careers, concluding within 10 years.”^{xiv} Moreover, individuals who are incarcerated for long durations as they tend to age out of participating in criminal activity by their late 30s.^{xv} This is even true of individuals who engage in violent crime. In Maryland, reports have found that out of 188 prisoners serving life without parole, those released after serving 30 years or more, only five were found six years later to have returned to prison for either violating parole or committing a new crime.^{xvi} This evidence proves that public safety is maintained even when Second Look laws are adopted, but it’s not without its detractors and allows for victim input in the reconsideration process.

One of the more noteworthy provisions of this legislation is that it offers prosecutors discretion to offer reconsideration of a sentence. Prosecutors are uniquely positioned to evaluate case histories, gather victim input, and account for current trends when reviewing. While critics may argue that this allows rogue prosecutors to be lenient, the court always retains final judgment, so that ensures that there are safeguards in place from any potential abuse.

If Maryland adopts SB 291, it would not be the first state to do so. The District of Columbia and at least 11 other states have enacted Second Look laws, with five states also authorizing prosecutor-led efforts.^{xvii} Almost all stipulate that a large chunk of the sentence has already been served to be eligible.^{xviii}

Senate Bill 291 carefully balances economic and public safety considerations. It will alleviate the issues related to continued growth in prisoner numbers and rising costs of housing inmates, thereby helping Maryland rein in this growing fiscal challenge. Additionally, it’s done with appropriate guardrails that don’t jeopardize safety of the public. For these reasons, we respectfully urge your favorable consideration of SB 291.

Thank you,

Robert Melvin
Northeast Region State Government Affairs Director
R Street Institute
rmelvin@rstreet.org

ⁱ Maryland General Assembly, 2025 Legislative Session, Senate Bill 291, Last Accessed January 27, 2025: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0291?ys=2025rs>

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v Ibid.

^{vi} Erica Bryant, “Corrections Staffing Shortages Offer Chance to Rethink Prison: A Staffing crisis has created dangerous conditions in prisons. To create safety, reduce the number of people entering prison, and release people who can safely return home,” Vera Institute, November 1, 2024: <https://www.vera.org/news/corrections-staffing-shortages-offer-chance-to-rethink-prison#:~:text=Prisons%20across%20the%20country%20are,lockdowns%20are%20becoming%20the%20norm.>

^{vii} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, page 5, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^{viii} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, pp 3-4, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^{ix} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, page 3, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^x USA Facts team, “How much do states spend on prisoners?,” USA Facts, April 17, 2024: <https://usafacts.org/articles/how-much-do-states-spend-on-prisons/>

^{xi} Matt McKillop, and Alex Boucher, “Aging Prison Populations Drive Up Costs,” Pew Charitable Trust, February 20, 2018: <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>

^{xii} JaneAnne Murray, et al., “Second Look=Second Chance: Turning The Tide Through NACDL’s Model Second Look Legislation,” National Association of Criminal Defense Lawyers, 2021: <https://www.nacdl.org/getattachment/c0269ccf-831b-4266-bbaf-76679aa83589/second-look-second-chance-the-nacdl-model-second-look-legislation.pdf>

^{xiii} Gordon B Dahl, and Magne Mogstad, “The Benefits of Rehabilitative Incarceration,” National Bureau of Economic Research, April 6, 2020: <https://www.nber.org/reporter/2020number1/benefits-rehabilitative-incarceration>

Hilde Wermink, et al., “Short-Term Effects of Imprisonment Length on Recidivism in the Netherlands,” Sage Journals, January 2017: <https://pmc.ncbi.nlm.nih.gov/articles/PMC5971372/#:~:text=Findings%20indicate%20that%20length%20of,and%20economic%20costs%20of%20imprisonment.>

^{xiv} Alex R. Piquero, et al., “Study Group on the Transitions between Juvenile Delinquency and Adult Crime,” U.S. Department of Justice Office of Justice Programs, July 2013: <https://www.ojp.gov/pdffiles1/nij/grants/242932.pdf>

^{xv} Liz Komar, et al., “Counting Down: Paths to a 20-Year Maximum Prison Sentence,” The Sentencing Project, February 15, 2023: <https://www.sentencingproject.org/reports/counting-down-paths-to-a-20-year-maximum-prison-sentence/>

^{xvi} Families Against Mandatory Minimums, “The Older You Get: Why Incarcerating the Elderly Makes us Less Safe,” Last accessed January 28, 2025: <https://famm.org/wp-content/uploads/2021/10/Aging-out-of-crime-FINAL.pdf>

^{xvii} Becky Feldman, “The Second Look Movement: A Review of the Nation’s Sentence Review Laws,” The Sentencing Project, May 15, 2024: <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>

For the People, “Frequently Asked Questions about Prosecutor-Initiated Resentencing,” Last accessed January 28, 2025: <https://www.fortheppl.org/faqs>

^{xviii} Ibid.

Second Look Act.pdf

Uploaded by: Samantha Jones

Position: FAV

Samantha Jones, LCSW

3949 Rucker Blvd. F25

Enterprise, AL 36330

scbaile1@gmail.com

Dear Senate Sydnor,

I hope this letter finds you well. My name is Samantha Jones, and I am a psychotherapist specializing in trauma-informed therapy and community work. I am writing to express my heartfelt support for the Second Look Act that will be presented before the Senate on Thursday.

My father, Victor Blythe, has been incarcerated at the North Branch Correctional Institute in Cumberland, Maryland since I was three years old. Growing up without my father was incredibly detrimental to my development as a young woman. I struggled with various issues such as identity, self-sabotage, insecurity, and self-harm. My father's imprisonment has profoundly influenced my later years and fueled my dedication to working with urban at-risk communities and incarcerated populations, focusing on trauma-focused rehabilitation.

Despite the circumstances, my father has shown remarkable resilience and personal growth during his time in prison. He has committed himself to rehabilitation, education, and becoming a positive influence within the correctional facility.

The Second Look Act represents a beacon of hope for individuals like my father who have demonstrated genuine transformation and earned the opportunity for reconsideration. I urge you to support the Second Look Act and give individuals like my father the opportunity to prove that they are capable of contributing positively to society.

This legislation would not only provide a chance for my father to reunite with his family but also offer a pathway to redemption for countless others who have worked hard to change their lives for the better.

Your support for this legislation would mean the world to me, my family, and many others who are longing for a second chance.

Thank you for your time and consideration.

Sincerely,

Samantha Jones, LCSW

SB291 Testimony- SLao.pdf

Uploaded by: Serena Lao

Position: FAV

TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT
Senate Judiciary Proceedings Committee
January 30, 2025

Position: SUPPORT

Submitted by: **Serena Lao**

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

I, Serena Lao, am testifying in support of SB 291, the Maryland Second Look Act. I am submitting this testimony as a longtime Maryland resident with a loved one who has been incarcerated for 36 years.

The Maryland Second Look Act is a major opportunity for cost savings in a year when our state is facing a major fiscal crisis. We have a multitude of incarcerated Marylanders who pose no risk to society and have truly invested themselves in their rehabilitation during their time in prison (at least 20 years), and yet, Maryland taxpayers continue to spend extraordinary amounts each year to keep them locked up. In FY2023, the Division of Correction noted that the monthly cost of room and board, and healthcare per inmate was \$4,970, which totals to \$59,640 annually.¹ These costs go up for the aging prison population, the majority of whom this bill would apply to, because of greater medical needs. The continued spending on those who no longer need to be incarcerated is a monumental waste of state funds, especially when there are so many other issues in the state that urgently need support.

In an ideal world, the community's focus could stay on the survivors or victims, making sure they get the support they need to cope with the great trauma they've had to endure. Their every emotion, their expansive grief, would be held and acknowledged. Every effort would be made to help them process, heal, and feel safe even though their lives could never be the same. If healing requires that there is change—improvement over time—then we must recognize that an incarcerated person's growth and a victim's healing are intertwined in many ways. The potential of re-traumatization is an unfortunate reality of these serious cases, but the Second Look Act gives victims as much agency as possible within the constraints of the system.

If the justice system functioned appropriately, we would not have to advocate for this legislation. At a certain point in someone's excessively long sentence, there is a shift in the purpose of incarceration from accountability and public safety to punishment and retribution. When someone has engaged constantly in self-reflection about the harm that they've caused and has committed themselves to a path of rehabilitation rather than destruction, it is only harmful to our society to keep them away from others who can learn directly from their lessons. In addition, many of these people serving long sentences were told decades ago upon their sentencing that if they turned their life around, they would have the opportunity for a second chance. Over time, this "contract" of sorts was never honored, due to changes in administrations, a shift to more punitive practices, and an overwhelmed parole board. Passing this legislation would create a viable pathway forward for those who have been working towards redemption, which would

make a practical difference in their lives, their loved ones' lives, and the lives of those in our communities.

The over-population of prisons and ongoing staffing shortages have created dangerous conditions on the inside. Any mechanism of release takes time, so action must be taken now to begin the process of review for many deserving incarcerated Marylanders.

For these reasons, I urge you to vote **favorably** on the **Maryland Second Look Act, SB 291**.

Thank you,

A handwritten signature in cursive script that reads "Serena Lao".

Serena Lao

¹ <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html?>

S. Varghese Testimony - SB 0291 - Petition to Redu

Uploaded by: Shaina Varghese

Position: FAV



AMERICAN UNIVERSITY

WASHINGTON, D C

Clinical Program

January 30, 2025
Senate – Judicial Proceedings

Testimony In SUPPORT of SB – 291– Petition to Reduce Sentence
(Maryland Second Look Act)

Submitted by: Shaina Varghese
Student Attorney, Decarceration and Re-Entry Clinic
American University Washington College of Law

My name is Shaina Varghese, and I am a third-year law student at the American University Washington College of Law testifying as a student-attorney on behalf of the Decarceration and Re-Entry Clinic in support of Senate Bill 291. Our clinic represents men and women who have served decades in Maryland prisons before the courts and before the Maryland Parole Commission.

It is well known that the United States of America is the world's leader in mass incarceration, with our country's prison population increasing by 500% over the last forty years.¹ This phenomenon exists despite the fact that crime, in particular violent crime, has been significantly declining over the past several decades.² This mass increase in incarceration is a direct result of sentencing law rather than the reality of crime rates in the community. Maryland is a national leader in perpetuating mass incarceration. Maryland's prison rates have increased drastically over the last 40 years³, with the state incarcerating a higher percentage of its citizens than almost any democratic country on earth.⁴

The most obvious drawback of this phenomenon is the financial strain Maryland's incarceration rate has on Maryland taxpayers. Maryland has one of the highest costs per incarcerated individual in the country, spending approximately 114,000 dollars per incarcerated individual per year, which is one of the highest rates in the country.⁵

¹ The Sentencing Project, *Trends in U.S. Corrections*, at 2 (June 2019), <https://www.ala.org/sites/default/files/aboutala/content/Trends-in-US-Corrections.pdf>.

² John Gramlich, *What the Data Says About Crime in the U.S.*, Pew Research Center (Apr. 24, 2024) <https://www.pewresearch.org/short-reads/2024/04/24/what-the-data-says-about-crime-in-the-us/> (reporting that per the Bureau of Justice statistics, the U.S. violent and property crime rates each fell 71% between 1993 and 2022).

³ *Maryland's Prison and Jail Incarceration Rates, 1978-2022*, Prison Policy Initiative (April 2024) https://www.prisonpolicy.org/graphs/jails2024/MD_incarceration_rates_1978-2022.html.

⁴ Department of Public Safety and Correctional Services Operating Budget Analysis (2024), <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf>; Emily Widra, *States of Incarceration: The Global Context 2024*, Prison Policy Initiative (June 2024) <https://www.prisonpolicy.org/global/2024.html>.

⁵ Bruno Venditti, *Mapped: U.S. States by Cost Per Prisoner*, Visual Capitalist (June 9, 2024) <https://www.visualcapitalist.com/cost-per-prisoner-in-us-states/>.

An even more troubling result of Maryland's mass incarceration crisis is its perpetuation of racism. The racial disparity in Maryland in prisons is higher than any other state and double the national average, with more than 70 percent of Maryland's prison population composed of Black individuals.⁶ In comparison, the national average of Black individuals incarcerated is 32 percent, and Black individuals make up only 31 percent of Maryland's population.⁷ These racial inequalities have a disproportionate effect on individuals serving long sentences; nearly 8 in 10 people who were incarcerated between the ages of 18 to 24 years old and have served 10 or more years in a Maryland prison are Black.⁸

Senate Bill 291 is a promising solution to Maryland's mass incarceration crisis.⁹ This bill provides an individual who has served at least 20 years in prison a pathway to request judicial review of their sentence. The bill is not a "get out of jail free card"; rather, the bill allows for individuals who have been rehabilitated and have transformed their lives after decades in prison to have a meaningful avenue for release. Currently in Maryland law, a judge can only consider a motion for reconsideration of a sentence for 5 years from the sentencing date before issuing a decision. As a result, there is currently no mechanism for individuals serving lengthy sentences to petition for judicial sentence review based on demonstrated, long-term rehabilitation. As a result, not only will Senate Bill 291 address Maryland's mass incarceration crisis, but it will also incentivize individuals to demonstrate personal growth and rehabilitation with this new pathway for well-deserved sentence reduction.

Senate Bill 291 is supported by the success of Maryland's Juvenile Restoration Act, along with data from the *Unger* population. In 2021, Maryland's legislature passed the Juvenile Restoration Act.¹⁰ The statute allows for individuals who have served at least 20 years of a sentence for a crime that occurred when they were under the age of 18 to file a motion for reduction of sentence. 24 individuals were released through the Juvenile Restoration Act in its first year; as of October 2022, none of these 24 individuals were charged with a new crime or found to have violated probation.¹¹

In addition, the *Unger* population is particularly instructive here.¹² After the Maryland Court of Appeals held that improper jury instructions invalidated the life with parole sentences of 235 people, 192 of them were released. The average age of these individuals when sentenced was 24, and they spent an average of 40 years behind bars. Since their release, less than 4 percent have returned to prison; in addition, it is estimated that the release of these individuals has saved Maryland 185 million dollars. This is a real-life case study, proving individuals who have served

⁶ *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, Justice Policy Institute, at 3 (Nov. 2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁷ *Id.*

⁸ *Id.*

⁹ S.B. 0291, 2025 Gen. Assemb., Reg. Sess. (Md. 2025).

¹⁰ Md. Code, Crim. Proc. § 8-110.

¹¹ See Maryland Office of the Public Defender, *The Juvenile Restoration Act Year One — October 1, 2021 to September 30, 2022* (Oct. 2022), https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf.

¹² The Justice Policy Institute, *The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars* (Nov. 2018), https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf.

lengthy sentences have low rates of recidivism; rather, releasing them is in the best interests of the state of Maryland in both promoting justice and saving taxpayer dollars.

With both Maryland's Juvenile Restoration Act and the *Unger* population proving the positive benefits of sentence review for individuals who have served lengthy sentences, the relief requested in this bill is not based on theory. Rather, it is based on concrete data with proven success with individuals in our state. As a result, we implore the legislature to vote in favor of Senate Bill 291 to make this vision of justice and second chances a reality.

Shaina Varghese
(904)-629-4884
sv6564a@american.edu

Maryland Second Look Act SB 291.pdf

Uploaded by: Sharon Blake

Position: FAV

**TESTIMONY ON Senate Bill 291
MARYLAND SECOND LOOK ACT
Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Sharon Y. Blake

Chair Smith, Vice Chair Waldstreicher and honorable members of the Judicial Proceedings Committee:

I, Sharon Y. Blake am testifying in support of Senate Bill 291, the Maryland Second Look Act. I am submitting this testimony as a Baltimore County resident in District 10, having had no one in my family impacted by an extended sentence of twenty years of incarceration in the Maryland penal system, I believe, as a citizen and educator I have sufficient interest in this matter. Professionally I served a term as President of the Baltimore Teachers Union. Moreover, I served 43 years as an educator in the Baltimore City Public School System, with the large majority of my career having being dedicated as a teacher of History at the high school level. In this role, I saw students enter high school as freshmen with their glasses half empty and four years later graduate with their glasses half full. This analogy can apply to the Maryland prison system population as well...young people, committing violent crimes; enter the prison system with half empty glasses. Often the half empty glass is that of anger, disappointments, poverty, hopelessness, ignorance and despair. However, twenty years later, these very same young people are now adults who have demonstrated intellectual growth, remorse, rehabilitation and no longer are a risk or danger to society. To that end, twenty years later, these are very different people. These are now mature persons who tend to have "aged out of crime" and are very unlikely to impact public safety in an undesirable manner. Twenty years later, these are very different people who now see their glass as half full... half full of hope, demonstrated intellectual growth, remorse, and rehabilitation. Moreover, this is evident with the landmark case Maryland vs. Ungers. The two hundred (200) Marylanders serving life sentences, who were released, had less than a four percent (4%) recidivism rate. In addition, with the release of the Ungers, it was projected the state saved \$185 million dollars that would have been spent on keeping them incarcerated.

Most importantly, this bill also has very serious racial justice implications. The general population of Black Marylanders is only thirty one percent (31%); however, of the two thousand two hundred twelve (2,212) people serving life sentences, appallingly eighty percent (80%) are Black Marylanders. It is disgraceful that Maryland also is the frontrunner in our nation in sentencing young Black men to the longest prison terms, at a rate twenty-five (25%) higher than the state of Mississippi.

Please note, there are many men and women serving decades-long sentences who have worked extremely hard to demonstrate intellectual growth, remorse, and rehabilitation who are yet yearning for their opportunity to reenter and become value added in their communities.

Therefore, I urge this honorable committee to vote in favor of Senate Bill 291, the Maryland Second Look Act!

Thank you.

2025SB291pdf.pdf

Uploaded by: Sharon Davlin

Position: FAV

Maryland Second Look Act, SB0291
Senate Judicial Proceedings Committee
January 30, 2025

Position: SUPPORT

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Sharon Davlin, testify in support of SB291, the Maryland Second Look Act. I submit this testimony as a longtime resident of District 43 and as a member of the Baltimore County Progressive Democrats.

The Maryland Second Look Act would create an opportunity for sentence modification for incarcerated people who have served 20 years of their sentences. Those individuals who can demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

Currently incarcerated people in Maryland can only petition the Court for sentence modification within 90 days of sentencing. Maryland judges used to have the ability to review sentences and this ability was an important safety valve for extreme sentences. Unfortunately, this opportunity was eliminated with a rule change in 2004. Moreover, 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. It is past time to remedy decades of extreme sentences and wrongful denials. Our current grossly overcrowded prison system is costly to taxpayers and inhumane.

I encourage you to vote favorably on SB291 the Maryland Second Look Act.

maryland second look act .pdf

Uploaded by: sonia shah

Position: FAV

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Sonia Shah

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Sonia Shah, am testifying in support of SB291, the Maryland Second Look Act. I am submitting this testimony as a community member who lives in Towson, MD.

Passage of the Maryland Second Look Act 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, such that they are no longer a threat to public safety, should have the opportunity for release.

This bill 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.

I encourage you to vote favorably on the Maryland Second Look Act SB291.

Thank you.

Sonia Shah
328 Weatherbee Road
Towson, MD 21286

¹ Maryland Rule 4-345

² [Court of Appeals of Maryland Rules Order](#)

Letter in support of SB 291.pdf

Uploaded by: Thomas Chleboski

Position: FAV

I am writing in support of SB 291, the Second Look Act. In addition to my activities with criminal justice reform organizations, I work as a paralegal with criminal defense lawyers. In Maryland, when anyone is sentenced after being found guilty of a jailable offense, he or she can file a Motion for Modification of Sentence under Maryland Rule 4-345. The judge can review the sentence but must do so within five years of the sentencing date. This creates a problem for people with long sentences because a judge may not want to modify a long sentence after only five years.

In my mind, the Second Look Act provides an opportunity for those with lengthy sentences, who have spent years or even decades in prison, to come before a judge to have the sentence reviewed. Statistically, a person usually “ages out” of criminal behavior by a certain age. Rehabilitation can and does happen, and there are people in the prison system who are worthy of having their sentences reviewed, but who have no mechanism to do so. The Second Chance Act would allow a Court to look at the sentence and the progress of the individual, and make a determination if that person’s sentence should be modified.

In Maryland, rehabilitation is one of the goals of the criminal justice system. This bill if enacted would give judges the power to look at individuals on a case-by-case basis and determine if their sentence may have been excessive or if their rehabilitation makes the person a good candidate for a sentence reduction. Please vote yes on this bill as it is good public policy.

Thomas Chleboski
410-978-2005
thomaschleboski@gmail.com

SB 291 Second Look Act Testimony.pdf

Uploaded by: Tricia Downing

Position: FAV



Dr. Tricia E. Downing

October 24, 2024

Written Testimony

Re: Maryland Second Look Act SB 0291

To : Judicial Proceedings Committee

My name is Dr. Tricia Downing and I moved to Anne Arundel County. Over the last 2 years, I have become affiliated with Maryland Alliance for Justice Reform and the Maryland Second Look Coalition. SB 291 will provide an opportunity for incarcerated citizens to be re-evaluated for resentencing after serving a term of 20 years without further infraction or 25 years with time off for good behavior called the "Maryland Second Look Act." I am aware that our corrections system is overburdened, resource poor and is not able to correct much but to isolate people who are permanently deemed defective. Our current system also prevents potentially productive people who have outgrown their maladaptive behavior from the opportunity to be re-evaluated for re-sentencing.

This bill is not meant to determine guilt or innocence, but to provide a steppingstone for rehabilitated people to have another chance to appeal their sentence in the appropriate court. I believe that there are certain reasons that an incarcerated person should **not** be released, like lack of insight (in the clinical psychology sense of the word) into their crime, continued affiliation with "pro-crime" entities (like gangs who demand loyalty, or outside influences that encourage criminal behavior as a way of life) or true uncorrectable psychopathic nature. The addition of the Bill will not be addressing the crime itself but the current and past mitigating factors (age at time of crime, current support system, job/job training while incarcerated, formal and informal activity participation while incarcerated and lack of infraction or victim impact to name a few).

When considering the "Maryland Second Look Act" I would like you to consider many things, but I will limit my focus to these 3,.



Glen Burnie, MD 21060



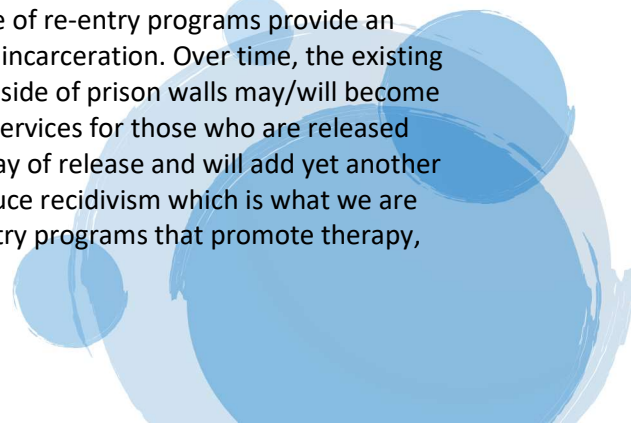
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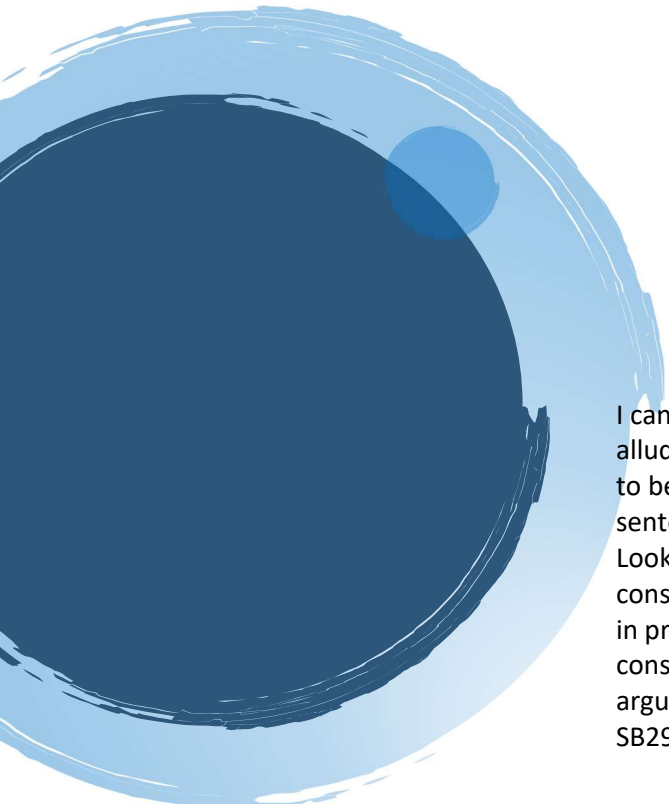


<https://www.linkedin.com/in/tricia-downing-2487685a/>



- **The financial cost to Maryland:** Using the data from 2022, the average monthly cost to house a straight forward individual in prison is \$4970 which amounts to \$1,031,712,360 per year. Non-profit organizations provide "guardrails" through the existing re-entry programs and services that are available in Anne Arundel County and Greater Maryland that reduce recidivism rates. Even if the state funded financial assistance by the way of SNAP (food stamps) at \$130 per month when a citizen is initially released as part of their re-entry program, the financial burden on the state is decreased by a non-negligible amount. After release, the citizens will enter a re-entry program geared to move the citizen toward being a tax paying member of society thus adding to Maryland's tax revenue. Geriatric/hospice incarcerated citizens with medical problems (who may be eligible for re-sentencing by other means) will be given the opportunity to be re-evaluated, removing further medical costs to the State of Maryland's Department of Corrections. This may allow for actual corrective measures for those with shorter sentences.
- **Age of incarceration:** 20 years ago, there was much to be understood and discovered about the human brain. Just like the study of neurology matured, it has been shown that the human brain and its cognitive pathways mature continuing well into a person's 40's and 50's. That means that a person's problem solving skills have the potential to evolve as well. You may have heard the phrase, "Necessity is the mother of invention." People who are stripped of access to things/inventions that make life easier outside of prison are tasked with improvising and becoming inventive with the little that they obtain while in the prison system. Problem solving skills will be vastly different in an incarcerated person 20 years after incarceration just as it would be in citizens who are not incarcerated. (I have references if you'd like them.)
- **Returning Citizens:** Some people will eventually be released due to completion of their sentence and not everyone utilized or had available opportunities like programs and jobs while incarcerated. Considering this, the use of probation/parole in conjunction with the use of re-entry programs provide an alternative to long term incarceration. Over time, the existing programs inside and outside of prison walls may/will become galvanized, placing the services for those who are released regardless of the pathway of release and will add yet another "guardrail" that will reduce recidivism which is what we are trying to correct. Re-entry programs that promote therapy,





substance abuse programs, education and employment guidance strengthen Maryland's communities which would be impacted by those who have not been exposed to productive corrective measures while incarcerated.

I can go on, but I'd like you to *actually* read and take this to heart. As I alluded to above, the complete process is not simple and will need to be tailored to give each eligible individual an opportunity for re-sentencing if warranted. What *is* simple is that the "Maryland Second Look Act" will provide the "on ramp" for those who *should* be considered and are otherwise left to live a life of institutionalization in prison after their post-conviction options are spent. While you are considering what I said above, also consider that there are practical arguments that outweigh the opposition which will not be overlooked. SB291, Second Look Act, should be passed.

Regards,

Dr. Tricia Downing.



SB291 Legislative Black Caucus of Md

Uploaded by: Ufuoma Agarín

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401
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January 30, 2025

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Judicial Proceedings Committee

2 East Miller Senate Office Building

Annapolis, Maryland 21401

Dear Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee,

The Legislative Black Caucus of Maryland offers its strong and favorable support for Senate Bill 291 (SB291) – Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act). This bill allows individuals serving a term of confinement to petition the court for a sentence reduction after serving at least **20 years** of their sentence, with an emphasis on rehabilitation and reintegration into society. SB291 is a critical step forward in advancing justice, particularly for African Americans who are disproportionately impacted by long sentences in Maryland's criminal justice system. **This bill is a 2025 legislative priority for the Black Caucus.**

The Legislative Black Caucus of Maryland strongly believes that our criminal justice system must prioritize fairness, rehabilitation, and second chances. African Americans in Maryland and across the nation have long been subject to the harmful effects of mass incarceration, which has resulted in overrepresentation in prison populations, particularly for non-violent offenses and sentences that fail to account for the possibility of rehabilitation. According to a 2023 report from the **Sentencing Project**, Black Americans are incarcerated at more than five times the rate of white Americans, making it essential that policies like SB291 seek to address these systemic inequities by offering opportunities for sentence reconsideration and reducing the long-term impact of incarceration on Black families and communities.

SB291 addresses these inequities by providing an avenue for individuals who have demonstrated maturity, rehabilitation, and fitness to reenter society, to petition for a reduced sentence after a significant period of time served. The **Second Look Act** aligns with the principles of restorative justice by encouraging courts to consider the individual's growth and transformation over time, including their age at the time of the offense, institutional behavior, participation in rehabilitative programs, and overall readiness to rejoin their communities. In Maryland, a 2020 study by the **Maryland Justice Project** found that African American individuals were more likely to receive longer sentences for similar offenses compared to their white counterparts, exacerbating racial disparities in the state's prison system. SB291 provides a needed path for reform, particularly for Black Marylanders who have been disproportionately impacted by these racial disparities.

SB291's provisions for sentence reconsideration offer a fairer, more equitable process for those who have served decades behind bars. The bill ensures that courts take into account factors like **rehabilitation, age, and personal growth**, which are especially important for African Americans who have often been subjected to harsh sentencing policies. Additionally, the bill's retroactive application ensures that **those already**

incarcerated, including many Black individuals, can benefit from this opportunity for justice and redemption.

For Black communities in Maryland, the impact of this bill cannot be overstated. By providing an opportunity for individuals who have served a significant portion of their sentence to petition for release, SB291 allows the possibility for **a more just and humane criminal justice system**. The passage of this bill would represent a tangible step toward reversing the damaging effects of mass incarceration and providing Black Marylanders who have shown rehabilitation and remorse with the chance to rebuild their lives outside of prison.

The Legislative Black Caucus of Maryland strongly supports SB291 and its efforts to reform Maryland's sentencing practices. This bill reflects our commitment to a criminal justice system that promotes fairness, accountability, and rehabilitation, while also recognizing the systemic racial disparities that continue to affect Black Marylanders. We urge your support for SB291, as it offers a thoughtful and proactive approach to addressing the harms caused by overly punitive sentencing practices and the ongoing challenges faced by Black individuals in the criminal justice system.

For these reasons, the Legislative Black Caucus of Maryland **strongly supports Senate Bill 291**.

SWASC Testimony SB 291.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 291

Maryland Second Look Act *Senate Judicial Proceedings Committee* January 30, 2025

Social Work Advocates for Social Change (SWASC) strongly supports SB 291, the Maryland Second Look Act, which will allow Marylanders who have been incarcerated for 20 years or more to apply for resentencing. Second look policies allow for critical reexamination of sentences for people currently serving extreme sentences of incarceration, and provide the opportunity for people with few other options for release to return to their communities. **SWASC strongly believes that people who have demonstrated growth and rehabilitation should have this opportunity to petition for release from prison and contribute meaningfully to their communities.**

SB 291 will improve safety for all Marylanders. There is broad evidence that long prison terms run counter to public safety. Recidivism rates for people who have been released after decades of incarceration are low, and rates are lowest for those with the most serious convictions.¹ Further, incarceration is disruptive and harmful to individuals and their broader communities. Neighborhoods that lose a large number of members to incarceration may see increases in crime because of the loss of these community ties.² Prison itself can be so destabilizing that it increases the likelihood of future crime.³ **Enacting the Second Look Act would also have the potential to save the state significant money in the cost of incarceration that could be invested in community-based programs that foster health and safety for all Marylanders.**

SB 291 promotes racial equity and justice. People sentenced to ten years or longer make up over two-thirds of the prison population in Maryland, and nearly 20 percent of people incarcerated in Maryland are serving a life or virtual life sentence, one of the highest rates in the nation.⁴ These punitive sentencing policies have resulted in deeply racially disproportionate impacts: nearly eighty percent of people sentenced as emerging adults who have served ten or more years in prison in Maryland are Black, the highest rate in the country.⁵ The Second Look Act is a critical step toward addressing these racial disparities and providing relief from inequitable sentencing practices.

¹ The Sentencing Project, *Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems* (2024). <https://www.sentencingproject.org/fact-sheet/second-look-laws-are-an-effective-solution-to-reconsider-extreme-sentences-amidst-failing-parole-systems/>

² Vera Institute of Justice, *A new paradigm for sentencing in the United States* (2023). <https://vera-institute.files.svdcn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf>

³ Vera Institute of Justice (2023).

⁴ The Sentencing Project, *Still life: America's increasing use of life and long-term sentences* (2023). <https://www.sentencingproject.org/reports/still-life-americas-increasing-use-of-life-and-long-term-sentences/>

⁵ Justice Policy Institute, *Rethinking approaches to over-incarceration in Maryland* (2019). https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

SB 291 builds on Maryland's efforts to address the harms and injustices of long-term incarceration. Maryland's Juvenile Restoration Act (JRA) of 2021 enacted second look legislation for people who were convicted as minors.⁶ After the first year of implementation, none of the people released under the JRA were charged with a new crime or found to be in violation of their conditions of release.⁷ The Maryland Second Look Act is a natural expansion of this policy that has already been safely enacted and implemented.

SB 291 centers rehabilitation over continued punishment. Policymakers in Maryland and across the U.S. have begun to recognize that the rise of mass incarceration has caused significant harm, and that change is necessary to promote community well-being and safety. Maryland must take steps to correct the extreme sentencing of the past and present. Second look policies are one such option for immediate relief for people serving extreme sentences. Victims of crime are also aligned with reforms that address excessive sentences: 60 percent of crime victims prefer shorter prison sentences and more spending on rehabilitative services over lengthy incarceration and victims prefer methods of accountability through options outside of just prison by a margin of 3 to 1.⁸ By allowing resentencing for those who have demonstrated rehabilitation and readiness for release, SB 291 offers a vital opportunity to foster safer and healthier communities for all Marylanders.

SB 291 will align Maryland with other states and national organizations recommending and adopting second look legislation. Second look laws are recommended by many national expert organizations including the American Law Institute, the Fair and Just Prosecution Network, and the National Association of Criminal Defense Lawyers.⁹ In passing SB 291, Maryland can join Connecticut and the District of Columbia in implementing second looks laws that allow people sentenced as adults to petition for resentencing, aligning with these expert recommendations.¹⁰

Social Work Advocates for Social Change urges a favorable report on SB291.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁶ Equal Justice Initiative, *Maryland bans life without parole for children* (2022).

<https://eji.org/news/maryland-bans-life-without-parole-for-children/>

⁷ Maryland Office of the Public Defender, *The Juvenile Restoration Act: Year One - October 1, 2021 to September 30, 2022* (2022).

https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁸ Alliance for Safety and Justice (ASJ), *Crime Survivors Speak 2022: National Survey of Victims' Views on Safety and Justice* (2022).

<https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>

⁹ The Sentencing Project, *The Second Look Movement* (2024).

<https://www.sentencingproject.org/app/uploads/2024/05/Second-Look-Movement.pdf>

¹⁰ The Sentencing Project (2024).

Mitchell_SB291_FAV.pdf

Uploaded by: William Mitchell

Position: FAV

Testimony for the Senate Judicial Proceedings Committee

January 30, 2025

SB 291 - Criminal Procedure - Petition to Reduce Sentence

FAVORABLE

My name is William Mitchell. I am a lifelong Marylander, a devoted son, a community activist, peer mentor, and a returning citizen. I write in support of Senate Bill 291, the Maryland Second Look Act.

In April 2023, after serving 18 years in prison, I was granted my release. I returned home to my community a changed man. I had entered prison as a 23 year-old, struggling with drug addiction and entangled in a life of crime. I was completely lost, looking for validation in all the wrong places. In the midst of a drunken, drug-induced argument with my wife, I accidentally shot her in the hand and the leg. I was sentenced to 65-years incarceration for a combination of charges including attempted murder and a slew of gun charges.

Upon entering prison, things looked hopeless. It would have been easy to lean into this hopelessness. But, I did the opposite. I got sober and got a job. I found support within a network of men who had committed themselves to rehabilitation and growth through Christianity. I began a journey to better myself while inside. I took almost every course available to me. Many of them focused on personal growth, unlearning behaviors, and unpacking past decisions and thought patterns. Additionally, I delved deeper into my spiritual growth. I joined the church welcoming committee, the prayer team, and eventually led youth ministry. During my incarceration, I became a spiritual leader within the facility and a mentor to others. The church not only nourished my relationship with God, it allowed me to step into my own and find my purpose as a mentor and man of faith.

Additionally, after realizing the impact of addiction in my own life, I decided to attend NA meetings. I attended these meetings for three years, eventually becoming the Chairman of the group, leading meetings. After becoming the Chairman of the group, I decided to take a course from Stratford Career Institute on Drug and Alcohol Counseling. I earned a 4.0. I continued to counsel inmates through their recoveries. During COVID, when people were prevented from moving freely throughout the prison, I requested, and was allowed, to hold NA meetings on individual tiers to ensure that the pandemic did not derail peoples' recovery.

I began to examine my case – looking for potential routes for release. I knew that, if released, I would be a successful and productive member of society. I had committed myself to bettering my community inside prison walls. I knew I could do the same on the outside if given the opportunity. I had some small victories along the way as I worked to secure my eventual release. I became an expert on pro se litigation, filing various motions in different jurisdictions. However, my sentence remained intact. I contacted lawyers around the state, building relationships and explaining the circumstances around my case. Additionally, I had made amends with my victim. My ex-wife – the victim in my case – had fully

recovered and had written the judge asking for leniency. I rebuilt a friendship with her and helped her get sober, over the phone, from inside prison walls.

After many years, attorneys at Brown Law felt compelled to take my case on – pro bono. They knew that securing my release would be a daunting task. I had filed numerous motions and raised issues in multiple jurisdictions. The case was incredibly complicated. Finally, one of the attorneys working my case noticed a technical error in my sentence – one of my gun charges had been filed under the wrong statute, making my sentence on that count illegal. This error was enough to get me back into court. The judge agreed with our motion - my sentence on this count was illegal. We waited for the imposition of a new sentence.

Once the new sentence was handed down, I had 90 days to file a motion to reduce the sentence. We were able to present 15 letters from people who spoke of my accomplishments and growth in prison. In some instances, prison officials even endorsed my early release. Two of these letters, including a letter from the victim in my case, are included in my testimony submission. The judge agreed with our petition stating, “If William Mitchell did not deserve a sentence reduction, he did not know who did.” He reduced my sentence by 40 years, leaving a remaining term of 25 years. With diminution credits, this was the equivalent of time served. I was freed shortly after.

Since returning home, I have made good on my promise to better the community. In the last 22 months, I have taken the necessary training and have started a job at the University of Maryland as a Peer Recovery Specialist. Specifically, I assist overdose patients that come into the hospital. In Harford County, I help them get their lives back in order so they can become productive members of society. I have received two awards - one from the head of the Behavioral Health Unit and one from the Vice President of the University of Maryland Medical Center. I now work closely with overdose patients, helping them as they navigate through the path and process of recovery .I have spoken at events around the East Coast. I have spoken at recovery events through the group called All Paths. I have spoken at New Points Recovery Center in Bel Air Maryland. I'm also involved with Jesus Be Jumping Ministries. I have taught many Bible studies and I've gone out into the community to minister to those who are less fortunate. I also fed the homeless for Thanksgiving. I completed Peer Recovery Specialist training. I'm involved in numerous Criminal Justice reform groups. I have spoken on panels to educate others about the need for prison reform. I also speak as an adviser to Project 6, a non-profit which provides legal resources to those who do not have them. I have my drivers' license. I am a homeowner. I have also taken time to delve into positive hobbies, like rebuilding motorcycles. After never touching a motorcycle a day in my life, I was able to rebuild it from the ground up.

Under my conviction, I would have only been eligible for parole consideration after about 35 years. But, because of the technical errors with my original conviction, I was able to get a second look at my confinement. There are many, many people on the inside that I am confident are as fit for release as I was. However, without this law, they will have to wait decades before they can even make their case for parole. Life expectancy in prison is shorter than on the outside. Time is of the essence for incarcerated people. For each year lived behind bars, a person can expect to lose two years off their life expectancy.

According to one study, five years in prison increased the odds of death by 78% and reduced the expected life span at age 30 by 10 years.¹

20 years in prison is more than enough time for an individual to rehabilitate themselves, grow, learn, and change. I have seen – and data supports- that rehabilitation is the norm, not the exception.² This is true across age categories but is especially true in populations serving longer sentences. In fact, those serving long sentences tend to recidivate at lower rates than those serving shorter sentences. Expanding opportunities for release not only benefits the state’s decarceration initiatives, it creates safer prison environments and incentivizes good behavior while inside.

I ask that the committee consider my story and the stories of other returning citizens and submit a favorable report on SB 291.

¹ https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/

² https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recivism%20Report.pdf



Department of Public Safety and Correctional Services

DIVISION OF CORRECTION Eastern Correctional Institution

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MEMORANDUM

STATE OF MARYLAND

LARRY HOGAN
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DEPUTY SECRETARY
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VACANT
DEPUTY SECRETARY
OPERATIONS

CAROLYN J. SCRUGGS
ASSISTANT SECRETARY

TO: Whom it may Concern

FROM: MAJOR MATTHEW MITCHELL

DATE: JANUARY 4, 2023

RE: Mitchell, William #2115632 [Click here to enter text.](#)

☒ FYI ☐ FOR YOUR APPROVAL ☐ RESPOND ☐ FORWARD ☐ HANDLE ☐ OTHER:

This letter is written in recommendation of Incarcerated Person Mr. William Mitchell #2115632. Mr. Mitchell has been incarcerated at ECI during my tenure at the Institution. During this time I have had numerous encounters and conversations with Mr. Mitchell for a variety of positive reasons and outcomes. Mr. Mitchell has exemplified his role at becoming a reformed human being. Mr. Mitchell has dedicated his time under incarceration not just for self-improvement but for improvement throughout the Institution. He has been influential in developing peer programs, facilitating peer improvement programs and bettering himself and his peers in order to return as a resourceful member of the community. Mr. Mitchell is adamant about his life on the outside of the Institution and his ability to continue that life on the outside and be a productive citizen to his neighborhood and society. Mr. Mitchell always portrays a positive attitude, is respectful and courteous to those around him, is jovial in his dealings with staff and always presents himself in an approachable manner. I have no inclinations of Mr. Mitchell's ability to interact within the community in a positive manner as a citizen of his peers while providing services to his community.

The Honorable Judge Emory Plitt
20 Courtland St
Bel Air, MD 21014

Dear Judge Plitt:

Last year I was contacted by the attorneys representing William Mitchell. They explained to me that William would be requesting a hearing in which he could possibly have his sentence reduced, and they wanted to know how I felt about this. That is why I am writing this letter.


With almost eight years having passed since William was convicted of crimes against me, I have had a lot of time to think about what happened and the punishment rendered to him. As you know, your Honor, I have battled with drug addiction. Everything negative that has ever happened to me has involved drugs and alcohol. While battling with my own addiction, I have realized that the cliché of a "second chance" is not a realistic thing. In order to arrest my addiction, I needed at least ten to fifteen second chances, but it was when I truly hit rock bottom that I was able to change. While going through this transition stage in my life, I contacted William myself. After speaking to him, it was obvious that William has made the decision to change for himself. He actually encouraged me to strive for greatness, to seek God, and to continue forward on the road to recovery. Repeatedly, William has expressed his remorse for what he accidentally did to me. During the trial, I had testified that my right arm was numb and unusable. Since that time, I have regained all feeling and complete mobility and use of my arm.

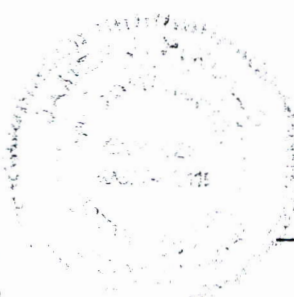
I bring all this to your attention, your Honor, so you can weigh whether or not you will give William the opportunity to return to society in the near future. As the victim in this case, I am satisfied with the time that William has served, and it is my request that you would show him mercy and drastically reduce his sentence or set him free. We are all guilty of something, but once we repent and change our ways, we should have a shot at a new life.

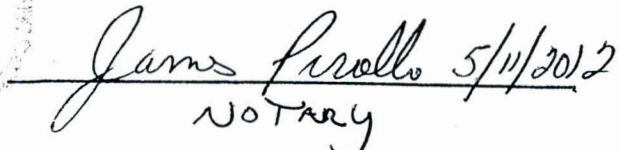
Thank you for your time, your Honor. If you should need to reach me, William's attorneys have my current contact information.

Sincerely,

Tesheka L. Smythe


5/11/12


James J. Pirolo
Notary Public
#20110824000003
Commission expires 8/24/15


NOTARY

SB291_FAV_Amanuel .pdf

Uploaded by: Yanet Amanuel

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
January 30, 2025**

**SB 291 – Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)**

FAVORABLE

YANET AMANUEL
PUBLIC POLICY
DIRECTOR

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

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EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 291, which seeks to give people serving extreme sentences who have served at least 20 years of their sentence the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation. The bill allows a circuit court judge to modify a sentence if it is in the interests of justice and the petitioner poses no danger to the public, based on the court's consideration of several factors that include "the nature of the offense" and any statement offered by a victim or victim's representative (CP 8-501(c)(2), (3)).

The need for a comprehensive Second Look Act in Maryland is evident. Maryland incarcerates the highest percentage of Black people in the country, at 71 percent of our prison population, and 76 percent of those serving life sentences, which is more than twice the national average.¹ Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next nearest state – Mississippi.² Additionally, Maryland ranks among the states with the highest rates of life sentences for women, with more than one in six women in prison serving life.³

¹ See demographic data compiled by the Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/MD.html#visuals>; Barry, Ashley Nellis and Celeste. "A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States." *The Sentencing Project*, 17 Jan. 2025, www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/.

² "Rethinking Approaches to over Incarceration of Black Young Adults in Maryland." *Justice Policy Institute*, 28 Oct. 2021, <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-young-adults-in-maryland/>.

³ Barry, Ashley Nellis and Celeste. "A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States." *The Sentencing Project*, 17 Jan. 2025, www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/.

The status quo does not afford meaningful opportunities for release for people serving extreme sentences

Due to the devastating “lock them up and throw away the key” mentality from the last thirty years that led to harsh changes to law and policy, Maryland’s prison system is filled with Black people who were excessively sentenced or denied parole based on the “superpredator” mythology. Similarly, for more than a quarter of a century, Maryland’s parole system was not available to lifers, contributing to the bloated prison system and its extreme racial disparities. Although the Governor has finally been removed from the parole process, this is not enough to remedy decades of wrongful denials nor provide relief to those whose sentence structure may prevent timely parole consideration.

For many years, Maryland judges retained a broader ability to review sentences, ensuring an important safety valve for extreme sentences.

Unfortunately, ever since these revisory powers were limited by a rule change in 2004⁴, the main way for someone in Maryland serving an extreme sentence to have their sentence reviewed is by challenging the constitutionality of the conviction itself. There is currently no statutory mechanism for their sentence to be changed solely because they have been rehabilitated, or because the sentence was excessive, disproportionate, or biased. Thus, the current legal framework incentivizes people serving extreme sentences to challenge the conviction and avoid ever conceding guilt because doing so might jeopardize any future chance of release. As a result, people who have been harmed by serious crimes may never hear an explanation or expression of the remorse the person feels. A “Second Look” provision would change this dynamic, ensuring that people are able to express their genuine remorse and maintain focus on their transformation without worrying that conceding guilt would eliminate any hope of resentencing.

Parole is not enough

Parole is not available to people before they reach eligibility or to those who are never eligible. For example, someone with an extreme sentence may not be eligible for parole for 40 years—not because they are more culpable, but because of how the sentence was imposed. And unlike court hearings, parole is an administrative proceeding, where people have very limited due process guarantees and no right to access legal representation to prepare a strong presentation.

The purpose of the Maryland Second Look Act is to establish an opportunity for people’s sentences to be reconsidered based on their demonstrated rehabilitation. The parole commission does not have the authority to change any sentence and is generally bound by the original conviction and sentencing.

⁴ Court’s Standing Committee on Rules of Practice and Procedure. “RULES ORDER.” Maryland Courts, COURT OF APPEALS OF MARYLAND, 2004, www.courts.state.md.us/sites/default/files/import/rules/rodocs/ro158.pdf.

Furthermore, judges are especially well positioned to review sentences that the court was responsible for imposing. Unlike parole, petitioners have the opportunity to present evidence and witnesses with the assistance of counsel, giving judges a better understanding of the factors that led to the individual's incarceration and the likelihood that they can safely return to the community.

SB 291 increases accountability in the criminal justice system

Bias in the criminal legal system against indigent defendants and Black people has been widely documented at every stage. These disparities are evident when examining life without parole (LWOP) sentences, specifically. Nationally, Black people are significantly overrepresented among LWOP sentence servers.⁵ In Maryland, an estimated 69 percent⁶ of those serving LWOP sentences are Black, despite Black people making up roughly 30 percent of Maryland's population.⁷ These racial disparities result from disparate treatment of Black people at every stage of the criminal legal system, including stops and searches, arrests, prosecutions and plea negotiations, trials, and sentencing. In Maryland, there is no specific criteria for when LWOP sentences should be handed down. Rather, it is at the discretion of prosecutors to seek these sentences. The degree of discretion in LWOP sentencing has resulted in a situation where the severity of one's sentence is highly dependent on the individual proclivities of prosecutors which vary from jurisdiction to jurisdiction. For example, just as it did with the death penalty, Baltimore County imposes LWOP at an estimated higher rate than other jurisdictions.⁸ When examining LWOP sentences compared to total population, there are more people serving LWOP sentences as a result of Eastern Shore sentences than areas with historically higher murder rates.⁹

For eligible individuals who may have faced bias by law enforcement, the courts, or corrections, the Second Look Act would lead to more just outcomes by taking a second look to ensure their sentences were correctly decided. For members of the public who already distrust the justice system, it would provide additional assurance that the state is taking steps to recognize and correct past instances of bias and is committed to ensuring that people in its custody receive fair treatment.

⁵ "Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing." ACLU, American Civil Liberties Union, 27 Oct. 2014, www.aclu.org/sites/default/files/assets/141027_iachr_racial_disparities_aclu_submission_0.pdf.

⁶ Per estimates compiled by the Prison Policy Initiative based on data from the US Census Bureau, the Bureau of Justice Statistics, and unpublished data provided by the Maryland Second Look Coalition.

⁷ See <https://business.maryland.gov/plan-your-move/demographics/>.

⁸ Per unpublished Maryland Division of Corrections data provided to Prison Policy Initiative by the Maryland Second Look Coalition.

⁹ Per unpublished Maryland Division of Corrections data provided to Prison Policy Initiative by the Maryland Second Look Coalition.

SB 291 will lead to safer prison environments and cost savings

The potential opportunity for individuals to reduce their sentences is a compelling incentive to comply with facility rules and maintain good behavior. Good conduct credits are a behavioral incentive and a means of reducing prison overcrowding.¹⁰ This in turn lowers the threat of violence and other risks and challenges faced by people living and working inside correctional facilities, including officers and staff.

Maryland spends over \$59,616 annually per incarcerated individual, with costs rising significantly for aging prisoners due to increased healthcare needs.¹¹ By creating a pathway for sentence reconsideration for those who pose little to no public safety risk, Senate Bill 291 allows the state to reallocate funds toward initiatives that enhance public safety, such as reentry programs and mental health services. For example, an analysis of the release of over 200 individuals under the *Unger* decision projected state savings of \$185 million.¹²

People age out of crime

There is a large body of evidence showing a rapidly declining likelihood to commit violent crimes (including murder) with age. Dozens of studies have found that the typical ages at which people are most likely to engage in violence fall dramatically beginning in one's mid-to late-twenties.¹³ This is consistent with understandings of psychosocial development in emerging adults.

Additionally, recent Bureau of Justice Statistics studies on 400,000 individuals released in 30 states in 2005 found that those convicted of violent offenses are less likely to be re-arrested within three years for any offense compared to their nonviolent counterparts.¹⁴ This underscores the potential for rehabilitation and successful community reintegration among individuals who have committed violent offenses.

¹⁰ *Stouffer v. Staton*, 152 Md. App. 586, 592 (2003).

¹¹ HB0209 2022-01-21 Testimony to House Judiciary, http://mgaleg.maryland.gov/cmte_testimony/2022/jud/1BxSiD13nGr4LdKt2m4dYOa4Hw2nboPrP.pdf.

¹² "Building on the Unger Experience: A Cost-Benefit Analysis of Releasing Aging Prisoners." OSI Baltimore, JFA Institute and The Pandit Group for Open Society Institute Baltimore, Jan. 2019, www.osibaltimore.org/wp-content/uploads/2019/01/Unger-Cost-Benefit3.pdf.

¹³ Ashley Nellis, Ph.D. and Niki Monazzam. "Left to Die in Prison: Emerging Adults 25 and Younger Sentenced to Life without Parole." *The Sentencing Project*, 15 May 2024, www.sentencingproject.org/reports/left-to-die-in-prison-emerging-adults-25-and-younger-sentenced-to-life-without-parole/.

¹⁴ Alper, Mariel, and Joshua Markman. "2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)." BJS, U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, May 2018, <http://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>.

All the available evidence we have in Maryland also supports the fact that people serving extreme sentences are the least likely to reoffend. In the 12 years since the Maryland Supreme Court held in *Unger* that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident.¹⁵ These young adults, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities' decades earlier. In the last two years, the dozens of people to return to the community through parole or the Juvenile Restoration Act have shown similarly compelling success rates.

The Maryland General Assembly has recognized the need to reform the justice system and allow incentives for better behavior

By passing the Justice Reinvestment Act, “ban the box,” Juvenile Restoration Act and expungement bills, the Maryland General Assembly has repeatedly recognized the need and expressed the desire to provide individuals in the justice system with second chances. As demonstrated by the limited number of releases granted under the Juvenile Restoration Act thus far,¹⁶ additional mechanisms for sentence review simply offer a pathway home for deserving individuals, rather than opening any floodgate for indiscriminate release. This bill would not release anyone from their responsibility for their crime. It would simply provide to those who meet the eligibility requirements the small gesture in this bill’s title: a second look.

For the foregoing reasons, we urge a favorable report on SB 291.

¹⁵ “The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars.” *Justice Policy Institute*, 19 Jan. 2024, justicepolicy.org/research/reports-2018-the-ungers-5-years-and-counting-a-case-study-in-safely-reducing-long-prison-terms-and-saving-taxpayer-dollars/.

¹⁶ Per unpublished data from the Maryland Office of the Public Defender compiled in November 2024.

SB291.pdf

Uploaded by: Zainab Chaudry

Position: FAV



Council on American-Islamic Relations

CAIR Office in Maryland

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E-mail: mdoutreach@cair.com URL www.cair.com

Tele 410-971-6062 Fax 202-488-0833

January 30, 2025

Honorable Chair William Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Re: Testimony Favorable for SB291 Maryland Second Look Act

Dear Chair Smith and Members of the Judicial Proceedings Committee:

On behalf of the Maryland office of the Council on American-Islamic Relations (CAIR), I thank you for this opportunity to testify in strong support of Senate Bill 291, the Maryland Second Look Act. CAIR is America's largest Muslim civil rights and advocacy organization.

This legislation offers an essential opportunity to advance justice, reduce inequity, and ensure that Maryland's criminal justice system reflects principles of fairness, redemption, and human dignity. The Second Look Act recognizes that people grow, mature, and change over time. By allowing individuals who have served significant periods of incarceration—20 years or more—to petition for a reduction in their sentence, this bill creates a fair and balanced mechanism for re-evaluating sentences through the lens of rehabilitation, public safety, and the interests of justice.

Why This Legislation Is Needed

In our work at CAIR Maryland, we have witnessed firsthand how communities of color, particularly Black and brown individuals, have borne the brunt of mass incarceration and excessively punitive sentencing practices. This issue is deeply relevant to our organization, as many American Muslims, who are disproportionately people of color, experience systemic discrimination and biases within the criminal justice system.

SB 291 is a vital step in addressing:

1. **Over-incarceration and Racial Disparities:** Maryland's prison population disproportionately consists of individuals from marginalized communities. By offering a second chance to those who have demonstrated rehabilitation and growth, the bill helps rectify inequities within our justice system.
2. **Aging Prison Populations:** Many individuals serving long sentences have aged into their senior years and no longer pose a danger to society. Research consistently shows that older incarcerated individuals have the lowest recidivism rates.
3. **The Importance of Rehabilitation:** Sentences should reflect both accountability for crimes and recognition of a person's capacity to transform. SB 291 ensures that individuals who have demonstrated maturity, taken steps to rehabilitate, and are no longer a risk to public safety can be given a second chance to contribute positively to society.

Key Provisions CAIR Supports

We strongly endorse the following provisions of SB 291:

Washington D.C.

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland
Massachusetts Michigan Minnesota Missouri New Jersey New York North Carolina Ohio Oklahoma Pennsylvania
Texas Washington

- The requirement for a hearing ensures that decisions are made thoughtfully and transparently.
- The consideration of factors such as age, trauma, and rehabilitation efforts reflects a nuanced understanding of the circumstances surrounding incarceration.
- The rebuttable presumption for individuals over 60 or who have served 30 years or more acknowledges empirical evidence that these individuals are rarely a danger to public safety.^{1,2,3}
- The prohibition on using limited access to rehabilitative programs or claims of innocence against petitioners ensures fairness for those who face systemic barriers during incarceration.

As a faith-based organization, we are guided by the principles of mercy, forgiveness, and justice. Islam teaches us to believe in the potential for human beings to change and reform. The Second Look Act embodies these values by providing an avenue for redemption and second chances. Moreover, supporting this legislation sends a powerful message to those incarcerated and their families: Maryland values rehabilitation, believes in fairness, and is committed to restorative justice. For the families impacted by incarceration, this bill represents hope—hope that their loved ones can rejoin society and contribute meaningfully.

We urge the members of this committee to pass SB 291 and make Maryland a leader in criminal justice reform. By adopting the Second Look Act, the General Assembly will ensure that our justice system is more humane, equitable, and reflective of our shared values. Thank you for your time and consideration.

Respectfully,

Zainab Chaudry, Pharm.D.
 Director, CAIR Maryland
 Council on American-Islamic Relations (CAIR)
 zchaudry@cair.com

Resources:

1. The Sentencing Project (2019): U.S. Prison Population Trends 1997-2017: Massive Buildup and Modest Decline

- This report highlights that **recidivism rates decline dramatically with age**.
- Individuals **released at age 60 or older** have a recidivism rate of **less than 5%**, compared to younger individuals who reoffend at much higher rates.
- The study attributes this decline to the **aging-out effect** in criminology, where older individuals no longer engage in risky or impulsive behaviors.
- The report argues that long-term incarceration of elderly individuals is an unnecessary financial burden on taxpayers without significant public safety benefits.

2. U.S. Department of Justice, Bureau of Justice Statistics (2016): ["Recidivism of Prisoners Released in 30 States"](#)

- This long-term study tracked individuals released from state prisons over a **9-year period**.
- It found that **older individuals had the lowest recidivism rates**.
- Among those **over age 50**, only **7% were re-arrested** within three years of release, compared to nearly **50% of younger individuals**.
- The study supports policy changes that favor **early release mechanisms** for elderly incarcerated individuals, given their minimal risk to public safety.

3. Columbia University's Justice Lab (2015): ["Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety"](#)

- This report examines the **financial and moral costs** of incarcerating aging individuals.
- It found that individuals who **served 20+ years** or were incarcerated at a young age and aged into their 50s and 60s had **exceptionally low recidivism rates**.
- The report argues that **rehabilitation efforts are more effective than continued incarceration** for elderly individuals.

Washington D.C.

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland
 Massachusetts Michigan Minnesota Missouri New Jersey New York North Carolina Ohio Oklahoma Pennsylvania
 Texas Washington

- It also highlights the **disproportionate health care costs** associated with elderly prisoners, which could be reduced through compassionate release policies.

Washington D.C.

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland
Massachusetts Michigan Minnesota Missouri New Jersey New York North Carolina Ohio Oklahoma Pennsylvania
Texas Washington

SB291

Uploaded by: Angela Fulton

Position: UNF

My name is Angela Fulton. I am here today to oppose Senate Bill 291. I am here on behalf of my family, my deceased brother Warren Steven Slayman and countless other victims of violent crimes. (pause) 30 years (pause) six months (pause) three days. That is how long ago Stevie was murdered. It seems like yesterday to my sister and I. If this bill were to pass not only will we have to relive the most horrific time in our lives but our faith in the lawmakers and the justice system will forever be lost. The day he was murdered, he was shot three times, once in the chest and two times in the head and left in a culvert for dead. I wonder what Stevie was thinking whilst he lay there for the next several hours until he died? Was he thinking, Will I get a second chance at life? He was shot by someone who thought that Stevie was gay. My brother's murderer was 17 but only a few days shy of his 18th birthday.

I will never understand why lawmakers in the state of Maryland will continue to change or amend bills to give violent offenders second chances. You see, I bet not one of you has ever experienced the loss of a loved one at the hands of someone else. I have, and the absolute torment these bills changes and amendments put me and my family through are unacceptable. How is it justice to give a murderer who was sentenced to life plus 15 a second look? Are you going to give my brother a second look and a second chance? I beg you to listen to each and every one of us today and to read the letters in opposition to SB291 and not just hear the impact a decision like this would have on many people, feel it with your heart and soul. Because that is where we are speaking from. We don't deserve this, our deceased loved ones don't deserve this disservice of justice. These criminals made their choices when they committed the crimes. We shouldn't have to go through this emotional turmoil time and time again. Thank you.

Legislation on keeping inmates in Jail.pdf

Uploaded by: Beverly Fenwick

Position: UNF

January 28, 2025

The Honorable Jill P. Carter
90 State Circle
Annapolis, Maryland 21401

RE: MCVRC Press Conference on Wednesday, January 29th - [Legislation - SB0291](#)

My name is Beverly Louise Fenwick, I am the ex-wife of Dana Russell Collins. A bill proposes releasing prisoners after 20 years of their sentence. This man has tried to kill me and his kids. He has killed a guy (Jerry Culbreath) in 1995, by going to his house forcing him to come out of his house and stabbing with a crossbow in the neck to lower him down to the ground and murdering him. Jerry served in the military at Stike.

Dana made up a list of people that he still would like to harm in St. Mary's County, Maryland. He would not stop until he is able to harm the people he believed went against him. He even lied to NIS until they caught on to him and found out that he was telling the biggest lie. Dana hid the fact that he killed Culbreath, moved his car to another complex nearby his apartment and cut this man up in pieces and his remains were found in the local dump on Saint Andrews Church Road. Under pressure, he eventually revealed the truth to the woman who was interrogating him.

Dana Collins put himself where he is today. No one else did it. He blames the world for his deciding of taking a person's life and thought he was going to get away with it. He chose his actions, so he should face the consequences. I experienced physical harm on multiple occasions for expressing a desire to attend church programs. This man burned everything up in my house dealing with God, even my bibles. He put them in a barbecue grill in front of my sons and lit a fire to them. He has a devil tattooed on his arm describing the type of person he really is about. This happened because of his own negligence of not wanting to be an honest husband and father to his kids.

He has raped two of his sons at an early age, killed one son which was four months old and set my house to blow up on me as I entered my house on Route 235 and he put explosives in the house so when I open up the front door it would explode with me and the kids entering the house, but I saw the yellow and orange electrical things sitting on the step, I told everyone to get away from the house because it was going to explode. He even poured kerosene into the house which I smelt that first. This would be unjustified for this man to ever walk this earth again. He is very manipulative; thinks he can get anything he wants when he plays a soft role in life like everyone will do as I say. He thinks the people in St. Mary's County is beneath him and he knows it all.

I have raised my kids all by myself without any assistance from the military or the state. I put all three of my kids to school and I made sure they had a nice career for themselves.

Page 2

RE: MCVRC Press Conference on Wednesday, January 29th - [Legislation - SB0291](#)

I want to emphasize how dangerous this guy is if he was to be let out in society again. There would be a lot more bodies found dead. He is extremely dangerous to St. Mary's County. This would affect my family. His kids do not want anything to do with him. He has hurt them so badly. I would not want my kids to think about the terrible things he has done to them all over again.

I would appreciate if you would keep this man in jail and not lesson his sentence for his actions. He is a danger to society and will do harm to more people in St. Mary's County upon his release from incarceration.

Sincerely,

Beverly L. Fenwick

Beverly L. Fenwick
48513 Beachville Road
St. Inigoes, Maryland 20684

SB291

Uploaded by: Dawn Collins

Position: UNF

Dawn Collins Testimony - Oppose SB-0291

My name is Dawn Collins. I am a wife and mother to two children. I am an American, I am a patriot, and my son, Richard, was a third-generation service man.

My son, 2LT Richard Collins III, became a man at Bowie State University, a Historically Black College and University producing exceptional scholars, educators and dedicated service men and women.

My son, 2LT Richard Collins III, was murdered at a predominantly white institution by Sean Urbanski - a student at the University of Maryland, and a follower of white supremacist ideals.

I am urging representatives to oppose SB-0291 and the “no limits” approach of this bill in how it would benefit mass murderers, serial rapists, child sex offenders, and those who have committed hate crime murderers - like the one that took my son.

There are a number of things that didn’t make the process of grieving our son any easier or any less painful. At the time of Richard’s murder, hate crime laws were inadequate, there were no victim or survivor-centered conversations, there wasn’t any compensation considerations for supporting families involved in these tragedies, statewide definitions of hate-crimes didn’t always trickle down to the local level, and my son did not receive his full military honors because of a technicality.

When my son 2nd Lieutenant Richard Collins III told me that *the world would know his name*, his murder by way of hate crime, was not the legacy he or our family wanted to be left with, but here we are - doing what we can to stand up, speak up, and call out injustice.

God has been gracious in the midst of grief, along with the help of many legislators, civil rights organizations, and community leaders, who have helped shape the work and impact of the 2nd Lt. Richard Collins III Foundation, created in honor of our son.

This bill would undermine the small justice that’s been given in the case of our son’s murder. Uplifting my son’s legacy means keeping the convicted murderers behind bars to complete their sentences as the least bit of consolation for the upheaval, grief, and violence that my family has had to endure since 2nd Lt. Richard Collins murder.

Please, for the sake of families across the State of Maryland, still grieving, recovering, and trying to make meaning out of the events that forever changed our familys’ lives, oppose SB-0291.

SB291 Testimony

Uploaded by: Dawn Collins

Position: UNF

Dawn Collins Testimony - Oppose SB-0291

My name is Dawn Collins. I am a wife and mother to two children. I am an American, I am a patriot, and my son, Richard, was a third-generation service man.

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When my son 2nd Lieutenant Richard Collins III told me that *the world would know his name*, his murder by way of hate crime, was not the legacy he or our family wanted to be left with, but here we are - doing what we can to stand up, speak up, and call out injustice.

God has been gracious in the midst of grief, along with the help of many legislators, civil rights organizations, and community leaders, who have helped shape the work and impact of the 2nd Lt. Richard Collins III Foundation, created in honor of our son.

This bill would undermine the small justice that’s been given in the case of our son’s murder. Uplifting my son’s legacy means keeping the convicted murderers behind bars to complete their sentences as the least bit of consolation for the upheaval, grief, and violence that my family has had to endure since 2nd Lt. Richard Collins murder.

Please, for the sake of families across the State of Maryland, still grieving, recovering, and trying to make meaning out of the events that forever changed our familys’ lives, oppose SB-0291.

SB0291 Criminal Procedure-Geiger.pdf

Uploaded by: Denise Geiger

Position: UNF

SB0291 Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

Testimony of Denise Geiger – Unfavorable

To: Legislators.

I am a victim of a violent crime [Murder] in Maryland, that happened over 10 years ago.

This letter is in response to the proposed Bill SB.857;

I am adamantly apposed !

A perpetrator is assumed Innocent until proven Guilty in a fair court of law, in the USA.

One Judge or One Jury can make that determination.

At that point, the issue is over and closed.

The only time this Bill might have "some very small possible" merit is, if there is new **absolute** findings- like DNA.

But to just allow all incarcerated to Re-open their case in the future, for the sake of a possible change in decision is -

- a **significant offense** to the original Victim.

- causes way too much **angst & emotional stress** on Victims who have already suffered enough !

- really... so **who** is the Victim here ?

- allows lawyers to open/represent cases for more **income**, that is crazy.

- will tie up too much of the **court system time**, that is already incredibly slow now anyway.

- just because the jail system population is **crowded**, is not a reason to allow incarcerated out on the streets.

[they already have too many rights and nice living conditions , and that should be dialed back anyway]

- I firmly believe our **punishment system** is way way too easy and light on criminals already.

- if the **legislators** who propose this ridiculous Bill **were ever a Victim** of violent crime, they would understand my point !

- by the way, i am also apposed to any form of early Parole release.

- let the **criminal serve their time as of the original sentencing.**

Please vote **unfavorable on SB0291**

Denise G

E. Proctor SB-291 Statement.pdf

Uploaded by: Erica Proctor

Position: UNF

Bill: SB-291

Position: Oppose

Contact: Erica Proctor

Good morning,

My name is Erica Proctor, the mother of Delonte Michael McCray. For 18 years, I was given the privilege and honor of being Delonte's mother before he was so senselessly and cruelly taken away from me. Although I still have a wonderful and beautiful daughter, whom I love with all my heart, there's an emptiness inside of me due to the death of my son.

The sleepless nights are too numerous to count. The thought of waking up to a telephone call at 4:23 am on March 3, 2012, from a detective asking do I have son named Delonte Proctor and my response was no, but I have a son named Delonte Michael McCray. The detective responded, your son has been shot and you need to get to Washington Hospital Center ASAP. I say all of this because, memories of what might have been, will never be filled and the heartbreak will never go away. Sometimes I sit wonder what my son would be like as adult.

Delonte has a sister whom he cherished. They had a special bond growing up and she misses her brother dearly. He has a nephew, that he never got a chance to meet or teach him how to ride a bike and do activities with. Looking at my grandson brings joy to my heart and that's because he favors him in so many ways.

If you think jail is hell, try living the past 12 years without your child. Not being able to see, talk or touch them. Delonte had dreams of becoming a Police Officer, his dreams were shattered within months of graduating from high school. He was a harmless kid. He never bothered anyone, and he was well liked and loved.

I hope this is a reminder of what you did and there was absolutely no justification for taking my son away from me. Death is final!

Sincerely,

Erica Proctor

SB0291 Criminal Procedure-Morch.pdf

Uploaded by: Giselle Morch

Position: UNF

SB0291 Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

Testimony of Giselle A. Mörch – Unfavorable

My name is Giselle A. Mörch, a resident in Montgomery County, Maryland. This written testimony is asking you to vote **unfavorable on SB0291**. As a victim from domestic violence and separate incident of gun violence, I ask you to please do not support a reduction in criminal sentencing.

My children and I have both been abused at the hands of my ex-spouse. He is serving a life sentence without eligibility of parole. If we were to know that he would be walking out in the community of law-abiding citizens, we would feel that our freedom to live and move around without being hurt, manipulated or harmed would diminish. We would be looking over our shoulders at every corner while he would be able to be free to cause havoc in our lives.

Also, being a survivor of gun violence with the murder of my only son and testifying in court at the hearings of the gun man, I feel safe knowing that he is still incarcerated. It is painful enough to live without my son and to know that the others involved are allowed to be released back into an already fragile society.

By fragile society, I am referring to the increase in violence, hatred, expressions of anger and harm to others, destruction of property, stealing and disregard and disrespect for all lives (human and or animals). Another example of this is on the 15th of this month my husband was involved in a car accident while driving to work on the beltway. A dump truck hit him from behind causing his passenger airbag to deplore. He was forced onto another lane where thank God he was not killed. The driver of the other vehicle did not stop but continued to drive off. Thankfully there was another vehicle that witnessed everything and stayed to make sure my husband was ok. My husband is blessed to be alive and as for his car it was towed to the junk yard.

His son and daughter-in-law were killed in a car accident in Maryland back in 2015 where the person behind the wheel did not serve any time for the killing of these two precious individuals who's three children have had to not have a father and mother in their lives. This person is out there living his life and these children have to grow up without parents. These children, my spouse and all connected to my stepson and daughter-in-law had hopes that we could have had a second chance to have them as well as my only son still back in our lives.

As a victim, to have a criminal return back out into the community is traumatizing on top of being traumatized by the hurt and harm that they had caused for them to be incarcerated in the first place. How do we know that this person(s) won't seek retribution since he/she has been incarcerated for several years? And faults the victim instead of blaming themselves.

It is a horrible ordeal for a victim to have to mourn the taking of a part of their lives. Then to have to appear in court, write victim impact statements, try to pick up the pieces in their lives, attend hearings-parole etc.. be penalized if unable to attend a hearing. How much trauma must we have to go through? Is there a reason why victims are treated like we're the cause when we are actually the effect of trauma done to our lives.

I believe that there is a difference between a second look when the person incarcerated is innocent of the crimes (wrong person arrested) vs. a person who committed the crime to be released back into society.

Are the judges, attorneys, family members safe when the criminal is now released? Will the criminal or their friends seek retribution on the judges etc..?

How is the criminal held accountable for the acts they committed? To say they served their time, please tell those of us whose loved one's lives have been taken and families destroyed.

Who is monitoring the criminal upon release? As I recall receiving a note from Public Safety and Commissioners office informing me that upon the release of a criminal connected in the death of my son, that their office is no longer involved. This led me to fighting for a bill that Gov Wes Moore signed into law last year. In this bill named after my son, *Maryland Crime Victims Resource Center* will assist the victim. It was a commonsense solution but if it was not brought to the attention of this body of legislatures other's would be receiving the same note from the Public Safety and Commissioners office. Can you imagine getting a note letting you know that a person who is responsible for the murder of your son will be released and if you fear for your life to contact the police as the Public Safety and Commissioners office will no longer be involved. So, to not be involved, who is involved to protect the victims who are always victims and tired of being treated as if we're the ones that did something wrong.

Who will be monitoring them? What happens when they're released back into society and something severe happens to the victim or someone else? There have been cases when the person is released and goes after to kill the victim to just have to be re-caught.

How will the incarcerated act when they know they got away with their wicked deed? How will they behave in a society where the atmosphere is already filled with people being rude and disrespectful?

There are too many times when people think it won't happen to them until it does. Preventive measures to ensure everyone in society is protected is the same as preventive care to make sure one does not come down with a sickness or dental conditions. A person who is incarcerated is given the time sentence for a reason. First, letting them know for your action there are reactions and consequences. Second, to give the victims some form of safety (not closure) but also a form of compassion. Third, the individual through time served will receive the wrap around care (mental health, therapy, life coaching skills, education or vocational training etc..) assisting them and whoever they might be in care of when re-entering a society that has changed while they have been incarcerated. Fourth, while the criminal is still serving their entire sentencing it allows the victims to not feel threaten and to go on with their lives as best as they can. All of these and more are important as the criminal has been in a controlled environment for a period of time and now they're back out in the world where they control their actions. Can they control their anger when someone cuts them off in traffic?

I see a lot of agencies have submitted their testimonies in supporting this bill. I ask you to please now consider the testimonies from victims in not supporting a measure to release a person with poor decision making and coping skills back into a society where people are driving recklessly,

robbing, murdering, etc.. The criminal had their second look when their consciousness told them not to do it, but they went ahead and did it anyway

If it was reversed as much as we love our loved ones and will fight for them if they do something wrong they are to pay the price for the actions. It is also knowing that you might not be able to afford the care in rehabilitation that they need but there getting it while incarcerated in a controlled environment. Yes, we all deserve a second chance but that should come when the time is completely served.

On behalf of victims I ask that you think twice about the second look and continue to be on the side of a victim instead of having a victim traumatized over and over again by someone else poor decisions that effects them.

When the government allows a criminal a second look and the criminal is granted access back into the community then it is only fair for the government to provide protection an resources for the victim and for the government to take responsibility towards and for the victim by providing the victim with free resources (medical, therapy, etc..)

Please vote **unfavorable on SB0291** and be on the side of victims instead on the side of the criminal.

Giselle A.Morch

1/23/2025

Opposition to SB 291.pdf

Uploaded by: Joanna Mupanduki

Position: UNF



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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Baltimore, MD 21201
410-234-9885 (phone)

January 28, 2025

Maryland Senate Judicial Proceedings Committee
East Miller Senate Building, Room 2
Annapolis, MD

Dear Members of the Committee,

I am writing to express my strong opposition to SB 291, a bill that proposes allowing violent offenders to petition for resentencing after serving just 20 years of their sentence, regardless of its original length. This legislation raises serious concerns about public safety, the rights of victims, and the overall impact on our justice system.

Having worked in the criminal justice system across multiple states, I can say that no other state exhibits the same level of confusion and disregard for crime victims as Maryland. I have been an attorney for over 17 years, serving as a prosecutor in Washington State, California, and Maryland. Additionally, I spent four and a half years at the California Department of State Hospitals, where I provided psychiatric care for individuals in the criminal justice system, including those deemed incompetent to stand trial and those identified as sexually violent predators.

I have served as a victim rights attorney at the Maryland Crime Victims Resource Center (MCVRC) for three years and became the Deputy Director for the past year. This role has been the most rewarding of my career, allowing me to support crime victims during their most challenging times.

First and foremost, in considering SB 291, we must recognize that violent offenders have committed acts that not only infringe upon the rights of their victims but also deeply affect families and communities. Allowing these individuals to seek resentencing after just two decades risks undermining the severity of their crimes and the suffering endured by their victims. Victims should not be forced to relive their trauma every few years as they face the possibility of their attackers being released. Such a system fails to provide the necessary closure and healing that victims and their families need.

Moreover, the proposal to allow offenders to petition for resentencing every three years places an additional emotional burden on victims. These hearings can serve as painful reminders of the violence they endured and can hinder their ability to move forward with their lives. The constant uncertainty surrounding



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the status of the offender creates an environment of fear and anxiety for victims, who deserve assurance that their safety and well-being will be prioritized.

Furthermore, the focus of our justice system should be on protecting innocent individuals rather than catering to the rights of violent offenders. Granting such frequent opportunities for resentencing diminishes the importance of accountability for one's actions. The message sent by SB 291 is that violent crime may not result in the long-term consequences that both the victims and society expect and deserve.

In conclusion, I urge you to reconsider the implications of SB 291. The safety and well-being of victims must take precedence over the interests of those who have committed violent offenses. Our justice system should strive to protect those who have been wronged and provide them with the peace of mind they need to heal. Rather than facilitating the early release of violent offenders, we should focus on supporting victims and ensuring that justice is served in a way that respects their experiences and needs.

Thank you for considering my testimony.

Sincerely,

Joanna D. Mupanduki

Joanna D. Mupanduki

SB291 MCVRC

Uploaded by: Joanna Mupanduki

Position: UNF



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January 28, 2025

Maryland Senate Judicial Proceedings Committee
East Miller Senate Building, Room 2
Annapolis, MD

Dear Members of the Committee,

Additional Testimony

The release of convicted murderers from prison poses significant dangers to society. While it is true that older offenders often exhibit lower recidivism rates, it is misleading to assume this equates to a negligible risk. According to the Department of Public Safety and Correctional Services (DPSCS), the chance of re-offending for those released between 2017 and 2019 is alarmingly between 9-21%. This statistic represents a substantial risk, particularly when considering the severity of the crimes committed.

Society must prioritize the safety of its citizens above all else. The implications of allowing individuals who have taken lives to reintegrate into the community, even with the potential for decreased risk, are profound. And, a 9-21% chance of recidivism is a high chance of further behavior placing the public at risk. Each release could mean the threat of future violence, trauma for victims' families, and the erosion of public trust in our justice system. Rather than embracing a potentially dangerous approach to rehabilitation that could endanger lives, we should seek to implement comprehensive rehabilitation programs while keeping those who pose a significant risk to society incarcerated. The potential for re-offense, even at the lower end of the spectrum, is simply too great to ignore. It is crucial that we continually assess and prioritize the safety of our communities over opportunities for leniency in the justice system.

Please consider the graph below prepared by DPSCS showing recidivism rates for Maryland parolees:



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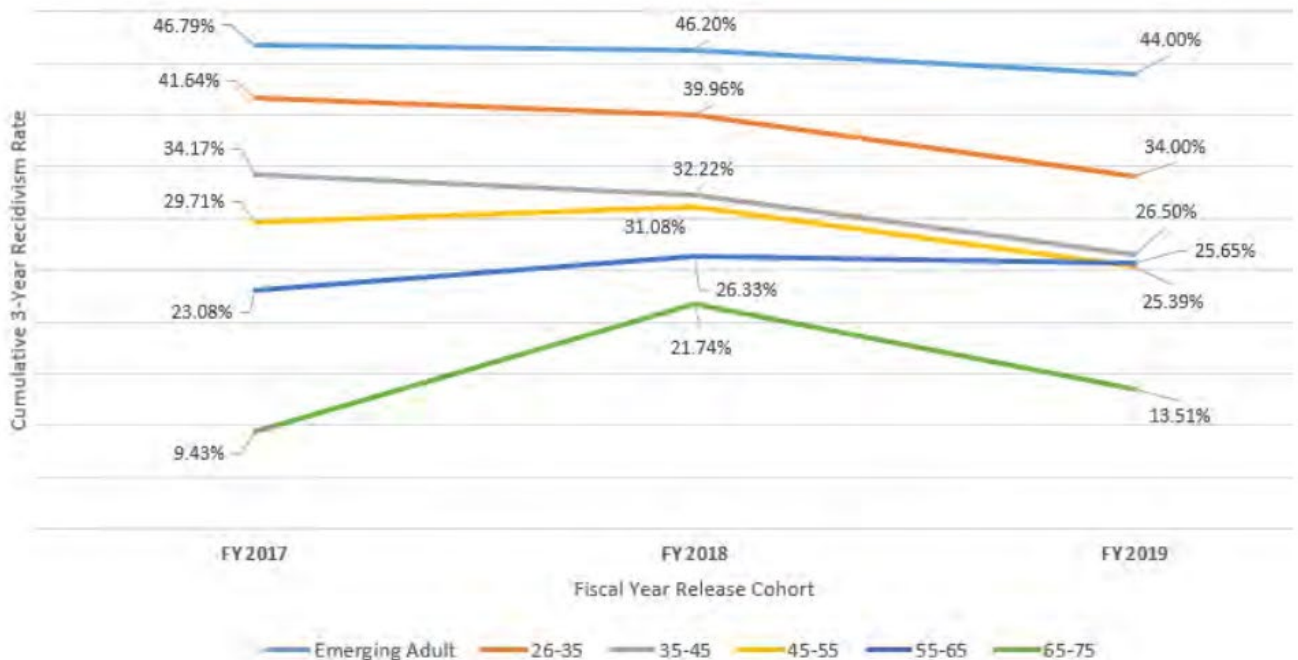
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Figure 7: 3-Year Recidivism Rates by Age at Release



I urge an unfavorable finding on SB 291.

Sincerely,

Joanna D. Mupanduki

Joanna D. Mupanduki

SB291 MCVRC

Uploaded by: Joyce Conyers

Position: UNF

Bill: SB-291

Position: Unfavorable

Contact: Joyce Conyers

Good evening,

Thanks for taking the time to hear our side for the non-treatment of victims in Maryland. My name is Joyce Conyers. I am the mother of Willie Herman Baskerville Jr, age 23 who was assassinated by Desmond Perry in December 2001 only a couple of days after Christmas. My son, Willie, had no knowledge of Perry or that his life was endangered for merely celebrating the Christmas holiday.

I am before you today to remind you of how victims have been being treated by the state's attorney's office in Maryland, this office has placed victims in such an arduous position. That our voices have nearly been cut off without representation.

In many cases victims have been kept in the dark while murderers and other criminals that have committed unspeakable crimes get numerous hours with the States Attorney's office to plead their cases.

In my case, I found it absurd that at least two other states attorneys which had previously represented our family side in this case were denied a moment to speak on the case as well as the lead detective and chief of police. In fact, the prosecuting attorney told our victims of crime representative attorney that he had no place in the courtroom and really could not speak.

This was not only unfair to the people that are trying to live a decent life and work for a living just to be struck down by the rhetoric of the Progressive Party telling us that after a few years we should be able to cope with whatever has happened and allow these murderers to continue with their lives and to be a part of society.

Then I am left with my beautiful grandson having to look a young man in the eye and say forget the person who assassinated your father only because he spent 20 years in a prison box as a model citizen. Because this is basically what I was told to me.

Finally, we have murderers testifying in court for other murders that have been rehabilitated inside four walls for a few years. So, they should be giving 2nd, 3rd, 4th and 5th chances while all the while they have done one thing to a better society.

Thank you for your time and your patience. I know that you have a hard job and a hard decision. Just like law enforcement staff spend countless times away from their families so that these criminals can go to court and their pathetic cries and please for release. While victims cry fall on deaf ears. Hear us, we are here, and you need to hear us.

Finally, I pray that you get the support that is required to bring justice back to the blind eye which it was instituted.

Very Respectfully,

Joyce M Conyers

Karen Gilbert SB-291 Written Statement .pdf

Uploaded by: Karen Gilbert

Position: UNF

Bill: SB-291

Position: Unfavorable

Contact: Karen Gilbert

To the Maryland general Assembly:

My name is Karen Gilbert I lost my son on September 5th 2020 due to him being murdered. My heart has been broken ever since. Every day I cry for him, I miss my son. The only peace I feel is that his murderer is behind bars after sitting in a courtroom for a week and a half hearing things no mother wants to hear, all the gory details of her son's murder. The court gave him 80 years in prison and in 40 he can go up for parole. I pray that his children are there to stop him from getting out. My son got life and so did I without my son. I'm serving a life sentence how dare you let him off in 20 years. This is so wrong not just for me but for everyone who has lost someone due to a violent crime. My son was ran over three times the first time he was hit and he flew about half of a football field. Then he ran him over again where he landed and then that animal turned around and ran over him again. My son was still alive for 35 minutes after all of this. I can't even imagine the pain he felt. His murderer deserves life in prison for what he did to my son I beg you not to pass this bill SB-291. I am writing right now with tears in my eyes and prayers in my heart that you will not pass this

In hopes and prayers Karen Gilbert

sb 291 testimony.pdf

Uploaded by: Kurt Wolfgang

Position: UNF



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Western Maryland

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Opposition to Senate Bill (SB) 291

Introduction

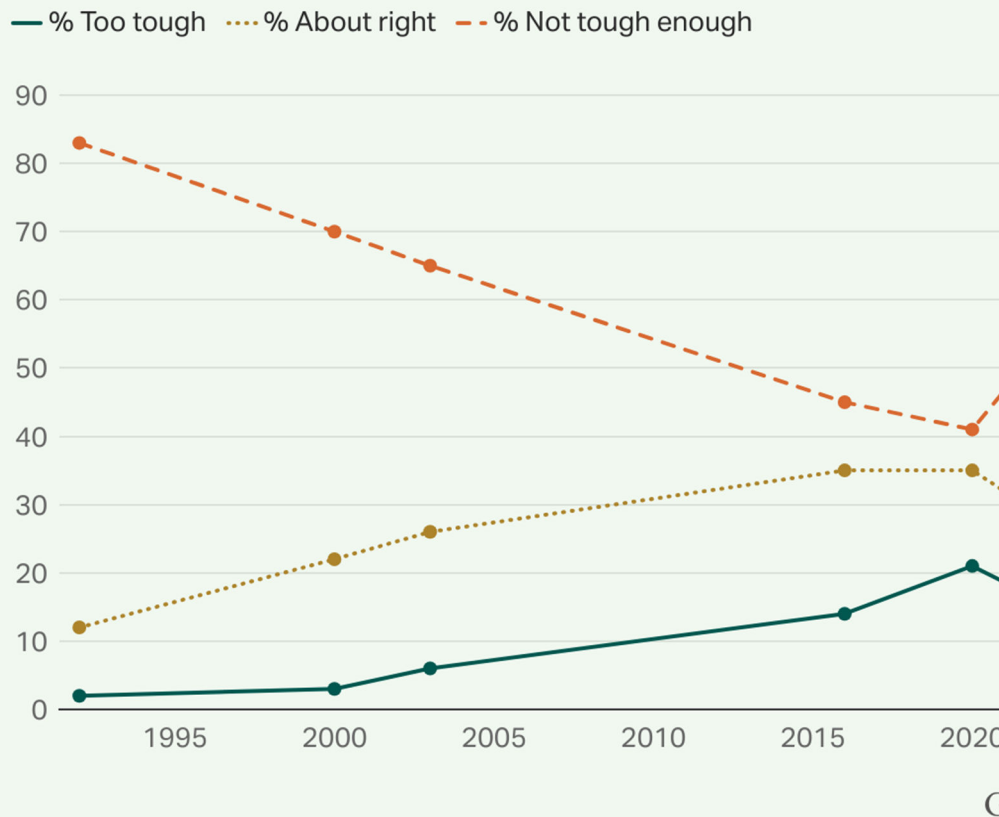
Senate Bill (SB) 291, which mandates new sentencing hearings for individuals who have been incarcerated for more than twenty years, is a contentious piece of legislation. It raises several significant concerns that warrant a thorough examination. This document outlines the primary arguments against the bill.

Public Opinion

The public sentiment is clear: there is a strong opposition to allowing convicted criminals to request new sentencing procedures or to be released early from their sentences. This opposition is founded on the fear and discomfort that many citizens feel about the possibility of serious offenders being reintegrated into society prematurely. The notion of finality in sentencing brings a sense of security and justice to the public, which this bill threatens to undermine. A recent Gallup Research poll indicates the strong trend in public opinion toward the need for stronger sentencing.

Americans' Calls for Tougher Criminal Justice System Increase

In general, do you think the criminal justice system in this country is too tough, not tough enough or about right in its handling of crime?



Finality of Sentences

There is a critical need for finality in the sentences handed down to convicted criminals. This finality serves multiple purposes:

- **Public Assurance:** It reassures the public that justice has been served and that the societal order held as a systemic imperative, and is maintained.
- **System Integrity:** The justice system relies on the stability and predictability of its rulings to function effectively. It also relies on the cooperation of victims, who often must initiate investigations and charges, and who almost always are crucial witnesses. Diminishing

victims' satisfaction with outcomes and therefore diminishing victim participation has serious detrimental effects.

- **Victim Survivors' Well-being:** For those who have suffered due to the serious offenses, the finality of the sentence brings closure and a sense of justice. Reopening cases can retraumatize these individuals and disrupt their healing process. They are often afraid of the offender if he is released, whether a rational belief or not. Sometimes, they have been threatened by the offender, such as in courtroom encounters. Even if they are not afraid, they often are repulsed by the thought of encountering the murderer of their loved one in the grocery store, or the pharmacy, or at their child's school. Our society should account more for their peace of mind, their mental well-being, and their satisfaction. In the past three years, I have had two survivor families move from Maryland because of the callousness of releasing the murderer of their loved ones. These were wonderful people, excellent citizens, and taxpayers, and yet we lost them to bend over backwards for those who committed heinous acts against their loved ones.

Existing Avenues for Sentence Reduction

Maryland already provides numerous mechanisms through which sentences can be reviewed and diminished. These include parole, clemency, pardon, a myriad of diminution credits, home detention programs, Special programs such as Patuxent Institution, appeals with free legal representation, post-judgment proceedings with free legal representation, and other judicial reviews. Introducing another layer of potential sentence modification is unnecessary and complicates an already comprehensive system. One client whose aging mother was brutally stabbed to death has been to court 23 times in order to ensure that her murderer remains incarcerated. It is heartless to have a system indifferent to imposing that cruelty on him. Please do not extend the cruelty by adding a 24th, 25th, and 26th occasion. Remember, if an applicant under this bill is unsuccessful in his or her bid to gain release, they may renew their demands every three years. Every three years would come another nightmare for our client, Brittony, who at age 8 slept peacefully with her mother in bed. Until someone stabbed her mother many times, causing her to bleed to death in Brittony's arms. Brittony is now in her mid-twenties and has gone to court many times already. She is aware that our bizarre

justice system will require her to have a lifetime more of appearances to relive and tell her horrors.

Exclusion of Original Criminal Justice Personnel

Resentencing many years after the original sentence poses practical challenges. The original judge, prosecutor, and investigators, who were intimately familiar with the case, are likely no longer serving. This absence can lead to inconsistencies and a lack of continuity in the judicial process, which is detrimental to the integrity of the justice system. Our organization already represents crime victims in “second look” cases generated by the juvenile corollary to this bill. In many of those cases, we find that the offender presents a fantasy story about the original crime, knowing that the new judge will not be familiar with the facts, and will not engage in a new fact-finding hearing to dispute the fantastic allegations of the offender. Neither will the prosecutor be prepared to refute the facts in detail.

Impact on Crime Victim Survivors

One of the most compelling arguments against SB 291 is the undue burden it places on the survivors of crime victims. These individuals have already endured significant trauma and should not be subjected to additional hearings that reopen old wounds. Key points include:

- **Fear and Retaliation:** Victim survivors often live in fear of the offender, worrying about potential retaliation if the offender is released. These fears, although sometimes perceived as inordinate, are genuine and must be compassionately acknowledged.
- **Emotional Toll:** Attending additional hearings means reliving the trauma, which can have severe emotional and psychological impacts on the survivors.
- **Injustice to Victims:** The original sentencing was a form of justice for the victims. Revisiting and potentially altering this sentence can be seen as an injustice to those who have already suffered immeasurably.

Recidivism

Another critical concern regarding SB 291 is the issue of recidivism. The risk that individuals who have committed violent crimes may reoffend if

released prematurely poses a serious threat to public safety. It is a mathematical certainty that more crimes will be committed by at least some of those released. DPSCS statistics show a recidivism rate of 13% for released offenders older than 75. The rate increases the younger the age of the releasee. I remind you that all recidivism cannot be captured, because all crimes are not solved, and all guilty parties are not captured, tried, and convicted. Whenever you see a recidivism rate, you must know that the true figure is higher, there is a built-in error in that statistic.

Recidivism not only endangers the community but also undermines the justice system's role in protecting citizens. By allowing the possibility of reduced sentences, SB 291 increases the likelihood that repeat offenders will be back on the streets, potentially causing additional harm and suffering. Therefore, maintaining stringent sentencing measures is essential to deter further criminal behavior and to uphold the safety and security of society. According to the Public Defender's Office, there have been fifty-four releases from prison as a result of the 2021 Juvenile Restoration Act. While we have not yet tried to compile data on recidivism, there have already been two serious crimes committed by convicted murderers who were released. Please see the accompanying information regarding Byron Alton Bowie, Jr., a convicted murderer, whose crime after release was threatening to burn down a Frederick, Maryland townhouse with everyone inside. The event occurred around Thanksgiving, 2023. The Public Defender's Office secured his release under the Juvenile Restoration Act in May, of 2022. It took him all of eighteen months to be

caught for a new serious violent offense.

Murderer Who Threatened To Torch Maryland Townhouse Sentenced For Arson, Probation Violation

A firebug who violated the terms of his probation on a murder conviction is going to spend the rest of his life in prison after setting fire to a Maryland townhouse during a dispute last year.

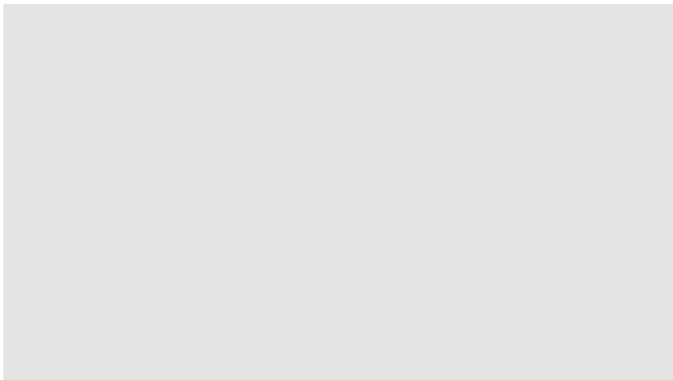


Trump Threatens 25% Tariffs After Colombia Turns Back Migrants From US

Byron Alton Bowie
Photo Credit: *Frederick Police Department*

 Zak Failla    09/18/2024 10:15 a.m.

Byron Alton Bowie, Jr., who was convicted of murder in 1992, was sentenced to 30 years in prison following an arson incident in Frederick last year when he threatened to "burn everything down and kill everyone inside," authorities announced.



Neighbors said that there was an altercation involving Bowie in November 2023, who was locked out of a townhouse, and he was then spotted on the back deck shouting threats, then using a deck chair in an attempt to break a glass door to get inside.

The incident was first reported shortly before 9:15 p.m. on Friday, Nov. 24 2023,, in the 2200 block of Waller House Court in Frederick.

When officers from the Frederick Police Department responded to the home, they found the back door broken on the deck, and there was smoke pouring out of the townhouse, prompting a call to Frederick County Fire and Rescue Service personnel.

Firefighters were able to knock down the flames while officers evacuated other nearby townhouses connected to the burning home. An adult and child were also assisted by the Red Cross following the fire.

The second case is that of convicted murderer Keith Curtis. We are in the early stages of investigating the details of this matter, but it appears that Mr. Curtis was convicted of murder and sentenced to life in 1995. He murdered a beloved Johns Hopkins University professor who suffered from Parkinson's Disease. He was released apparently in 2019, and quickly violated probation, earning a return to prison for four months. His release was earned through another "innovative" release program that is misused by many to exact a resentencing.

His new offense, according to news reports, was robbing a former co-employee at gunpoint. The co-worker was working at the cash register of an Ace Hardware Store. Curtis gained one hundred dollars in the robbery.

Convicted Killer Gets Harsh Sentence For Armed Robbery Of Parkinson's Patient In Maryland

A Baltimore man with a chilling past as a convicted murderer has been handed a 20-year sentence after robbing a former co-worker suffering from Parkinson's disease at gunpoint.



ACE Hardware Store, located at 601 Homestead St. in Baltimore

Photo Credit: *Google Maps street view*



[Zak Failla](#)

01/14/2025 1:11 p.m.

Keith Curtis, 57, who served time for the brutal 1995 killing of a retired Johns Hopkins professor, was sentenced to 20 years for robbery and firearm possession by a Baltimore City judge, who went 10 years beyond the sentencing guidelines, authorities announced.

The decision was based on Curtis' violent history and failure to reform, the Baltimore City State's Attorney's Office said.

The November 2023 robbery that landed Curtis back behind bars was reported at ACE Hardware on Homestead Street in Baltimore, where Curtis had previously worked.

Prosecutors say Curtis confronted a former coworker at the register, lifted his shirt to reveal a handgun, and demanded the victim open the cash register.

The victim, who recognized his assailant, struggled to comply due to Parkinson's disease; however, Curtis, undeterred, told him he had "30 seconds" to open the drawer.

Curtis eventually made off with less than \$100.

Weeks later, during a search of Curtis' home, investigators said that Baltimore police recovered a loaded handgun, which he was barred from possessing due to his prior conviction.

"It is evident that (Curtis) did not reform during his prior incarceration and continued to wreak havoc in our communities," State's Attorney Ivan Bates said. "This lengthy sentence is what he deserves for his repeated violent behavior."

Curtis was previously convicted of first-degree murder in 1995 for beating William H. McClain, a retired professor, to death during a robbery on McClain's front porch in Oakenshawe.

He will serve the first 10 years of his sentence without the possibility of parole.

"I hope that he uses this next period of incarceration to reflect on whether the contents of a cash register were truly worth sacrificing his freedom," Bates added.

The average person cannot help but be stricken by the cheap price tag that the State of Maryland has placed on the lives of the two victims in these examples. The other "takeaway" from these stories is that violent recidivism is an inevitable result of these programs, at some level.

Conclusion

In conclusion, Senate Bill (SB) 291 presents numerous drawbacks that outweigh its intended benefits. The public's desire for stability, the critical need for finality in sentencing, the many existing avenues for sentence

reduction, the practical challenges of excluding original vital criminal justice participants, and the undue burden on crime victim survivors collectively make a compelling case against this legislation. Perhaps the strongest reason not to enact this is the additional crimes and victims that will inevitably be committed by those released. It is imperative to prioritize the well-being of the public, the integrity of the justice system, and the compassion due to victims over the potential benefits of SB 291. PLEASE VOTE UNFAVORABLY ON SB 291

Kurt W. Wolfgang
Executive Director – For All Victims

SB291 MCVRC

Uploaded by: Richard Collins

Position: UNF

Opposition to Senate Bill (SB) 291 (Richard Collins)

I am a resident of the state of Maryland, and I oppose passing this extremely flawed and dangerous bill that would threaten the public well-being and severely restrict the ability of our civic institutions of governance (i.e., law enforcement, judicial process, social assistance) to provide adequate protection of the general population. Our laws are designed to protect public health and safety of all its citizens on the basis of trust that our institutions remain uncompromised when administering the constitutional decisions handed down by our courts. This piece of legislation represents a clear and present danger to law abiding citizens in the state of Maryland and beyond as it circumvents the defending the public's interests to be free from the risk of violent injury or death at the hands of those who have demonstrated, through past actions, that they are untrustworthy to move freely in our society and to respect the well-being of fellow citizens.

There exists no credible justification to enact such legislation particularly given the fact that there are already numerous mechanisms through which sentences can be reviewed and diminished. Absent of new credible evidence to support resentencing, this is nothing more than a bill seeking to reward criminals, for actions that they choose unlawfully, that harm innocent citizens. This begs the question of how this bill intends to serve justice for the victims and survivors of violent crimes which are unjustly inflicted upon them. This bill does not act as a deterrent of violent criminal actions but rather as an incentive for violent lawbreakers as they premeditate the worst possible outcomes of justice that may be handed down of which they may be willing to accept.

Finally, this is an incredibly callous and insensitive bill that totally disregards the heinous criminal acts and their impact on victims, survivors, families of victims, and the broader community within the state. Greater consideration must be given to the welfare of the law-abiding citizens in the great state of Maryland to ensure our streets and neighborhoods remain safe from violent crime.

Roberta Roper Testimony SB 291 2005.pdf

Uploaded by: Roberta Roper

Position: UNF



Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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Testimony of Roberta Roper in Opposition to Senate Bill 291- Criminal Procedure- Petition to Reduce a Sentence

January 30, 2025

Thank you, Mr. Chairman and members of the Judicial Proceeding Committee, for the opportunity to testify in opposition to SB 291. I am compelled to speak not only about my family's personal experience, but on behalf of the many survivors served by the Maryland Crime Victims' Resource Center, Inc. (MCVRC) for more than forty-two years. Some of you may know that MCVRC was originally founded by my husband and me as the Stephanie Roper Committee and Foundation, Inc. in tribute to the daughter who was brutally taken from us in 1982. Stephanie was kidnapped, tortured, raped, brutally murdered by two men who then began dismembering her body and setting it on fire. We, her family were shut out of the trial and silenced at sentencing. Those experiences nearly destroyed our family, challenging everything we valued, confidence in government, trust in people, faith in God. It shattered our community and left enduring wounds. Gratefully, things have changed since then. MCVRC has successfully advocated for the passage of more than 100 laws to provide victims with rights and services. Today, MCVRC is recognized as one of our nation's most distinguished and successful non-profits who support, advocate and represent the legal interest of crime victims and survivors.

I have spent the last four decades of my life advocating for victims' rights and services and being the voice for those who have been forever silenced. Bills like SB 291 are not only devastating scores of victims and survivors but are destroying public trust and confidence in the criminal justice system. SB 291 authorizes an individual who has served twenty years to petition a court for a reduction in sentence and allowing that petition to be repeated every three years. Both victims and citizens can correctly question where is the truth in sentencing? Today MCVRC attorneys represent an interest in justice for victims and survivors reminding the criminal justice system that victims and survivors, no less than their rapists and killers deserve compassion and some sense of finality.

One of our daughter's killers, having declined the right to a parole hearing, recently petitioned a court seeking release from prison. The Parole Commission, who has experts on their staff, is best equipped to review an offender's readiness for release. At that court hearing in December 2024, I was finally given the opportunity to exercise my right to present a victim impact statement after more than 42 years. Victims and survivors, having suffered devastating trauma, shouldn't have to endure endless re-victimization, and the cost of having to publicly dredge up their worst memories, to rip open their partially healed psychological wounds and to recount the human indignity and horrible memories that they must struggle with every day of their lives.

I respectfully ask you to restore confidence in our criminal justice system and not approve SB 291. The criminal system belongs to all of us. We must ensure that it serves all of us.

SB 291 - Motion to Reduce Duration of Sentence.pdf

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: SB 291

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF SENATE BILL 291
MOTION TO REDUCE DURATION OF SENTENCE

I write in opposition to Senate Bill 291, Motion to Reduce Duration of Sentence, as creating yet another post-conviction right that further drags victims to court and prevents any finality to a criminal case.

Right after a jury or Judge finds a Defendant guilty, Maryland law currently permits numerous ways for a Defendant to challenge his conviction and sentence. Here are the current rights:

1. Motion for new trial
2. Motion to modify or reduce sentence (motion can be held for five years)
3. If the modification is based upon illegal sentence, fraud, mistake or irregularity, there is no time limit
4. Three Judge panel to reduce or modify
5. Appeal to the Court of Special Appeals
6. Ask for appeal to the Court of Appeals
7. Post-Conviction (sometimes they get more than one)
8. Writ of Corum Nobis
9. Writ of Habeas Corpus
10. Writ of Actual Innocence
11. Motion to vacate judgement (passed last year)
12. Post-Conviction DNA testing
13. The parole system which can review a sentence more than once.

Based on the above list, this Bill would be another post trial motion a victim or family would have to face.

Let me tell you about one of the Defendants this Bill would benefit. His name is Alphonso Hill.

In 1983 a woman was violently raped in Baltimore City. That woman is Laura Neuman. I use her name because she has been very public about her experiences in the criminal justice system. She went years without knowing who raped her. In 2002 Baltimore City Police reexamined her case and got a link based upon a fingerprint match. Alphonso Hill was the rapist. He was convicted and got 15 years in jail.

With advances in the development of DNA, in 2008 Alphonso Hill was connected to 8 rapes that occurred in the Towson area between 1979 to 1989. He was convicted of those 8 rapes and sentenced to 60 years in jail.

In 2010 another DNA match was found in the rape of a 14 year old from 1989. Hill was convicted and sentenced to 30 years consecutive to his other sentences.

Hill is currently 73 and has been in jail since 2002. He would qualify for a hearing if you pass SB 291. That means at least 10 rape victims will have to come to court to tell the judge why this serial rapist should not be freed.

In 2024 the jail population in the Division of Correction looked and there were 1,105 prisoners over 60. I believe most have been in jail for more than 20 years. That is 1,000 victims and families who will have to come to court.

When does it end for victims of crime?

When can I look at the victim of a crime and say it is over?

It never ends and this bill will add one more event over which the State and Victim has no control.

Senate Bill 291 is an attempt to create another parole commission. Parole exists' to let Defendants out of jail early if they do all the right things in jail. Why are we creating something that already exists on top of the 12 ways a Defendant can challenge their conviction and sentence through the Judiciary?

I urge an unfavorable report to Senate Bill 291 as Defendants have so many rights now, they do not need or deserve one more. Especially not Alphonso Hill.

SB291 written testimony2 vs.pdf

Uploaded by: Victor Stone

Position: UNF

WRITTEN TESTIMONY OF VICTOR STONE, ESQ., BEFORE THE MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE CONSIDERING SB 291 (2025)

This bill, SB291, is a “fake” bill. It misleads the public into thinking it provides a needed “second look” at Maryland sentences. “Second Look” statutes were enacted in states that had abolished parole and where sentences were final upon announcement. That is not the case in Maryland. Here, this bill seeks to provide a **fifth or sixth “look”** and to completely undercut the Maryland Parole Commission and the Maryland Commission on Criminal Sentencing Policy, on which latter Commission two members of the Senate sit.

The State Sentencing Commission is charged by the General Assembly by statute (Md. Code, Criminal Procedure Article (CP) §6-202(1)) with ensuring that “sentences should be fair and proportional and that sentencing policies should **reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories**”.

Without any evidence about similar crimes and similar criminal histories but just based on the racial composition of the prison population, SB291 suggests that the Parole Commission and the Sentencing Commission have failed to do their jobs and should be ignored or even disbanded. There is no evidence that either the Maryland Sentencing Commission, or the elected State’s Attorneys, or the Maryland Parole Commission members have ever brought cases or recommended or left in place inappropriate sentences based on a defendant’s race, and disrespecting those statutory officials is uncalled for and misleads the public.

In addition, convicted Maryland felons sentenced to a long incarceration term has a statutory right to a three judge review of the sentence (CP 8-102), then to a reconsideration of the sentence by the original sentencing judge (Maryland Court Rule 4-345(e)), then to review of the sentence for possible pardon, commutation or parole, and then to both medical and geriatric parole (at age 60). For these reasons, this bill, if honestly titled and not meant to mislead, should have been called the “Fifth and Subsequent Looks” bill.

Such repetitive never-ending court sentencing challenges, typically filed after successor judges are appointed who had no first hand involvement in the original conviction and who have no training in prison rehabilitation, leads to permanent anxiety and stress among crime victims and violates their Constitutional right to be treated with “dignity, sensitivity, and respect” under Article 47(a) of the Maryland Declaration of Rights. *Syed v. Lee*, 488 Md. 537, 585 (2024)(“Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out. * * * To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime alike.” (quoting *Calderon v. Thompson*, 523 U.S. 538, 555-56 (1998))).

How disruptive is this ongoing unresolved trauma of unsettled punishment? How would each of you legislators like to be subject to a renewed election vote challenge not based on “cause” every third year after getting elected, or a tax audit every three years, and those events are not anywhere near as emotionally upsetting as reopening the murder of a loved one? Would it intrude upon your every day peace of mind and equanimity? I daresay it would and that you wouldn’t vote for such a bill. That is how crime victims feel when you drag them back to court and reopen their

wounds every time a convicted offender files, without cause, another request to be resentenced by a successor judge. In legal arenas, that is known as “judge shopping.”

In sum, other than to please the supporters of convicted felons lobbying for this bill, there is no good reason in Maryland to pass this “Fifth and Subsequent Looks” bill which will likely create – not reduce -- disparity between similar offenders with similar criminal histories. Such an outcome is contrary to the spirit of fairness and to the rule of law, and insensitive and, frankly, cruel to the victims of serious crimes. For these reasons, I urge you to reject SB291.

SB291 written testimony2 vs.pdf

Uploaded by: Victor Stone

Position: UNF

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In sum, other than to please the supporters of convicted felons lobbying for this bill, there is no good reason in Maryland to pass this “Fifth and Subsequent Looks” bill which will likely create – not reduce -- disparity between similar offenders with similar criminal histories. Such an outcome is contrary to the spirit of fairness and to the rule of law, and insensitive and, frankly, cruel to the victims of serious crimes. For these reasons, I urge you to reject SB291.

Whitney Gadsby SB-291 Testimony 2025.pdf

Uploaded by: Whitney Gadsby

Position: UNF

SB-291 (UNF)

Whitney Gadsby: 4910 Lexington LN, Kingsport, TN 37664 Ph: 423.398.5248

Maryland resident 2010-2019

The reasons SB-291 should not be passed should be patently obvious to anyone. As a parent of a murder victim (17) and attempted murder of my other child (19) in Maryland, I wholeheartedly oppose any additional automatic re-sentencing hearings for convicted, incarcerated violent criminals. As written, SB-291 extends to all incarcerated persons, regardless of offense, having served at least 20 years of their sentence; this includes the most violent offenders. If new evidence is uncovered that may exonerate an inmate, then, by all means, it should be brought to light.

It is clear to me the author(s) of SB-291 does not have first-hand experience of the trauma of extreme physical violence and/or murder; if they did, this proposed bill would not exist in its present form. The trauma victims and their families suffer is life-long and can be severe and debilitating. No one truly recovers from a violent attack or the murder of a family member(s). Increasing the number of hearings only serves to ensure a never-ending nightmare for the victims and their families. Not all victims or their families live in the Baltimore metro area and places an undue burden upon them if they choose to travel to make their voices heard in person.

SB-291 attempts a "safeguard" in stating that inmate information is to be reviewed to help prevent the release of inmates who would pose a threat to the public. Perhaps Maryland wants to follow in California's footsteps as Manson Family member and brutal murderer, Leslie Van Houten, was released in 2023. Van Houten was eligible for parole after 7 years, but as can be seen, given enough tries, she eventually got out. SB-291 amazingly states that after serving 30 years of a lengthy sentence or attaining the age of 60 automatically deems such inmates not to pose a public threat; it is ludicrous. SB-291 states that at the 30 or 60 year marks it must be proven the inmate *is* a threat to the public in order to keep them incarcerated. Releasing violent criminals early cheapens the lives of their victim(s) and further traumatizes victims and their families. The fundamental question is why should a person who committed violence upon others be permitted to enjoy freedom early or for some, ever again?

The whole affair I experienced was traumatic and long (5 years and 3 trials). When I travel north, I avoid Maryland and especially Baltimore whenever possible, as it is emotionally very difficult for me. I was permanently altered by the events that took place in 2013 and have thoughts about it every day. My surviving child continues to have serious emotional issues as a result of what he experienced. Having to provide a statement every 3 years (of course, my choice) to relive everything will certainly not do me any good. I can't imagine it would be any different for other victims or their family members.

SB-291 sends a message that you may inflict violence, torture and/or murder and still have a good shot at being free again, adding fear, anger and more pain to their victims and family members. Why are needs of the victims below that of the offender?

I strongly urge the Maryland legislators to defeat SB-291 and move on to matters that will help people rather than hurt.

Respectfully,

Whitney Gadsby

sb291.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 291
Criminal Procedure – Petition to Reduce Sentence
DATE: January 15, 2025
(1/30)
POSITION: Oppose, only as to the specific provisions noted below

The Maryland Judiciary opposes Senate Bill 291, only as to the specific provisions noted below. The Judiciary respects the legislative prerogative to authorize an additional opportunity to petition for a reduction in sentence and takes no position on that policy aim.

The Judiciary's opposition is as to certain provisions, found on page 2, lines 21 through 23, and on page 3, lines 14 through 15, which mandate certain judiciary actions. These actions fall within our core functions and should not be mandated, but rather, more appropriately left to the discretion of the Judiciary.

On page 2, line 22, the bill dictates that the court shall hold a hearing. The Judiciary would request that the word "shall" be amended to "may." A decision as to whether to hold a hearing, and the overall management of court dockets, should remain within the authority of the Judiciary. There are certain instances in which the court may have no intention of modifying a sentence, having concluded that the initial sentence was fair, just and appropriate. Mandating a hearing in such an instance would serve only to deplete docket space, waste state resources transporting the individual to the hearing, and potentially retraumatize a victim or a victim's family by having to face the individual again in court.

Further, on page 3, line 14, the bill requires the court to issue in writing a decision within 90 days after the conclusion of the hearing. This 90 day provision improperly intrudes on the Judiciary's constitutional authority to manage its dockets and should not be specifically mandated.

cc. Hon. Charles Sydnor
Judicial Council
Legislative Committee
Kelley O'Connor

Sentence reduction - senate testimony - 2025 - SB

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

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Testimony Regarding Senate Bill 291
Lisae C. Jordan, Executive Director & Counsel
January 30, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. If the Committee chooses to move forward on HB291, we urge the Judicial Proceedings Committee to amend Senate Bill 291 to clarify victim participation and to create a presumption for a victim stay away order.

Senate Bill 291

Crime Victim Participation in Proceedings Regarding Sentence Reduction

Senate Bill 291 creates a process for reduction of sentences after conviction.

MCASA appreciates the provisions of SB291 incorporating crime victim rights laws requiring notice to a victim and the very specific direction that the State's Attorney has provided crime victim notification as required by law. We note that the current Criminal Procedure §11-403 clearly provides a victim with the right to be heard at a sentencing disposition hearing and that "sentencing disposition hearing" is defined to include "alteration of a sentence" so would encompass the hearing contemplated by SB291 and that the bill further clarifies this in subsection (c)(vi).

However, it could inflict significant trauma on a rape victim to participate in person and, conversely, if a victim does not object to the reduction, it is onerous to require personal appearance. A Washington Post article, <https://www.washingtonpost.com/dc-md-va/2024/01/25/this-law-makes-her-explain-trauma-her-rape-every-few-years/>, describes in vivid detail the harm Second Look legislation can have on rape survivors. If this legislation is enacted in Maryland, it is important to provide the victim with the opportunity to comment not only on the impact of the crime, but also the impact of a potential early release.

We therefore urge the Committee to clarify language regarding victim impact statements and to require the Court to consider the statement, including previously filed statements. We note that the current language might be interpreted to require this but it might not. Therefore, we urge additional language to make the language abundantly clear and to protect a victim from cross examination.

On page 4, insert in line 9 as follows:

(3) (I) A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED SENTENCE REDUCTION;

(II) THE COURT SHALL CONSIDER ANY VICTIM IMPACT STATEMENT FILED IN THE CASE AT THE TIME OF SENTENCING OR UNDER THIS SUBSECTION.

(III) A VICTIM SHALL NOT BE SUBJECT TO CROSS EXAMINATION WHEN PRESENTING A VICTIM IMPACT STATEMENT UNDER THIS SUBSECTION.

Additionally, if the Committee chooses to report favorably, we also urge support for an automatic order to stay away from the victim and victim's family as a condition of release unless the victim requests otherwise. On page 4, after subsection (f), insert:

(G) A COURT SHALL ORDER A DEFENDANT TO STAY AWAY FROM AND REFRAIN FROM CONTACT WITH A VICTIM AND VICTIM'S FAMILY IF A DEFENDANT IS RELEASED UNLESS THE VICTIM REQUESTS OTHERWISE. A COURT MAY IMPOSE ANY OTHER CONDITION OF RELEASE NECESSARY TO PROMOTE VICTIM SAFETY AND ENHANCE PEACE OF MIND.

MCASA notes in conclusion that we have grave concerns about the impact of SB291 on victims and are continuing to evaluate our position on the bill.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to Amend Senate Bill 291**

2025_01_30 SB 291 - Support in Concept.pdf

Uploaded by: Tiffany Clark

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

January 30, 2025

TO: The Honorable William Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 291 – Criminal Procedure - Petition to Reduce Sentence
(Maryland Second Look Act)(**Support in Concept**)

The Office of the Attorney General (OAG) writes in support of affording rehabilitated incarcerated individuals an opportunity to modify their sentence, which holds the potential to address mass incarceration and promote a more just criminal justice system. The OAG also believes that expanded eligibility for such “second looks” should be supported by the careful balancing of factors that enhance fairness and rehabilitation, while also weighing the importance of public safety and victims’ rights. Indeed, it is our commitment to developing well-researched, comprehensive, and consensus strategies for eliminating mass incarceration that prompted Attorney General Anthony Brown to create the Maryland Equitable Justice Collaborative (MEJC), in partnership with the Public Defender of Maryland, academic partners from the University of Maryland system, and representatives from over 40 local government agencies and community organizations, including impacted individuals. Thus, while the OAG’s endorsement of any particular “second look” approach is premature, we fully support the goal of providing mechanisms for the modification of sentences, and we applaud the General Assembly’s efforts in this regard.

Mass incarceration is one of this country’s most destructive symptoms of systemic racism. Maryland has the shameful distinction of locking up the largest percentage of Black men

and women in the country—72.4%—even though Black people make up only 31.7% of the State’s population.¹ Black men in particular are serving the longest sentences, making up nearly 8 in 10 Marylanders who are imprisoned ten years or more.² These disparities point to systemic issues within the criminal justice system that demand comprehensive reform.

One such reform endorsed by MEJC in its December 2024 recommendations for legislative and agency reforms are “second look” proposals. Data suggests that the recidivism rate for individuals released from sentences over 30 years is significantly lower than individuals released from sentences less than 30 years and that recidivism rates tend to decrease as individuals age.³ The *Unger* case, a 2012 Supreme Court of Maryland Decision that resulted in the release of over 200 long-sentenced individuals, provides a valuable case study. The *Unger* cohort was comprised of individuals with an average age of 64 years and an average length of incarceration of 39 years. The *Unger* group experienced a 3% recidivism rate, a fraction of Maryland’s overall recidivism rate of 40%.⁴

Consistent with these lessons, several bills have been introduced which increase opportunities for incarcerated individuals to modify their sentence. Each bill acknowledges incarcerated individuals’ capacity for personal growth and rehabilitation, offering a chance for those who have demonstrated positive change to reintegrate into society.

Notably, both bills allow a court to modify a sentence of an incarcerated individual if it concludes that the individual is not a danger to public safety and that the interests of justice warrant a sentence modification. In its analysis, the court would consider a number of factors, including the nature of the crime, the history and characteristics of the individual, a statement from the victim or the victim’s representative, evidence of rehabilitation, compliance with rules of the institution, participation in educational programs, family and community circumstances at the time of the offense, and health assessments conducted by a health professional. As you weigh these eligibility factors, the OAG would urge the Committee to also consider whether the court’s decisions should be subject to appellate review.⁵

We cannot solve the crisis of mass incarceration solely by preventing wrongful convictions, revisiting criminal penalties, or otherwise preventing individuals from being jailed. Longstanding inequities currently existing in our prisons demand that our efforts also include “second look” and other strategies for releasing rehabilitated individuals who no longer pose any threat to public safety with the support necessary to ensure their successful reentry into our communities.

¹ <https://dpscs.maryland.gov/publicinfo/publications/pdfs/Inmate%20Characteristics%20Report%20FY%202022%20Q4.pdf>; <https://www.census.gov/quickfacts/fact/table/MD/RHI225222#RHI225222>

² https://justicepolicy.org/wp-content/uploads/2022/02/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

³ https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf

⁴ <https://goccp.maryland.gov/wp-content/uploads/Unger-Presentation-JRAOB.pdf>

⁵ We note, for example, that the law is silent as to whether the sentence modification decisions authorized by the Justice Reinvestment Act (2016) and the Juvenile Restoration Act (2022) are appealable, resulting in significant litigation in State courts.

cc: The Honorable Charles Sydnor
Judicial Proceedings Committee members

TESTIMONY FOR SB 0291 SENATE JUDICIAL PROCEEDINGS

Uploaded by: Troy Morgan

Position: INFO

**TESTIMONY by Troy Morgan -- SB 0291 SENATE JUDICIARY COMMITTEE
HEARING 1.30.2025**

I have been a Maryland attorney since 1995 and a resident of this State for about 25 years. Because I enthusiastically support the important work of this committee, and because of the too often adversarial nature of debate in this country, I offer for the sake of reflection some traditional principles of conscience that I think are central to consideration of SB 0291. I will also discuss what I think are some weaknesses in the bill's criteria for a Second Look at sentencing.

A psychologist once wrote of a patient who, having suffered neglect and abuse, tended to "act out" when she did not receive nurturing, security, and esteem from family, authority figures, or even strangers. The first principle that I would like to share is that both victims and offenders suffer from the failure of individuals and society to pay our universal debt to deliver on these three obligations owed to every human being. A victim of crime is deprived of these three things by the criminal, and too often has been further denied them by the criminal justice system, which Article 47 of the Maryland Declaration of Rights seeks to correct. As a result, victims experience trauma and struggle to cope with life. Similarly, a convicted and incarcerated individual who does not receive these three things may not be able to rehabilitate or cope with life. Consider for a moment that these three obligations, to nurture, to secure, and to esteem (or value) a person, are a good working definition of Love.

A second principle I would like to share is *phronesis* or the practical application of wisdom, something with which Aristotle was familiar, and that Solomon prayed for, that is, how to govern a people. Socrates might also tell us that wisdom is not an absolute but a process that continually compares ideas and works them into better ideas, only to challenge them again. Seek and we will find. Seek again, and we will find more. Contrary to this pursuit of wisdom, it is sometimes tempting to advocate for the rights of the victim "regardless" of the rights of the convicted, or to advocate for the rights of the convicted "regardless" of the rights of the victim. I urge you, when deliberating on this bill, which focuses on the welfare of convicted persons, to consider just as thoughtfully and soberly the impact the bill will have on victims. By doing so, I trust you will achieve greater wisdom and justice in your deliberations on the Second Look Act, felony murder reform, and other bills you will consider this term.

Let us focus for a moment on "esteeming" or valuing another person in the context of the most violent and permanently traumatizing crimes I can imagine, murder and rape. A criminal, who may or may not be acting out old trauma from abuse and neglect, seeks to exalt herself artificially, by diminishing the victim through oppression and violence. Like a seesaw, the value of one person goes down while the other, mistakenly, feels exalted. To esteem or value each person properly and so begin to deliver on the three practical obligations of love, we must raise up and value the victim, which we achieve in part through a just punishment. To not prevent a crime when we could have or to not justly punish it would be to further diminish the victim by placing her outside the protection of the law and of society.

A convicted person, on the other hand, is appropriately valued not by freedom from punishment (what else can bring her down from her falsely exalted state of mind?), but by

fair and equitable treatment before the law, which leaves her with a sober and equal view of her value *vis-à-vis* the victim. Multiplying lookbacks based primarily on passage of time and perceived harmlessness of the offender retraumatizes the victim by depriving her of the support and respect previously conferred by society through the law's assessment of a just punishment. It tilts the seesaw instead of steadying it at a level that respects the rights of victims and convicted persons equally. Those sentenced to life in prison may already be eligible for parole after only 15 years or even less and then have additional opportunities for parole periodically after that. To add an additional lookback, after 30 or 60 years, for example, with a "presumption" in favor of release, diminishes the victim's right and expectation of justice by arbitrarily taking away the justice previously accorded to the victim at sentencing.

A Second Look is a noble concept, because we know that the justice system has never been and will never be perfect. However, I think passage of time or length of incarceration may not be the best criteria to favor in a lookback, without a further explanation of *why* we are looking back and *what* we are looking to change. I do not think that time alters the balance of justice. Even if a prisoner has fully rehabilitated (in the sense of being safe to release), without more, such a release suggests that the original sentence was not just, or worse, that the justice originally accorded the victim, and therefore the victim herself, does not matter. However, there are at least two salient reasons to look back that do involve principles of justice. One reason to look back is if, as with the legalization of marijuana, there has been a societal consensus that certain acts should not have been criminalized or punishments were too severe, requiring a current change in the law and a look back to reduce or alter sentences where otherwise appropriate. Another reason is to correct past inequitable enforcement of the law. Numerous scholarly books and studies, some taking more than 20 years to complete, indicate, in my opinion, that unfair and inequitable treatment of the poor and people of color throughout the criminal justice system is an established fact. Ensuring equitable treatment before the law is one way of delivering on society's obligation to esteem or value offenders that does not, in my opinion, raise a convicted person above the victim but establishes justice for all. Nevertheless, any attempt to address that issue should minimize the continuing trauma to victims by minimizing the number of hearings, and the issues should be addressed in regular parole hearings whenever possible. It does not seem reasonable to allow a Second Look hearing a week before or after a parole hearing, which could happen under this bill.

People that Society does not value tend to "act out." Therefore, one way to promote rehabilitation and to value people, or categories of people, and to encourage individuals and communities to buy into the system and support it, is through efforts to correct inequitable application of the laws. In my opinion, exploring the possibility of early release on that basis does not diminish victims because it does not undermine the justice that has been accorded to them; it merely perfects that justice. However, even such a bill would not cure the whole problem, which involves inequality at every stage of the criminal justice process, from investigation, to arrest, to plea bargain, to conviction, to sentencing, to probation and parole. Going forward, the most direct way to address sentences deemed too long or too short or punishments deemed too severe, is to give judges more discretion via a broader range of

sentencing options, as some other state legislatures have done. That would give today's sentencing judges more discretion to correct any inequities tainting other areas of the criminal justice process.

In my opinion, there are better reasons to look back than simply to identify additional opportunities for release to people who have served a long time: to ensure *justice* and *balance* in the judicial system and to give every Maryland resident the nurture, security, and esteem owed to every human being. As the bill is currently worded, with, for example, a "rebuttable presumption" that an incarcerated person of a certain age or length of incarceration is harmless, it is not, in my opinion, sufficiently directed toward justice, does not achieve the appropriate balance between the rights of the victim and those of the convicted person, and is not targeted toward the most likely causes of inequality in the justice system, that is, systemic and implicit bias, racial prejudice, and poverty. One could argue that SB 0291 in its current form offers additional opportunities to correct past injustices, but I would counter that because it does not correct injustice *as* injustice, it misses the mark and multiplies opportunities to undermine the justice already accorded to victims, many of whom are also people of color.

SB 0291's current provisions require judges to *contradict* the prior thoughtful decisions of the sentencing judge and the parole board without *correcting* them, causing different decisionmakers to work at *cross purposes* without considering the *why* of prior decisions. The bill does not require the court to examine the transcripts expounding the *reasoning* or *rationale* behind the original sentence or parole reviews, the arguments presented by counsel at prior hearings or reviews, or even *all* the facts and testimony presented in prior proceedings. This bill requires review long after many of the original players might not be available to object, including victims and witnesses. There are at least two provisions that a judge implementing this proposed statute could interpret to mean that the original circumstances of the crime and the victim impact testimony that informed prior decisionmakers no longer matter: C(2)(II) and C(2)(VI). The former requires consideration of only the "nature" but not the *circumstances* of the crime, while the latter only requires consideration of a victim statement that is "offered." A court could interpret this as legislative permission to ignore the original circumstances of the crime as well as prior victim impact statements already in the record, along with any reasoning or rationale of the original sentencing judge or parole board based on those factors.

Ignoring past decision making and some of the factors most relevant to those prior decisions, is like a judge and parole authority who dug a hole in the sand, and the next day a new judge saw the hole and decided to fill it, without inquiring as to all circumstances and reasonings that prompted the others to dig that hole. Not only is it inefficient and costly for government to work at cross purposes to itself in the dark, making decisions "regardless" of what others may have thought, but it fails to adhere to Socrates's sage advice, which has become known as his "method," to consider plainly two positions and either choose one or come up with a better. We ignore traditional notions of wisdom and justice at the peril of contributing to schism, and perhaps a kind of schizophrenia, rather than the inclusive consideration needed for the wholesome development of the culture and conscience of our State and nation.