

Bill Number: HB 853

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 HOUSE BILL 853
CRIMINAL PROCEDURE – PETITION TO REDUCE SENTENCE (MARYLAND
SECOND ACT LOOK)

I write in opposition to House Bill 853, 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 HB 853. 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.

House Bill 853 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 House Bill 853 as Defendants have so many rights now, they do not need or deserve one more. Especially not Alphonso Hill.