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Senate Judicial Proceedings
Chair William C. Smith, Jr.
Vice Chair Jeff Waldstreicher
2 East Miller Senate Office Building
Annapolis, Maryland 21401

**TESTIMONY IN SUPPORT OF SB640-CRIMINAL PROCEDURE-POST CONVICTION RELEASE-
CRIMES RESULTING IN DEATH OF YOUNG VICTIM**

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

I am writing this letter to show my support for SB640, which would eliminate the pre-sentence release of individuals convicted of crimes resulting in the death of a victim under 14 years of age.

I have direct experience with the pre-sentence release of a mother who was convicted of First Degree Child Abuse Resulting in Death, which carries a possible life sentence. She very predictably absconded from the jurisdiction and has yet to serve a single day of her sentence.

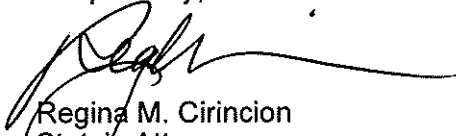
On August 8, 2025, Ashley Franklin was convicted of the death of her nine month old daughter, Bella, by starvation. She was also convicted of associated charges but only the conviction for First Degree Child Abuse Resulting in Death carries a possible life sentence. Upon her conviction, by a jury, the presiding judge offered her a bond review hearing. He subsequently released her on a nominal bond which was paid the following day. The defendant failed to appear for her sentencing hearing for which she was served. The court sentenced her *in absentia* to 90 years on the top count, and gave her credit for time served. Some of that time was spent in the State of Georgia where she was arrested for failure to appear for a previous court date. She fought extradition and was eventually brought back to Maryland after a Governor's Warrant was secured for her return.

Maryland Rule 4-349 governs release after conviction. It states that the trial judge may release the defendant pending sentencing subject to appropriate terms and conditions of release. The court may consider the factors set forth in Rule 4-216.1 in determining whether the defendant should be released. Those factors include, but are not limited to, the defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings, and the danger of the defendant to an alleged victim, another person or the community. Rule 4-216.1 does include a provision that prohibits pre-trial release under those two circumstances- public safety risk and flight risk. SB 640 would prohibit a release pre-sentencing. A defendant facing a lengthy sentence has no incentive to appear at sentencing. The trial judge, ignoring her previous failure to appear, handed Ashley Franklin the keys to the jail. She may never serve a day of the sentence she so rightfully deserves. Someone else could be harmed by her, either another child or a police officer attempting to take her into custody. This bill would take the discretion away from the trial judge so a serious miscarriage of justice, as this was, can never happen again.

Children are some of the most vulnerable people in our population, and some of the most vulnerable victims. To allow Ashley Franklin to escape from her sentence is to ignore the agonizing death of a child. We need to ensure that our laws reflect that children matter.

I respectfully request that SB640 receive a favorable report. Thank you very much for your consideration.

Respectfully,



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