

Unger Fact Sheet

1. In 2012, Maryland's highest court in *Unger v. State* held that due to unconstitutional jury instructions certain prisoners were entitled to new trials. All had been convicted before 1981. Judges in these cases instructed the jurors that *they-the jurors*, not the judges--were the ultimate judges *of the law* as well as of the facts.
2. The court in *Unger* held the instruction effectively nullified the Rule of Law and denied the 232 defendants' fundamental right to a fair trial. In 2012, there were at least 232 Maryland prisoners who had been convicted by juries before 1981, when the advisory law instruction was last given, and were still incarcerated. They were entitled to new trials. We call the 232 "the Unger group."
3. Between 2013 and early 2019, Maryland's courts have ordered approximately 193 elderly prisoners released from Maryland's prisons. Almost all had been sentenced to life with the possibility of parole. There are about 40 more elderly prisoners who potentially are eligible for court-ordered releases. Many of them likely will be released in the near future.
4. The recidivism rate so far, measured by new convictions (including minor offenses but excluding driving/traffic offenses), is about 2%. The recidivism rate for Maryland overall is currently approximately 40%.
5. All but one of the 232 were men. On average the prisoners were about 64 years old upon release (the range was from 52 to 84 years), and served close to forty years (the range was from thirty-three to sixty-one years.) About 90% percent are African-Americans. About 25% were teen-agers when arrested. Some had been in the military, and had served in Vietnam; some of them had honorable discharges and good service records.
6. When the 232 went to prison, the President was named Johnson, Nixon, Ford, Carter, or Reagan, or in one case Truman. And, the football team in Baltimore was the Colts. Their ages and the impact of

long term incarceration has taken a toll. Given the harsh conditions of prison life, age fifty is considered geriatric both medically and for mental health as well. Six men have died in prison before their cases concluded, and five men have died since being released.

7. Walter Lomax and the Maryland Restorative Justice Initiative, and the Unger-eligible prisoners themselves, who, as they were released, have created a community in which failure is not an option. MRJI holds monthly support meetings to further that web of assistance for the returning citizens and their families.

8. The Unger group has had many success:

- Some of our returning citizens work with Mothers of Murdered Sons and Daughters.
- Some volunteer to work with and advocate for at-risk youth throughout the state.
- A few have been ordained and are serving their communities of faith.
- We have a small number who have secured meaningful employment (mostly due to the age issue which tends to be an employment barrier).
- We have seen families re-united.
- We have seen marriages take place.
- We have seen the group be an ongoing and vital network of support to each other.

9. Press:

<https://www.cbsnews.com/news/the-ungers-righting-a-miscarriage-of-justice/>

<http://highline.huffingtonpost.com/articles/en/meet-the-ungers/>

<https://www.npr.org/2016/02/18/467057603/from-a-life-term-to-life-on-the-outside-when-aging-felons-are-freed>