

## Support HB 1219 (SB 817) - Governor Out of Parole Bill



**MOYDLAW**

### **Testimony by Olinda Moyd, Esq. Before the Senate Judicial Proceedings Committee**

My name is Olinda Moyd and I am a Prisoner's Rights and Parole attorney. When I began my legal career in 1985 at the National NAACP Office, I had the distinct pleasure of instituting one of the first NAACP Chapters behind the prison walls, at the Maryland State Penitentiary. It was there that I met many of the men serving life sentences in DOC. My volunteer activities in Maryland prisons have continued since then, as a teacher through the Coppin State University prison program, as a legal advisor to inmate self-help groups and currently as a supervisor of Georgetown Law students who teach legal writing to men and women in Jessup. What's astonishing is that many of the persons who I met 35 years ago still sit behind bars hanging on to the hope that one day they can be released onto parole. It is this hope that gives their lives meaning.

A sentence of **life with the possibility of parole** is a sentence that leaves room for hope. This sentence that was imposed by a Maryland court judge should not subsequently be switched into a life without the possibility of parole sentence due to the political climate. This is not what the judge intended at the time of sentencing. Even Governor Glendening admitted that his statement "life means life" made parole for lifers more political than it should be. It is time for this to change.

The Maryland Parole Commission should be trusted to make parole decisions for lifers just like they do in all other cases. These individuals, who are appointed by the Governor, develop an expertise and thoroughness in carefully considering the statutory factors – circumstances surrounding the crime; the physical, mental and moral qualification of the inmate; the progress of the inmate during confinement; a drug and alcohol report; a risk assessment score; an updated victim impact statement; transcripts from the court at time of sentencing; etc - for parole review in each case. They conduct hearings routinely and have developed the skill to be objective and deliberate in their decision-making process. Maryland tax dollars pay for them to do their job and there is no reason why they should not be trusted to use this same level of expertise in making parole decisions for lifers. I have conducted only one parole hearing before the Maryland Parole Commission (100% success rate), but have spent the last 17 years of my career as a managing attorney practicing before the U.S. Parole Commission. I am also a member of the Association of Paroling Authorities International, Inc.

and I know first-hand, how serious paroling authorities take their decision-making responsibilities.

The impact of an aging prison population can be devastating on the aging individuals and on the institutional infrastructure. The average age for persons serving life sentences in Maryland is 60 years old. Having just reached this milestone, I can testify that my physical body is not the same as it was 35 years ago. I have watched these men and women age inside these cages with limited medial resources and I see first-hand the toll that aging in prison takes on their physical and mental beings. The average length of time that most of them have served is 25 years. The costs to house persons serving life sentences is estimated to be \$35,000 per year and can go up to \$50,000 per year as they age. Furthermore, the physical infrastructure of DOC cannot adequately house aging prisoners. Aging prisoners require lower bunks or handicapped-accessible cells for those who have limited mobility and have difficulties navigating institutions with uneven terrain, narrow sidewalks and no elevators. Let's also remember that although these individuals were not issued death sentences, many Maryland lifers have died in prison while awaiting parole.

The research and experiences of the Unger group of men and women have provided guidance on what parole looks like for Maryland lifers. The lifers who have been released in recent years pose a low risk of recidivism and have returned to the community without compromising public safety. Last year I organized a panel of former Maryland lifers who presented their personal stories at national conferences before parole authorities and defense attorneys and it was impactful to hear from men and women who are influencing the community in a positive way just because they were given a second chance at parole (based on court decision).

We are asking that every person serving a life with the possibility of parole sentence be given a meaningful opportunity for parole that fosters hope. Please vote to pass this bill.

Thank you for this opportunity to appear before you.

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