

IN SUPPORT OF HB-1219

To: House of Delegates, Judiciary Committee
From: Mary Scott on behalf of the Gender Violence Clinic, University of Maryland Carey School of Law
Date: March 3, 2020
Re: Written Testimony in Support of House Bill 1219

The University of Maryland School of Law Gender Violence Clinic represents many women charged with crimes that occurred while they were experiencing unspeakable violence in their relationships, their homes, and their communities. Many are serving life sentences with the possibility of parole.

For all of our clients serving life sentences, both their first and second hearings result in either a denial of parole outright or a rehearing for parole in 5-7 years. At this point these women have been incarcerated for at least 25 years. A few of our clients are able to progress in the parole process on their third hearing – they receive the approval of two parole commissioners; they wait for up to two years to receive a risk assessment from the one provider in Maryland assigned to complete them; and then receive the approval of a majority of all the parole commissioners. Finally, their parole file and risk assessment are sent to the Governor.

Once a client's parole materials are sent to the Governor, they go into what we refer to as the "black box." Neither we as the attorneys nor our clients will ever know what the Governor's team considered; what additional materials they gathered; who they spoke to; why the decision was made to deny parole; nor what our clients can do to improve their chances of parole when they inevitably end up back on the Governor's desk the second and third time. According to our clinic's records, since 1995, the Governor has granted only 6 people parole. Six people over the course of 25 years, since Governor Glendening instituted his "life means life" policy – a policy he later admitted was wrong and was driven by politics rather than any hard evidence. The liberty and freedom of these human beings, who have been punished for three or more decades, should not be poisoned by polls and politics. In many cases, our clients agreed to pleas for life with the possibility of parole because of that possibility. But six people out of an untold number in the past 25 years is not a possibility – it's an impossibility. Nearly every other state with a parole system has devised a structure to safely release those serving life sentences who have been rehabilitated without the governor's involvement. There is no reason why Maryland cannot do the same.

One of our clients, Eraina Pretty, has been incarcerated since 1978 and is the longest serving woman in Maryland prison. Eraina grew up in an abusive household and was in an abusive relationship when her boyfriend convinced her to participate in a robbery when she was 18. After Eraina left the scene, her boyfriend shot the store owner. Facing the death penalty, Eraina took a plea for life with the possibility of parole. At that time, everyone involved in her case – Eraina, the attorneys, and the judge – expected she would serve approximately 20 years. Instead, Eraina has been through five parole hearings and been denied by the Governor twice. Eraina has now spent more than two-thirds of her life in prison; we ask you to help her spend at least one day free from abuse and incarceration.

We urge the committee to report favorably on HB 1219.