

January 21, 2021 @ 1:30pm (House Hearing)

House Judiciary Committee
Maryland General Assembly
State House
100 State Circle
Annapolis, MD 21401

RE: HB 409 – Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act) SUPPORT

Please accept my written testimony in support of House Bill 409 (HB 409). I am testifying on behalf of Family Support Network and from a personal perspective as my husband is a juvenile lifer. He entered the Department of Corrections at the age of 16. In 1993, he was sentenced to two consecutive life sentences plus 23 years. His first parole hearing is scheduled to be held in 2030, at that point he would have served 37 years and would be 54 years of age. All avenues of post-conviction relief have been pursued to no avail in fact his petition for reconsideration was denied without a hearing. Currently, Circuit Court Judges have the discretion to consider reconsideration relief and all other avenues must be submitted based on findings of error. A very narrow margin of success exists in the other avenues which is why this legislation is so necessary and needed right now.

I give this testimony as a first-hand witness to why a judicial review for juveniles is so critical. My husband's offense included himself and 4 other co-defendants. Co-defendant #1 turned state's evidence and after having served one year was released in exchange for his testimony. Co-defendant #2 died in prison from cancer. Co-defendant #3 pled guilty and was sentenced to one life term and is currently incarcerated. Co-defendant #4 who was the primary in the offense was sentenced to three life terms plus 50 years and his sentenced was reduced and he was released on December 17, 2020. Co-Defendant #4 who is the primary in this case has been released while myself and co-defendant #3 who are the least culpable in this offense continue to sit in prison with no recourse. Our sentencing judge retired and our cases were assigned to different judges which has allowed the present disparity in how each of our cases have progressed through the system. **The Prince George's State's Attorney is in support of my release but, the Judge still denied my petition while my Co-Defendant #4 is a free man.** Under fundamental fairness, this is not fair, equitable and quite frankly should not be allowed to happen. Juvenile Restoration Act (JRA) would provide each of us equal consideration in court which does not currently occur.

As the wife of a parolable lifer, it is heart-wrenching to see my husband that wants nothing more than to be given a second chance. He wants nothing more than to demonstrate growth, maturation and change that have taken place in him over the last 28 years. This system as it stands has told him there is no real way for him to tell the courts who he is today versus who he was in 1993. He remains stuck along with the hundreds of other juvenile lifers warehoused across the state of Maryland - there is no exit for you! There is no genuine or meaningful second chance for you!

It is my desire that you consider the legislation before you as a remarkable, bold and brave step in the right direction of fixing a process that has tossed juveniles like trash never to be thought of again. Specifically, black and brown juveniles have been discarded by Maryland as this state leads the nation in its level of incarcerated black men ages 18 to 24. This is not acceptable. It did not take one bad law to create mass incarceration and it will not take one good piece of legislation to eliminate mass incarceration that unfairly affects black and brown people. It is going to take a host of legislative efforts with long- and short-term impacts. JRA creates immediate opportunity for hundreds of juveniles. If there is no mercy and second chances for juveniles – who is more worthy? I hope that you will unequivocally support this bill and move it forward for a favorable vote.

Respectfully,

Martina Hazelton

Martina Hazelton
Co-Founder, Family Support Network