



ALLIANCE FOR SAFE COMMUNITIES' REQUESTS LEGISLATORS TO CONSIDER AND INTRODUCE AN AMMENDMENT TO CURRENT LEGISLATION 11-5-1 "ASSAULT WITH INTENT TO COMMIT SPECIFIED FELONIES"

Current read: "Every person who shall make an assault with intent to commit murder, robbery, sexual assault, burglary, or the abominable and detestable crime against nature, shall be imprisoned not exceeding twenty (20) years nor less than one year.

AMMENDED VERSION:

11-5-1 ASSAULT WITH INTENT TO COMMIT SPECIFIED FELONIES

- (A) Every person who shall make an assault with intent to commit murder, robbery, sexual assault, burglary, or the abominable and detestable crime against nature, shall be imprisoned not exceeding twenty (20) years nor less than one year.
- (B) Any person convicted of section (A) where the specified felony is the intent to commit murder shall be imprisoned for not less than 10 years and not more than 40 years and shall not be afforded the benefit of suspension or deferment of his or her sentence, nor of probation.

AS EVIDENT, THE MINIMUM SENTENCE HAS BEEN SET FOR 10 YEARS IN THE AMMENDED VERSION WITH A MAXIMUM SENTENCE OF 40 YEARS TOTAL AND THE CRIMINAL WOULD NOT BE AFFORDED THE BENEFIT OF SUSPENSION, DEFERMENT, OR PROBATION OF SENTENCE.

Intent must be understood to be equal to the severity of the crime. The punishment must reflect consequences appropriate to the severity of the crime.

Current sentencing guidelines fall short of addressing these issues and fall short of offering lasting meaningful justice for victims.

REASONING FOR APPROPRIATE ENHANCE SENTENCING FOR PARTICULARLY HEINOUS CRIMES THAT AREN'T MURDER BUT COULD HAVE BEEN....

1. Whereas the victim survived with indelible physical, emotional, and psychological impact, requiring lifelong rehabilitation. A destruction that imposed a lifetime sentence for the victims.
2. Whereas if not for the life saving medical intervention and or ongoing lifelong medical treatment and therapy's, the victim would certainly have died from a brutal and violent assault and attack, both in his or her past and present.
3. Whereas if not for the brave efforts of a victim attempting to fight back his/her assailant, intervention from bystanders, family, friends, associates, or law enforcement efforts, the criminal would have succeeded in ending the life of his/her intended target, the victim.

ASSAULT WITH INTENT TO MURDER:

Assault with intent to murder is quite simply the "deliberate, intended, violent, assault, and attack upon a victim. Currently "Assault with Intent" 11-5-1, allows that the criminal acts in a way that they don't have to be responsible for their behavior's "intent". The criminal took every action necessary to complete

the crime. The glaring reality that the attempt failed by the criminal should not warrant the reward of a lesser maximum sentencing for the crime.

“INTENT” ADDRESSED IN RI LAW = TO THE CRIME

Rhode Island already addresses the issue of “INTENT” punishable as if the criminal had completed the crime, when we examine LARCENY...

THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATION SECTION 11-41-5 PENALTIES FOR LARCENY

(a) Any person convicted of any offense under 11-41-1 or 11-41-6 except 11-41-3 shall be punished as follows, according to the value of the property or money stolen, received, embezzled, fraudulently appropriated, converted, or obtained, received, taken, or secreted by false pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently convert:

Penalties and Consequences vary based on monetary amounts and other factors regarding this crime and can be found in the context of RI General Laws Title 11-Criminal Offenses, Chapter 11-41-Theft, Embezzlement, False Pretenses, and Misappropriation Section 11-41-5. – Penalties for larceny.

Intent is understood and addressed in Title 11 Criminal Offences RI Gen Laws 11-41-5, with equal severity as if the crime had been committed.

THERE IS BOTH INTENT AND ATTEMPT IN THE COMMISSION OF THE CRIME “ASSAULT WITH INTENT TO MURDER”

It is prudent to also review Title 11 Criminal offenses Chapter 8 Burglary and Breaking and Entering. Attempt is understood and addressed as if “the

attempted offense had been committed”. RI General Laws 11-8-1 (a) By doing any overt act toward the commission of the offense in the curtilage of the structure, but fails in its perpetration shall otherwise provided, suffer the same punishment which might have been imposed if the attempted offense had been committed. “

(b) An “overt act” is defined as any act of an individual by which the individual physically attempts to gain entrance into a type of structure set forth in the sections listed in subsection (a) of this section.

In comparison, is it not evident that when an individual engaged in the “overt act” of “assault with intent to murder” upon a victim should be consequenced equally?

The criminal in “assault with intent to murder” attempts to gain submission, harm, destroy, or eliminate the victim.

His or her criminal intent and attempts to do this may be partially or totally accomplished. A victim’s destroyed life can be measured in several ways. Emotional, Physical, and psychological damage imposes a lifetime of destruction for victims.

SUMMARY REVIEW OF WEAKNESS AND FAILING IN CURRENT ASSAULT WITH INTENT TO COMMIT MURDER LEGISLATION IN RHODE ISLAND....

Currently assault with intent to murder charges allow the criminal to act in a way that they don’t have to be responsible for their behavior’s “intent”. Not taking into consideration and recognizing factors of intent such as:

Choosing or purchasing a weapon and obtaining it. Choosing the target victim and desired result. Committing the act. The only thing questionable is degree of force at the time of the crime, unless “intent” explicitly included murder.

These factors do not represent a whimsical, spontaneous, or mentally imbalanced individual, but in contrast someone with “intent to commit the act of murder!

We don’t consider the premeditation and intent to commit lifelong emotional and psychological harm to the victim. Assault with “intent” to murder, imposes a lifetime sentence for the victims, emotionally, psychologically, and physically. We need accountability for the lifelong time of destruction caused to them by the perpetrator’s criminal acts, who in his / her intent set out to cause that effect.

It is too late to address these issues when the victims have been murdered. Our intentions should be proactive not reactive in our criminal justice system.

The law cannot be impersonal toward victims. The law must see the human side of victims, the anguish, pain, and toll inflicted from a violent crime. If the law cannot recognize when lives of victims are destroyed, it is meaningless and nothing more than politically expedient. The law then becomes reflective to the trends of today’s political climate.

The time for change is now, victims need to be paramount in the equation when implementing justice. The forging of safer communities begins when our laws reflect understanding of the causes for violent crimes like “assault with intent to murder”.

Respectfully,

Carolyn Medeiros

Executive Director Alliance for Safe Communities

www.asc-ri.org

webserver.rilegislature.gov/statutes/title11/11-5/11-5-1.HTM

