ALLIANCE FOR SAFE COMMUNITIES' OPPOSITION TO HOUSE JUDICIARY BILL 7132 HOMICIDE/ ABOLISH LIFE WITH OUT PAROLE FOR THOSE CHARGED AGE 21 AND UNDER.....

This bill was initially presented by the sponsor Representative Casmiro on WJAR news as primarily an attempt to represent four youths accused of a brutal beating and murder of a 51-year-old man in Providence. It also was presented to represent other violent offenders of homicide that are age 21 and under. It dismantles the 7 delineating factors that define the need for consequences of life without parole sentencing. It renders these factors "mute" as to how they create the need for stringent sentencing. Each represent extreme, horrific and disturbing qualities that warrant consequences of life without parole sentencing.

https://webserver.rilegislature.gov/BillText/BillText26/HouseText26/H7132.pdf

7 DELINEATING FACTORS : : (1) committed intentionally while engaged in the commission of another capital offense or other felony for which life imprisonment may be imposed; (2) committed in a manner creating a great risk of death to more than one person by means of a weapon or device or substance which would normally

be hazardous to the life of more than one person; (3) committed at the direction of another person in return for money or any other thing of monetary value from that person; (4) committed in a manner involving torture or an aggravated battery to the victim; (5) committed against any member of the judiciary, law enforcement officer, corrections employee, assistant attorney general or special assistant attorney general, or firefighter arising from the lawful performance of his or her official duties; (6) committed by a person who at the time of the murder was committed to confinement in the adult correctional institutions or the state reformatory for women upon conviction of a felony; or (7) committed during the course of the perpetration or attempted perpetration of felony manufacture, sale, delivery or other distribution of a controlled substance otherwise prohibited by the provisions of chapter 28 of title 21; shall be imprisoned for life and if ordered by the court pursuant to chapter 19.2 of title 12 that person shall not be eligible for parole from imprisonment;

You cannot make these qualities disappear simply due to the chronological age of the criminal. This particular and only known case involving 11- and 12-year-old youths is rare and distracts the focus on the average youth population of 17-21 who would be more frequently implicated in a homicide event involving youth if it occurred. Life without Parole is applied to this population rarely if ever in Rhode Island. There is a total of 35 “LWOP” individuals retroactively dated to 1990 cases. Of that total, only 7 were at the age of 21 or under as can be seen in this list below… cases included. VICTIMS: AMY SHUTE AND JASON BURGESS MURDERERS LWOP: KENNETH DAY age 21 at time of crime

RI judge upholds life sentence in killing of Amy Shute and Jason Burgeson

VICTIMS: MICHAEL BATISTA AND RAPHEALEDWARDS ORTEGA MURDERERS LWOP MURDERERS: STEPHEN QUINLAN 21, AND FRANK SANCHEZ 19 at time of crime

https://caselaw.findlaw.com/court/ri-supreme-court/1189141.html

VICTIM: JENNIE LEE-M BAILEY MURDERER: JOHN R. PACHECO 21 LWOP at time of crime

https://law.justia.com/cases/rhode-island/supreme-court/2001/00-6.html

https://law.justia.com/cases/rhode-island/supreme-court/2001/00-6.html

VICTIM: SYLVESTER GARDINER MURDERER : WILLIAM PAGE 18 LWOP at time of crime

https://law.justia.com/cases/rhode-island/supreme-court/2010/04-105.htmlhttps://law.justia.com/cases/rhode-island/supreme-court/2010/04-105.html

VICTIM: SAVANAH SMITH 8-year-old victim, kidnapped, beaten, raped and murdered MURDERER: JOSHUA DAVIS LWOP age 20 at time of crime

https://www.courts.ri.gov/Decisions/10-4824-5-18-20.pdf

Mario's Law allows anyone serving life sentences to be eligible for parole after 25 years unless they are 21 and under, then they are eligible for parole after 20 years. It exempts those people sentenced to "Life without Parole" . Life without Parole offenders are not

without recourse as they are able to petition the Superior Court as well as allows convicted to appeal the sentence to the Supreme Court. (TITLE 12) CRIMINAL PROCEDURE CHAPTER 12-19.2-5 Alliance for Safe Communities is also concerned that passage of this legislation will lead to further gang initiations of youthful offenders for such serious crimes that involve homicide. The lessening of possible consequences incentivizes gangs to utilize youthful offenders to carry out their directives. Crimes that older gang members, “not minors” would be sentenced for “real time” vs. what a youthful offender would be sentenced for. The following list offers the reader a sample of youthful offenders 17 years old and older not given “life without parole”. These crimes give insight as to the type of heinous crimes youths can commit as well as the fact that Rhode Island does not treat cases in a “blanket fashion” with sentences that lock youth up forever. These cases illustrate the capability of youthful offenders aged 17-21 unbridled violence when committing crimes in society. VICTIM: KIMBERLY ANN ROCK/ AGE A MINOR 17 RAPIST AND MURDERER: ROBERT JEWETT 18 JEWETT WAS IN CUSTODY AT THE TRAINING SCHOOL AT OFF SITE CONTRACT WORKING SITE..... WANDERED OUT AND OFF INTO SURROUNDING NEIGHBORHOOD TO COMMIT THESE HEINOUS CRIMES UPON MINOR KIMBERLY ANN ROCK

https://law.justia.com/cases/rhode-island/supreme-court/1996/681-a-2d-901.html

https://turnto10.com/news/local/rhode-island-parole-board-to-consider-the-release-of-a-convicted-murderer-robert-jewett-found-guilty-in-1991-kimberly-rock-nov-15-2023

Convicted murderer seeks parole for third time | WPRI.com

VICTIM: JAMONT RICHARDSON 14 MURDERER: PHERIN ROT 15

https://www.timesargus.com/news/teen-gets-life-in-shooting-over-debt/article_05a8c6e8-eb98-59e2-8896-1e7d439e8bd4.html

SENTENCE : LIFE IN PRISON VICTIM: WILLIAM ABRAHMSON MURDERER DEMETRIUS JACKSON 18 YEARS OLD SENTENCED TO 100 YEARS... PAROLED AND FREE

https://www.golocalprov.com/news/man-who-shot-providence-police-officer-and-killed-park-ranger-grant

VICTIM: CHERYL SMITH AGE 54 MURDERER/ CONSPIRACY SHAYLAN MORAN AGE 18 SENTENCE: LIFE IN PRISON

https://www.providencejournal.com/story/news/local/2021/08/05/shaylyn-moran-pleads-pawtucket-murder-new-years-day-2020-jack-doherty/5498939001/

https://www.wpri.com/news/local-news/blackstone-valley/woman-20-gets-life-in-prison-for-role-in-pawtucket-murder/

VICTIM: STACIE ANN BRISSETT MURDERER/ CONSPIRACY SHEA COOK AGE 21

Tribal members charged with murder on reservation

Actions have consequences. Actions that lead to the destruction of a life or lives leave lifetime impacts in their wake. Violent crime permanently affects those who lost loved ones or whose communities are impacted. They are imposed a sentence of life without parole, probation, or respite from their pain and suffering. For some, despair destroys their lives, as they are unable to cope

with grief, loss, and trauma. Violent crime and homicides cause society to question the stability of its very foundation. Justice must be balanced, equal and fair, in response to this scenario, and must ensure that the catalyst that caused such destruction is not able to return and further destroy the delicate remains of so many impacted lives. Justice must ensure to protect all of society, which includes possible future victims. Our current system of justice addressing heinous, violent, and barbaric criminal actions is just and fair in achieving these goals. Life without parole is and always has been appropriate for such individuals who are not capable of ever rehabilitating or reintegrating into our society. To ignore these facts serves as a grave injustice.

In conclusion Alliance submits our opposition to the passage of (H 7132)

Respectfully, Carolyn Medeiros Executive Director Alliance for Safe Communities