

Testimony of JoAnn Winterbottom before the Houses of Representatives Corrections & Institutions Committee on Senate Bill 18

Thank you for the opportunity to give testimony in support of Senate Bill 18. We appreciate the Committee's willingness to reconsider the issue of Earned Time and hear from victims and survivors.

Our daughter Laura Kate Winterbottom was abducted and, over several hours, repeatedly raped and sodomized, and then strangled manually and bludgeoned to death with a wooden board by Gerald Montgomery in Burlington on March 8, 2005. It was a particularly heinous and brutal crime that shocked the community.

Montgomery was charged with aggravated murder. On the advice of the State's Attorney's office and after much deliberation and in good faith in the integrity of the Vermont judicial system, we agreed to accept a plea agreement. Montgomery pleaded guilty to First Degree Murder and pursuant to the plea agreement the State of Vermont imposed a sentence of 43 years to life.

I am writing in support of the passage of Senate Bill 18 in the House. I wish to make 5 points:

1. We feel strongly that when the initial Earned Good Time Rule was being considered, victims and/or survivors should have been consulted and should have participated in the decision-making process. Having been impacted by the crimes, we victims and survivors deserved the courtesy and respect of having our opinions taken into account.
2. Learning of this law after it was adopted along with the impersonal and detached method of notifying us by email added grievous insult to grievous injury.
3. The State of Vermont should be ethically and judicially obliged to honor the agreement it made with us in imposing Montgomery's sentence. Attorney General TJ Donovan has asserted that he is in agreement with us on this issue, and I and my family are grateful for his acknowledgement of this agreement and applaud his integrity.
4. While we understand and support the need for nationwide prison reform, we strongly object to the application of Earned Time to rapists and murderers. In what he did to Laura, Montgomery committed 3 distinct crimes: abduction, rape, and murder; and each was deliberate and without any regard to the sanctity of her life and the horrific pain he was inflicting on her body in his brutal assault. The willfulness and savagery of his crimes should forfeit his right to any reduction whatsoever of his sentence. Plus, once hearings began in Laura's case, we learned from the DA's office that he had previously sexually assaulted at least two other women, so he was a repeat offender.
5. One last point I would like to make is in response to the issue that arose during hearings in the Senate Judiciary Committee that people can change. Perhaps some can, but there

is no unanimous opinion in the scientific community regarding that people can, in fact, change. It is an issue involving many complex factors. In regard specifically to sex offenders, there is substantial forensic evidence that they cannot change their proclivities and behavior. The recidivism rate for criminal sex offenders is very high. Releasing Montgomery, a repeat offender, into society before his full sentence is served poses a risk that should not be sanctioned.

Having to deal with this issue of Earned Time makes us, Laura's family, feel re-victimized. It has forced us to revisit in excruciating detail the most painful and saddest time of our lives. When Montgomery ended Laura's life, he forever, not for 43 years but for forever, changed my life, my husband's and Laura's sister Leigh's and her brother Aran's. We miss her and long for her more than any of us can possibly express. We are serving a lifetime sentence of the loss of her.

Montgomery's sentence, though certainly not commensurate with what he did to Laura, was accepted by us; however, allowing him to qualify for early release under any circumstances is not acceptable in any way whatsoever. He must be made to serve his full sentence because that is at it should be considering the severity and barbarity of his crime, and it would at least ensure a modicum of justice for Laura. We respectfully urge passage of Senate Bill 18.