

The Center for Life Without Parole Studies

*Working to abolish this cruel and
inhumane sentence*



February 18, 2020

Senator Dick Sears, Chairperson, and Members of the Vermont Senate Committee on the Judiciary

RE: Support for S.261 and concern about specific issues

Dear Senator Sears and Committee Members:

I am writing to thank you for allowing my participation in the discussion regarding the passage of S.261, to end life without parole (LWOP) in Vermont. I remain extremely supportive of the bill, but would like to address some specific issues before it is taken up for vote.

First, I strongly urge the Committee to pass the bill without an aggravated murder carve-out. When Vermont ended juvenile LWOP in 2015, it did so without a similar provision. Modern neurologic science tells us that the brain is immature and still developing until the mid-20's, and perhaps beyond. If S.261 contains an aggravated murder carve-out, people with diminished culpability due to youth would still be able to be sentenced to LWOP based solely on the nature of their crime.

However, I definitely don't mean to imply the carve-out is appropriate for anyone who may face an LWOP sentence. Including the carve-out supports the belief that there are some people who should be forever defined by their worst act, and do not deserve an opportunity to demonstrate growth, rehabilitation, remorse, and redemption. It is also important to remember that ending LWOP does not mean automatic release from prison, but only an opportunity to go before a parole board. If the board determines the individual still represents a danger to society, release will be denied and the individual will remain in prison.

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Second, from my reading of the bill, it appears that de facto LWOP (a sentence that exceeds the human lifespan if carried out in full) is still possible with the provision for consecutive sentences for people convicted at age 26 and older. For example, if a defendant aged 30 is convicted of two first degree homicides (each carrying a sentence of 35 years), he or she will receive a total sentence of 70 years and will not be eligible for parole until age 100.

If I am reading this provision correctly, then I urge the Committee to make all sentences concurrent regardless of age at the time of conviction, to avoid the possibility of de facto LWOP in Vermont.

Thank you for your kind attention and consideration to these important matters. It has been a pleasure to work with you on S.261.

Sincerely,

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Founder and CEO

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