

LIFE IN PRISON WITHOUT PAROLE (LWOP) FOR JODY HERRING IS APPROPRIATE AND MUST BE UPHOLD ON APPEAL

By Alex Sobel, Lara Sobel's father

Four brutal murders. No, actually assassinations. One of the most egregious crimes in Vermont history, resulting in a LWOP (life without parole) sentence imposed upon Jody Herring.

The arguments to uphold this sentence as fair and just, come from multiple directions. Many of these I leave to others, far more qualified than I am.

However, the assassination of a DCF worker because she was doing her job, puts this argument in a unique light. The sentencing judge heavily stressed this aspect when he passed a LWOP sentence on Herring, and it is this that I will address here.

As citizens we have chosen to live under the rule of law, managed and enforced by our judicial system. Judges, prosecutors, jurors, witnesses, police, and all public safety officers must feel safe from violence and intimidation as a result of them doing their job. Without this, society is reduced to anarchy.

In the protection of this system, many jurisdictions will impose a LWOP sentence when an individual from this group is murdered as a result of them doing their job. Such sentencing sends a clear message to society that this group is a protected group, and needs to feel safe in order to be able to do their job. The use of mandatory maximum sentencing provides such protection. A protected judiciary is at the core of a democratic and free government.

Lara Sobel, in her function as a DCF Child Protective Investigator for the State of Vermont, testified in court for the removal of Herring's child from her custody. As a result of that testimony, the judge in that case agreed with DCF and ordered the removal of that child from Herring's care. Because of that testimony, Lara Sobel was stalked, and then assassinated by Herring. Those facts are part of the official record in this case. Fortunately, Herring was apprehended at that time, and was

deprived of the opportunity of carrying out further acts of vengeance towards any others involved in that court proceeding.

Directly after this murder, DCF workers throughout the state, as well as the country, began looking over their shoulders. If this could happen to one individual, why not them? The record is clear, in that it became far more difficult for the DCF to function. It took two and a half years for the social workers of the State of Vermont, as well elsewhere, to feel that they had the fullest protection of the system, only when Herring received the maximum sentence of LWOP.

In passing this sentence, Judge Pacht made the point that judges, prosecutors, witnesses, law enforcement, and DCF workers, must feel safe if society is to function. Emphatically, he stated that intimidation and fear cannot, and must not ever enter that arena, and LWOP was appropriate. Judge Pacht opined that this calculated revenge murder was unique, in that it was **system threatening**. Plainly speaking, witnesses cannot be murdered. Such a crime could demand no less a sentence.

If there was ever a case that demanded this maximum sentence, this is the one. Notwithstanding the three other revenge murders by Herring, it is hard to contemplate a more egregious crime. Are there mitigating circumstances? Sure. There always are. Because without them, tragedies like this would never happen. But as Judge Pacht began his sentencing, one of the first things he said was that this case was one of the most difficult for him to decide, **because** of the mitigating circumstances. Therefore, he clearly took into account two and a half days of testimony of these mitigating factors. Then, **completely within his discretion** as the sentencing judge, he correctly determined that the aggravating factors in this remorseless murder carried far more weight.

In upholding this sentence, the appellate court has the opportunity, if not the responsibility to reinforce that message of the lower court. A message that is clear and unwavering. A message sent to society that the maximum deterrent is used when the system is threatened. A message that the convicted murderer of a testifying DCF worker, should receive no less a sentence. Upholding LWOP in this case is the only tool available.

. The sentencing of Herring to a LWOP sentence is proper and justified and must be upheld. The appellate court must not lower the bar of protection for that group. Our society demands no less.