

Honorable Chair Emmons and Committee Members:

Good day to you all. I am writing to address S. 18 as it is being considered by your committee. As you are all aware, the bill is intended to prohibit good time while serving a sentence on certain offenses. While the intent of the bill is understood, wanting to not provide certain more serious offenders any good time eligibility because of the crime they committed, the rush to enact the bill right now, during a pandemic, is troubling. This is because for all offenders now currently pre-trial, they are not in a position to resolve their cases because the courts are not holding any jury trials. Why is this a problem, you might ask? It is because all offenders lose any leverage to negotiate any reasonable resolution when there is no potential trial on the horizon. The sad reality of the criminal justice system is that deals are not made, particularly not in the more serious cases, until the eve of trial. The Prosecutor really has no strong incentive to do so, particularly if the accused is already being held.

This makes the passing of this bill right now inherently unfair. Again, why, might you ask? It is because clients now, and since the current law was enacted, had the benefit of good time. All of them. This benefit should remain until they can at least have a trial. This enables all persons, particularly the indigent, the ability to access the benefit of the current statute until trials may resume.

I get what many may say, "Too bad, they did this horrible crime, they should do all the time." Perhaps, but at least not until they all have the benefit of a full criminal justice system. They do not now, so I plead with you all, to please delay the enactment of this change to existing law until jury trials are able to resume in all our counties.

Thank you for your consideration and I am willing and able to speak to this further, court schedule permitting.

Respectfully,

Janssen Willhoit
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Former Vermont House Representative