

## **Statement of JoAnn Winterbottom concerning Senate Bill 18**

Thank you for the opportunity to testify on Senate Bill 18.

I am fully in support of this bill to amend Earned Good Time.

Our daughter Laura 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.

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 accepted the sentence of 43 years to life.

In support of Senate Bill 18, I wish to make 5 points:

1. 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 made it clear that he is in agreement with us in regard to this issue, and I and my family are grateful for his acknowledgement of this agreement and applaud his integrity.
2. Violent offenders and murderers should be excluded from Earned Good Time. In his attack on Laura, Montgomery committed 3 distinct crimes: abduction, rape, and murder. His violation and bludgeoning of her were deliberate, vicious, and merciless. The willfulness and savagery of his crimes should negate his right to any reduction whatsoever of his sentence. Moreover, we learned during the course of hearings that he had previously sexually assaulted at least two other women, so he was a repeat offender.
3. In the meeting of January 13, 2021 to consider amending the policy, the issue of the indelicate method used to apprise victims and their survivors of the policy was raised as well as the consideration of changing the insensitive name of the policy. While these assuredly need reconsideration, my focus is on Senate Bill 18 per se.
4. In response to the comment made in the meeting of January 13 that people can change, I respectfully submit that there is no unanimity of opinion among experts in the scientific community that all people can change. It is a complex issue involving many factors. In regard specifically to violent sex offenders, like Montgomery, there is overwhelming evidence that they do not change their proclivities and behavior. The recidivism rate for sex offenders is very high. Montgomery, in fact, is a repeat offender who progressed from sexual assaults to murder. Releasing him into the community before his full sentence is served is an assault on the principles of truth and justice that are cornerstones of an optimally functioning civilized society; and early release poses a risk that should not be sanctioned.
5. In response to the testimony given on Friday, January 15, I am feeling that, while there was verbal acknowledgement of the rights of victims, there was more concern with the rights of offenders. Words like "disparity" and "inconsistency" and statements regarding potential litigation around perceived unfair practices, and statements regarding potential complications around plea agreements were stressed, and each in reference to offenders in conjunction with

the proposal to amend Earned Good Time. In my opinion, an emphasis on the rights of offenders constitutes a gross and egregious imbalance of justice and power.

In our particular case, the reality is that Laura is a victim with absolutely no rights or power at all. Her voice cannot be heard now. She is dead because heinous crimes were committed against her. We, Laura's family, are advocating for her and urging the passage of Senate Bill 18. The current Earned Good Time Policy as it would apply to our Laura's murderer disturbs us to our core and makes us feel re-victimized. When Montgomery ended Laura's life, he forever changed my life, my husband's, her sister's, and her brother's. We, in fact, are serving a relentlessly painful lifetime sentence. Allowing him to qualify for an earlier release is not acceptable to us, and it is certainly not in the interest or pursuit of fairness and accountability.

Our request is simple and three-fold: that Vermont honor the agreement it entered upon with us when Montgomery was sentenced; that he not be given the privilege of eligibility for "good time"; and that Senate Bill 18 be passed.