

## Kayla Morse

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**From:** khmvt01 <khmvt01@yahoo.com>  
**Sent:** Wednesday, May 1, 2024 2:20 PM  
**To:** Martin LaLonde; Tom Burditt; Kevin Christie; Joseph Andriano; Angela Arsenault; Ela Chapin; Kari Dolan; Kenneth Goslant; William Notte; Thomas Oliver; Barbara Rachelson; Kayla Morse  
**Cc:** Richard Sears; Virginia Lyons; Jennifer Poehlmann; Joanne Kortendick; Mary Morrissey  
**Subject:** [External] S.192 Thursday Testimony

[External]

Hello Chair LaLonde, Vice Chair Burditt and Members of The Vermont House Judiciary Committee,

My name is Kelly Carroll. I have been a resident of Bennington since 1969. Many of you I have written to before and some of you may have seen an email about victim rights that I recently sent to the House Healthcare Committee.

I still live on that same Bennington Street where I grew up, raised my 3 children and where I buried My Emily. I cannot really put into words how Emily's 2021 murder has impacted me or the rest of Emily's family. The trauma is always there, and there are triggers – many moments where the grief almost becomes overwhelming and suffocating. I have had many such moments recently listening to S.192 testimony is some of the Vermont House Legislative Committees this past month or so..

S.192 was supposed to be an act relating to the admissions criteria for a forensic facility. I have absolutely no idea what S.192 is going to be called today after being gutted by the House Human Services and Healthcare Committees. Whatever the new name is, it's on your committee calendar tomorrow.

I hear the House Judiciary Committee is considering adding victim impact statements back into the ID provisions. The S.89 working group did not object to this. I encourage you to add this back and I thank you for considering returning that clause back it into the legislation. We should have the same victim rights as victims in criminal court cases.

I'm writing to ask you to remember that there are grieving victims behind your decisions. I know dealing with a Forensic Facility and Competency Restoration program are uncomfortable topics and ones that always seems to be included in legislation that is rushed and gutted at the last minute. Maybe that's just Montpelier politics as usual. I don't know. I do know that I'd prefer not to be involved in any of this, but I never had a choice in becoming a victim in our dysfunctional system.

As you know, the forensic facility has been **DELETED** and **REMOVED** by a couple of your counterparts in House Healthcare and Human Services. **YOUR** 2023 vote, **your** opinion, **your** voice- just like victim voices- has now been silenced and discarded. How does that feel? It sucks, doesn't it?

I'm also a confused victim. I don't understand how one Rep with lived experience partnering with the Mayor of Montpelier and Legal Aid were able to remove a forensic facility that the entire 2023 Vermont House and Vermont Senate not only passed but our Vermont Governor signed that into law last year-and they did it just by wiping out any language relating to a forensic facility and replacing it with "emergency involuntary procedures" at Essex. No real vote- just behind closed doors negotiations that resulted in the 11<sup>th</sup> hour draft 5.1 that appeared after HHS did their straw vote but before the HC Committee testimonies.

S.192 as it currently stands goes against the recommendations from the Department of Mental Health. This draft goes against the recommendations of the Department of Aging and Independent Living. This draft goes against the consensus of the Act 27 working group. And yet- with that one highlighted deletion, the forensic facility and **YOUR** voices all disappeared with ours.

The testimony presented in House Human Services and Healthcare Committees was decidedly one-sided. Victims were once again excluded, deliberately silenced, and ignored. Some who were welcomed and allowed to testify called us

“irrelevant” and “unnecessary”. I wish someone could explain to me how that small, small group of individuals get to completely discount the votes of 180 elected legislative officials and our Governor from last May. That is kind of an ass-backwards veto. That small group has more power and authority than all of you combined. You should all be concerned and a bit frightened by that. I know as a voting taxpayer of Vermont, I am.

What are you going to tell the victims?.... Sshhushh?? Your voices are now silenced for this legislative session? Why? Because **your** voices have also now been silenced? Are you going to tell us you'll work on a forensic facility in the off-session? Why? Off-session work just gets ignored and discarded. We just witnessed this when HHS eliminated the Act 27 working group recommendations. Throw in an election year and my hopes for anything else happening in the near future are dashed.

This past weekend WCAX reported that Groundworks in Brattleboro is going to tear down their existing shelter and replace it with a new 40 bed shelter. That shelter has been vacant since Leah Rosin-Prichard was brutally murdered there in April 2023. Her murderer has been determined to be not competent and the state has requested and been granted their own evaluation. That is only possible because you all supported S.3/Act 57 in 2021. Thank you for that. Remember- there are real grieving victims directly impacted by your decisions.

I don't know what Ms. Rosin-Prichard's family is feeling but I know what victims like us live with every day, and listening to that story and hearing that the State has requested a second evaluation brought me right back to the never-ending cycle of trauma that has become our family's nightmare.

I can't speak for Ms. Rosin-Prichard's family, but I can speak for Emily's – I can't believe that killers like them most likely won't end up in jail. Both cases are 1<sup>st</sup> degree murder, both murders were premeditated. I guess it all depends on how successful the defense teams are with their continued manipulation of our current system.

Vermont has no place to put her killer, just like Vermont has no place to put Pronto, Garung, or Elizabeth Teague- 30+ years in a group home. She murdered her boss, Jonathon Perryman in Bennington in 1991 and she is still in a group home refusing medications and harassing her victims today.

Maybe the VT Psych Hospital for 90 days but then what? Essex or a community group home with alert alarms on the windows or doors in case the killers try to escape? Either way it gives those murderers opportunities to harm their next victim. Vermont's lack of a forensic facility puts other patients, staff, and the public at risk, with or without EIP's at Essex.

Mr. McCullough represents Ms. Rosin-Prichard's killer. As you know he is adamantly against the "If you build it they will come" forensic facility. He has been invited and welcomed to testify in every committee that victims weren't. I'm pretty sure he will be testifying again for you. Perhaps you could ask him what VT should do with killers charged with 1<sup>st</sup> degree murder- like Ms. Mahvish-Jammeh and Pronto? Keep them in Essex for years. Like Ms. Teague?

Or maybe send them all to MissionCare Bennington? I suspect that will depend on the number of behavioral outbursts and their level of violence. Just remember dangerousness is dangerousness.

You should ask Mr. McCullough if he recommends placing those violent killers in a neighborhood group home? The longer Legal Aid keep killers like these in the MH system, the more Legal Aid benefits so my guess is that regardless of what happens with a forensic facility, Appropriations can expect the "needing more funding" for Legal Aid request. Just make sure you all support adding additional funding for the Vermont Center for Crime Victims Services too. As the MH related get out of jail free cards continue to rise, unfortunately, so will the number of victims.

I listened to the House Healthcare committee gives themselves kudo's for solving this problem with existing resources and including annual customer satisfaction surveys for the murderers. This problem is far from solved. I think they made it worse. Pay attention to the headlines around the state. It seems like all we hear about are more murders and more cases that are mental health related. The 9 beds at the VT Psych Hospital is also an existing facility and there is also room at Southern State for modifications. Although- Southern State probably doesn't have an annual customer satisfaction survey.

S.192 also includes a study to look at the cost of competency restoration. My Emily's killer has been refusing to participate in his evaluations. The doctor hired by the defense was willing to deem him not competent for that refusal. Just like he did when that same doctor deemed him not competent and released him back into the community for that attempted murder charge in 2018. Vermont really needs treatment programs and that should include a forensic facility and competency restoration.

As a victim I really hope you keep the competency restoration study but as a victim watching this process over the last 3 years I must wonder if it will even be allowed to make a difference. Even if the group were to recommend it, it's against Rep. Donahue and Legal Aides agenda so, just like the forensic facility and victim rights, any votes for it or support of it will only get removed by the HHS and HC committees and her advocates. They have THE only voice that gets listened to. Public safety isn't even taken into consideration. That voice gets invited to speak to EVERY committee and is given opportunity after opportunity to enhance the VT mental health get out of jail free program- all while keeping victim voices silent.

S.89 had a forensic facility working group last summer. That group met over 20 times. Your committee even had some representation on it. That working group supported a forensic facility but Rep Donahue, the Mayor of Montpelier and the Dept of Legal Aid all decided that group needed to be silenced, so the HHS and HHC committees had anything to do with a forensic facility removed and replaced with emergency involuntary procedures at Essex in that 11<sup>th</sup> hour 5.1 draft. Plain and simple- they manipulated the process, and they ignored the recommendations.

It appears the State's Attorneys have been silenced like victims. Why hadn't they been invited to testify at all during this process? Maybe because S.192 as it stands now, really does nothing to change the lack of public safety in VT nor does it have anything to do with a forensic facility. I must be honest, with the SA's increased case load from the close to 100 open murder or attempted murder cases in the courts now and all of the cases related to the spikes in other violent crimes all around Vermont, who can blame them for concentrating on court backlogs instead of a process which doesn't want to include that opinion in the first place.

Putting violent murderers like these in group homes with alarmed doors and windows that simply sound an alert alarm during escape attempts is not public safety at all. Just how full is Essex already? With all these open murder and attempted murder cases those 16 beds are going to fill up real fast. Then what??? What will that get out of free jail voice allow?

I cannot speak for any other victim's families, but I can relate to them. I can relate to the trauma that comes from going to court hearing after court hearing and listening to nothing but unaccountability excuses for the killer while anything relating to the victim gets purposely muffled so it remains silent. The victim impact statement needs to be added back to the ID provisions and I strongly encourage you to keep the competency restoration study, and to put the forensic facility back into S.192, even if it means hearing additional testimony in the Judiciary Committee before you vote.

My Emily is what my grandson Killian calls Emma. He was only 18 months old when she died and he has since been adopted by his foster parents. We're fortunate we get to be involved in his life. He knows he was in Emily's belly and that a bad man hurt Emily. He doesn't understand yet. I have no idea what we'll tell him when he gets older. I know I will be able to tell him I tried to give him a voice and advocate for changes so victims like him can be heard and maybe even find some justice and closure.

Thank you for reading my letter. I appreciate it. I know it's direct, blunt, opinionated, and too long, but these letters are the **ONLY** voice My Emily and I currently have. Please change that.

Thank you.  
Kelly Carroll  
#JusticeForEmily

Hello Kayla- Can you please include my comments in with the documentation already submitted to the committee by others? If you need me to pdf it or send it in word please let me know and I will. Thank you very much!  
Kelly

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