

THE MELANIE ILENE RIEGER Memorial Conference Against Violence



CoChairs Lawlor & McDonald and members of the Judiciary Committee. My name is Dr. Samuel Rieger. I am past president of Survivors of Homicide and president of the Melanie Ilene Rieger Memorial Foundation and chair of the Melanie Ilene Rieger Memorial Conference Against Violence, the most definitive conference of its kind in the United States.

My beautiful 19 year old daughter Melanie was brutally strangled to death in our home by her ex-boyfriend on **May 24, 1994; May 24, 1994**. He was tried in January 1996, found guilty of murder on Jan. 30th and sentenced to 60 years in jail 6 weeks later. He is still eligible for "good time", which will cut about 1/4 off his sentence. Inmate #230602 has already had many appeals; the latest being before the CT Supreme Court this Feb. 10th 2009. We were told we will have to wait 3-6 months for their decision. It had been 10 years prior that our case had come before the CT Supreme Court for much the same reason. The motion was denied and his conviction was upheld.

His first Habeas was heard in Rockville on Dec. 8, 2003 by Judge White who denied the claim and dismissed the petition. It was at this habeas trial that inmate #230602 stated to the judge that just because he murdered his girlfriend was no reason for him to serve 60 years in jail. On Jan. 26, 2004, the habeas court denied the inmate's petition for certification to review its decision dismissing the petition for writ of habeas corpus. There have been several other appeals in this case. We have been told that several other appeals have already been filed in this case and are pending.

When is enough, enough? There is no new evidence and will never be any. The evidence was sufficient to convict him several times over. He has been essentially appealing the same set of facts in this case, to no avail. When will Wanda and I have some rest from the criminal justice system? Haven't we suffered enough at the hands of inmate #230602? He took a wonderful, vibrant young lady from society. She had already decided on a career in human services/social work and was pursuing her studies. She had volunteered at soup kitchens, elderly housing, helped with newborns,

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etc. What has inmate #230602 ever done for society? Haven't we suffered enough abuse at the hands of the criminal justice system for the supposed rights of this violent criminal? Isn't there anyone who has enough "guts" and fortitude in the system to stand up and say enough is enough! May 24th will mark 15 years that Melanie was murdered. Do we have to wait until either he dies or we do to get some relief from the criminal justice system?

Wanda and I are in favor of Raised Bill #6705. We favor the following:

- 1) Limitations on habeas appeals; 30 states have them 5yrs from judgment of conviction. Ex: Pennsylvania, New Jersey, Virginia, Maine, Ohio, etc.
- 2) We favor the fact that a habeas petition cannot be brought if the individual had the claim raised before on the same grounds which was decided on merit or procedure.
- 3) Repetitive habeas petitions should not be allowed.
- 4) An individual cannot bring a habeas if using the same evidence at trial.
- 5) The Court should have the discretion not to hear a habeas petition if the evidence does not warrant it.
- 6) Ineffective assistance should not be grounds for a second or subsequent appeal.
- 7) Habeas Trials should be held in the Judicial District where the trial was held not in distant Rockville.

Another aspect of this problem is the cost to State of CT taxpayers. Inmate #230602 is now represented by a Special Public Defender from Massachusetts. I understand that CT Public Defenders do not wish to take these appeals so they hire these Special Public Defenders who cost the taxpayers a considerable amount of money (85% of these appeals are done by Special Public Defenders & about 1050 cases). They are willing to say anything in court to continue their CT "gravy train". I will not detail the comments this attorney made before the CT Supreme Court. In these hard economic times, you owe it to CT Taxpayers to reduce the burden on them, especially for these frivolous matters. Beyond these attorneys, you also have the costs of a State's Attorney, Judge or Judges, various clerks, marshals, transcriptionists and

various other court personnel, not to mention the cost of operating the courthouse and the transportation of inmates, which puts the correction and court staff, as well as the public at risk. If these frivolous appeals were eliminated, the judges, attorneys, clerks, marshals, transcriptionists, etc. would be able to work toward clearing the backlog of pending cases to make the criminal justice system more efficient and save the taxpayers a great deal of money at the same time.

I implore the members of this committee to move this legislation along so that it will become law. Homicide Survivors have suffered enough at the hands of those who needlessly killed our loved ones. It is time to stop our suffering at the hands of the criminal justice system. Wanda and I have suffered greatly from the loss of our beloved Melanie. We will never see her age, get married, have children, provide great support to those less fortunate than she, graduate from college, etc. Things we take for granted when we have children. Inmate #230602 selfishly took that away from us. He should no longer have the power to do further harm to us and all the other Homicide Survivors facing these same limitless appeals, by continuing to file these ridiculous, costly appeals which have absolutely no merit. On behalf of all Survivors of Homicide, I thank you for your attention and your support.

Samuel L. Rieger, Ph.D.

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