

SB 1035

~~HB05036~~

~~An Act Concerning The Abolition of the Death Penalty~~

Repealing

~~SB00794~~

~~An Act Concerning Death Penalty Appeals~~

*Testimony of Kimberly Sundquist*

*March 7, 2011*

Representative Fox, Senator Cole and distinguished members of the Judiciary Committee, My name is Kimberly Sundquist and I am here today to testify in opposition to the Act Concerning the Abolition of the Death Penalty and in support of the Act Concerning Death Penalty Appeals.

For the record, I am the former president for Survivors of Homicide, a position I held for 3 years following the tragic murder of my beloved Uncle Jerry Timmons Barnette on September 11, 2003. My position regarding this bill in no way reflects the position of SOH since we, as a whole, do not take a position on the death penalty. My words today are of my own opinion regarding this matter. Because my uncle's case ended without justice served, I have made it my mission to fight for those who should be considered, yet are far more often forgotten about through the process.

I am fully aware of the committee's position regarding the death penalty and that the abolition of the death penalty was indeed passed by both our house and senate before it was vetoed by the former Governor Rell. I also know that with the election of Governor Malloy, the possibility of the committee doing anything other than recommending the House and Senate to do the same this year would be nothing less than a miracle. But before you do, please allow me to attempt to provide you with common sense. As a woman who has experienced such trauma herself, I hope you take me seriously.

I do agree that the death penalty does not work. But unless you look at the laws we have in this state that lead up to the ineffectiveness of the death penalty, then you have not done your job. You look at one aspect and say it doesn't work. Your solution is to simply abolish it. What about looking at the appeal process or the games lawyers and inmates are allowed to play just to delay the inevitable before you go to such extremes? We are victims and are not out for revenge. Once everything has been taken from us, we have nothing left except for our quest for justice.

This argument came to blow after the Petit Home Invasion. It infuriates me to see how the defense attorneys have been allowed to play games which mock our entire criminal "injustice" system. They speak about the rights of the accused and their lack of knowledge of them. Funny, even though one of the perpetrators in this case may have confessed to the crimes before his rights were read to him, was he not arrested many times before in which he was most certainly read his rights which included the right to remain silent? They also have put the state prosecutors and Dr. Petit himself on the defensive by saying that if they had agreed to exclude the death penalty as a form of punishment that they would have plead guilty. I don't believe that for a minute. They would still defend their clients regardless if the death penalty was taken off the table or not. They have spoken about questioning the legality and morality of the death penalty. I find it funny since they are obviously not the poster children of morality and they did not give their victims the same courtesy. Why has it been allowed that these lawyers could re-victimize Dr. Petit the way they have when their clients did an unthinkable act that cannot be undone and caused pain to so many people. I don't care if these offenders are fearful for their lives or that their living conditions are less than adequate. They are cold blooded murderers who traumatized and killed 3 beautiful women, 2 of them children. Who I care about is Dr. Petit and his quest for justice. Furthermore, I believe that these criminals should be moved to the general population of the prison. I don't see why we protect criminals who are more than obviously guilty. Prison is supposed to

be a place where criminals pay their debt to society and it is not supposed to be a place someone aspires to take residence.

I am not implying that all murder cases should be death penalty eligible. But in certain cases such as the one in which 2 men invaded a home and killed children after torturing them for hours, I absolutely believe they should be put to death and sooner rather than later. If they are not, they are looking at minimally 3 life sentences. A life sentence in CT is a mere 60 years, in which case, the accused are looking at a minimum of 180 years and they obviously will never be released. But I do not want my tax dollars going to feed or house these men for one day never mind 180 years. And I certainly don't want to pay for their defense or countless appeals. I would like my tax dollars to go toward their execution so that Dr. Petit could have justice. He is the victim here. He should have a say as to how these people should be punished. I ask you all to picture your own families going through what his family went through in their last hours. What would you want? I will say it again...it isn't about revenge; it's about justice.

I beg you to look at ways to make the death penalty work rather than just simply abolishing it. We need to streamline the process. We are one of only a few states who do not include a statute of limitations on the appeal process. You have an obligation to society and to victims. I guarantee if you put this to a vote, most CT residence would support my position regarding these 2 men. Please don't play God with us and take away the right to justice of future heinous crime victims as they see fit. Unless you have lived in Dr. Petit's shoes or imagined facing the grief he is now forced to face on a daily basis, you cannot know what it's like. If you repeal the death penalty, you will send the message that justice for victims of heinous crimes don't matter to you as is so often the case in the "injustice system".

The death penalty has an added benefit I would also like you to consider. It can be used as a bargaining tool when seeking all parties involved in a crime. One of our members stated to me how without that possibility on the table to bargain with someone connected with her husband's murder, they would never have been able to catch the one person they needed. This not only protected the public, but it brought justice to a family that waited a very long time for that trial. Not only can the death penalty be used to bring finality of justice to families who lost their loved ones, but it can bring further justice to those criminals that might otherwise get away with murder if criminals can be spared the death penalty in exchange for naming the one we really need.

In the end, when the evidence so severely points to the defendant such as DNA or caught in the act proof and there is no question as to if he or she committed the crime, and in extenuating circumstances such as the Petit case, I would hope, rather than abolishing the death penalty, we use common sense to use the consequence sparingly. Outline the law in matter of fact terminology as to when and why it would be used. Limit the amount of time for which appeals can be filed. And follow through with sentencing when proper procedures have been followed. Don't forget about the victims while the criminals are being protected in these safe havens we call prison. Allow us to have a say in how we would like to see justice served. Without doing all of this, criminals will continue to push the envelope, overstep boundaries, and their crimes will elevate in severity.

I would like to leave you with a few last thoughts. All victims, especially Dr. Petit, have to live with a life sentence because of the actions of their perpetrator. Even if their bodies survived and they are still breathing, most victims would agree that who they were before the crime took place is not the same person they are today. They would say that they were also murdered the day their lives were shattered. We suffer, we cry, we miss our lost family and we are scared of the world around us. Why must we endure a lifetime of pain and suffering with no regard as to how we feel while these guys are sitting in jail, being protected, fed 3 times a day, given better medical treatment than I can ever hope to receive and provided with unlimited counseling? Unless you can rebalance the scales of justice, you have failed. Enough is enough.

Thank you. I would be happy to answer any questions the committee might have.