

SB 1035

~~HB05036~~

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

~~SB00794~~

~~An Act Concerning the Death Penalty Appeals~~

Testimony of Linda Binnenkade

March 7, 2011

Thank you for providing me the opportunity to speak today.

I am here today as a proponent of the death penalty. Based on first hand experience with the judicial process and having family murdered I believe I offer a different perspective and one that we do not hear when this issue is debated. I ask you today to listen and hear the message of why it is critical to maintain the death penalty.

Up front I will acknowledge there are issues where both sides agree on with the death penalty debate. I agree it is not a deterrent - never was never will be; I agree it is costly, however, there are things we can do to lessen the cost such as shortening the never ending appeal process; I agree it can re-victimize the survivors but we often forget about the true victims who are already dead. Survivors are willing to endure the court process in seeking justice for the loved ones we lost. Debating the cost, deterrent and victimization are items we should be taking out of the debate as I would argue both side agree.

What I've learned through my experience is that the death penalty has nothing to do with death or killing people. The death penalty is a critical 'tool' that our prosecutors need to keep the worst of offenders behind bars where there is absolutely zero chance they will ever be freed and given the opportunity to murder again.

In 2003, my brother-in-law, Barry Rossi, his business partner and my friend Robert Stears along with their employee Lorne Stevens were murdered at B&B Automotive in Windsor Locks . As the three of them were closing up shop and getting ready to go home to their families a person walked into the business they had worked so hard to establish and forced them to lie down on the greasy cement floor where he , without conscience, blew their bodies apart and ended their lives within seconds. Three very giving, gentle, family men had their lives deliberately ended in a cruel manner and left hundreds of individuals and a community forever changed. Why did the shooter do this - the promise of a lousy \$2,000 dollars.

Until this day of the murders I had an idea of what evil was said to be and like most people thought I was immune from it. On July 30, 2003 I entered into the world of evil, real evil, learning that it is not an abstract concept but

rather a living reality and that there are humans walking among us that are pure evil driven by greed and lack of conscience/remorse. Two of those individuals are Jose Guzman who put the 7 bullets into Barry, Bobby and Lorne. The other is Ben Cipriani who ordered them dead. Both are extremely dangerous and evil beings. Until you look into their eyes and experience the acts of their will you could never imagine the force of that evil and the destruction that brings them so much pleasure. For both these cases the death penalty was on the table. It worked both for us and against us.

With Cipriani, who fled to Italy, it took 4+ years to get him back to the United States to face his actions because Italy does not believe in the death penalty. The death penalty had to be taken off the table in order for Italy to send him back. Had we not had the death penalty we may have been able to get him back here years earlier. Despite that it did not alter our views on the death penalty.

With Guzman who was charged with Capital Felony of which the death penalty is one of the sentences, the death penalty worked to our favor. For whatever reason those that commit these horrible acts are afraid to sit on death row the rest of their lives. It is not the death they fear as they would welcome the death. They fear sitting on death row in isolation with no privileges for the rest of their lives. Because so prosecutors are able to use the death penalty as a bargaining chip. We needed Guzman to testify against Cipriani. Without Guzman's testimony it would be questionable if we could get a conviction on Cipriani. Guzman agreed to testify if the death penalty was taken off the table. This enabled the conviction of Cipriani while maintaining Guzman behind bars the rest of his life. It also saved the State the cost of a trial for Guzman – a cost saving often overlooked by those that oppose the death penalty and use cost as an argument.

Looking at this same scenario if the death penalty were not an option the only bargaining chip that prosecutors would have had with Guzman to get him to testify would be to reduce the life sentence which would probably equate to less than 40 years (as 60 is considered life) and he would one day be walking the streets again. Another could be that he would choose not to testify requiring a trial and the costs of that and the reality that Cipriani might not be convicted. Both, dangerous to society as murders, would be put back out on the street where they are able to murder again, and they will. The cost of more lost lives is too high a price for society to pay. This is not an option we should be striving for.

We have an obligation to provide our prosecutors the tools they need to keep our streets safe and render justice for victims. The death penalty is one of those tools and one that is required for the most heinous crimes. Without it

prosecutors would only have life in prison to bargain with and this will without doubt put murders back out on the street.

The reality is we execute very infrequently and those we have are not human. Michael Ross was pure evil and destroyed hundreds of lives and had no remorse for what he'd done. Given the opportunity he would do it again. This is not a person being put to death it is an evil entity that God teaches us to fight. Why we would fight so hard to maintain this life is a direct devalue of the victim's lives he so brutally took.

The reality is that these murderers are afraid of 'death row' not the actual execution. And this works extremely effectively as a tool for our prosecutors. I ask that you do not take away this critical tool they need.

In closing I would offer an alternative solution that may be agreeable to both sides in honor of my brother-in-law Barry Rossi. While I do not want to see the death penalty abolished there may be an alternative that could satisfy both sides and still be an effective tool for prosecutors while putting an end to this endless and costly debate.

The Rossi Resolution: Maintain Death Row as a punishment and remove the 'execution of death'. Through my direct experience these murderers are afraid of spending the rest of their lives on death row not death itself. Replace the sentence of death with the sentence of life on death row.

Thank you for the opportunity to be heard.

I'd be happy to address any questions you may have.