

## **RE: Raised Bill #5554: AN ACT CONCERNING HABEAS CORPUS REFORM**

Co-Chairs Coleman, Fox and members of the Judiciary Committee:

My name is Dr. Samuel L. Rieger. I am past president of Survivors of Homicide, current president of the Melanie Ilene Rieger Memorial Foundation and chair of the Melanie Ilene Rieger Memorial Conference Against Violence, the most educational & emotional Conference of its kind in the U.S. The Conference will be held at CCSU in New Britain on May 30th & 31st, 2012. I cannot be present this morning to testify before you as I need to be in Pennsylvania babysitting for our two granddaughters.

My beautiful 19 year old daughter Melanie was brutally strangled to death in our home by her ex-boyfriend on May 24, 1994. He was tried in January 1996, found guilty of murder on Jan. 30th and sentenced to 60 years in prison 6 weeks later. He is eligible for "good time" which will cut about 1/3 off his sentence. Inmate #230602 has already had many appeals. A Habeas was heard before the CT Supreme Court roughly 10 years ago. That body has just held another Habeas on Feb. 10th, 2009. Various other appeals have been heard in the Rockville Court. It would seem that these appeals have all been in reference to the same claims, rephrased and regurgitated many times over. Fortunately, these courts have seen the frivolousness of these claims and denied them all.

I appeared before this Judiciary Committee about one year ago regarding the limitation of Habeas petitions. I would like to see this extended to the limitation of all appeals as they are mostly without merit and a waste of the taxpayers money. I am not an attorney. I am merely a homicide survivor, having lost something very special and irreplaceable to my wife Wanda and myself. Those of us who have suffered the indescribable loss of a child at the hands of a selfish, menace to society, would never wish this on anyone. It is a horrific event from which one never recovers. I know that death, especially a murder, is most difficult to deal with. But, how can the system care more about the perpetrators than their victims? We did not choose to become victims or survivors. It was the perpetrators that made the conscious decision which placed us in our current state. Just imagine if you lost someone to a violent act. How would you feel? Certainly, you and your family members have a much greater chance of being victims of violent crime than becoming perpetrators!

We are further victimized by the existing criminal justice system, as there are no limits placed on appeals. The perpetrator has nothing to lose and actually gains by having a day out of jail; blowing kisses and laughing with his relatives, right in front of us. We will never be done with these worthless appeals until he dies or we do. Why can't we expect the system to relieve us from this repeat victimization it causes us?

Melanie was a wonderful, vibrant young lady who had already spent part of her young life helping those less fortunate than herself. She was pursuing a degree in social work/psychology and had already volunteered at soup kitchens, elderly housing, helped with newborns, etc.

Wanda and I would favor raised bill 5554 and would favor the following:

1) Limitations on habeas appeals; 30 states have them with limitation of 5 yrs from judgment. EX: Pennsylvania, New Jersey, 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 local jurisdictions, not Rockville.

I implore this Committee to move this legislation so that it will become law. Homicide Survivors have suffered enough at the hands of those who killed our loved ones. It's time to stop our suffering at the hands of the Criminal Justice System. Wanda, I and our family have suffered immeasurably by the loss of our beloved Melanie. We will never see her age, get married, have children, graduate from college, or the many other life long functions we all take for granted. Inmate # 230602 selfishly took that away from us. He and all those who have committed murder and other horrendous crimes should no longer have the power to do further harm to us and all the other survivors/victims of horrendous crimes, by continuing to file these ridiculous costly appeals which have no merit. Roughly 85% of these appeals are filed by Special Public Defenders who are not full-time state employees, at additional cost to CT taxpayers. In these hard economic times, you owe it to these taxpayers to reduce the burden on them, especially for these frivolous matters. Beyond these attorneys, you also have the cost of State's Attorneys, Judges, various clerks, marshals, transcriptionists and other personnel, not to mention the cost of operating the courthouse and the transportation of inmates. If these appeals were eliminated, these personnel could 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. On behalf of all Survivors of Homicide and other victims of crime, I thank you for your attention and urge you to finally grant some peace and solace to us for the remainder of our lives.

*Samuel L. Rieger*

Samuel L. Rieger, Ph.D.

The Melanie Ilene Rieger Memorial Foundation and Conference

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