ROUGH DRAFT

TESTIMONY IN SUPPORT OF H.B. 5546: AN ACT CONCERNING SENTENCE MODIFICATION OF JUVENILES

Greetings. My name is Nicholas Aponte, and I am incarcerated at the MacDougall-Walker Correctional Institution in Suffield. I submit this testimony, sworn and signed, in support of House Bill 5546.

Since the beginning of my incarceration in 1995, my journey has been one of redemption, personal and intellectual growth. I have aged from a seventeen year old teenager to a 34 year old man. Through many difficult and triumphant experiences, I grew from an immature adolescent to a compassionate, mindful adult.

Despite the culture of incarceration and its non-conduciveness to change, I remained humble, hopeful, and discovered myself. From the unconditional love and support of my family, to the guidance and direction of great people gracious enough to see past my status as an inmate, each person contributed to the evolution of my intellectual and moral maturity. Along with a formal education and personal enrichment learning, I gained what was needed for the self-edification in affirming my value as a thinking, rational, decent human being.

With the possibility of a second chance through H.B. 5546, hope is renewed in the opportunity for me to redeem myself to my family and society earlier than expected. The following are summaries of categories related to my incarceration. If you wish for more information, please inform me. Hopefully they will assist your understanding of my position and gain your support.

· BIOGRAPHY (Pre-Arrest)

I was born on December 11, 1977 to a sixteen year old single mother. She would eventually marry my step-father when I was two years old. I have never met or seen a picture of my biological father. My step-father and I would never establish a relationship of love and trust due to his perennial physical, verbal, and emotional abuse of me. The enmity between he and I would persist throughout my young life. I would become the oldest of three siblings, all brothers. We lived relatively below middle class and moved several times as I attended three elementary schools, two middle schools, and two high schools.

Through the different schools, I earned above-average grades. Also, since the age of 10 years old I worked consistently in several jobs. The included newspaper delivery, baby sitting, landscaping, janitorial, and restaurant related positions. Despite my history of successful grades in school and maintaining employment, my step-father increased his abusive acts. By the age of sixteen years old I was dismissed from my house by him when I stole his favorite ring out of retaliation. That same year, my son was born, I removed myself from school, and began working full-time. One year later, I was arrested for felony murder.

· CRIMINAL CONVICTION

From 1995 to 1998, I waited until I was brought to trial, found guilty, and sentenced to 38 years of imprisonment for being an accomplice to an attempted robbery and felony murder. Involved in the crime were my younger brother,

• CRIMINAL CONVICTION, continued

Miguel Rodriguez (14 years old), Adam Strong (15 years old), my cousin, Jason Casiano (16 years old), and myself (17 years old). The accompanying newspaper article dated May 1, 1998 provides details surrounding the crime. I possessed no weapon, and evidence was presented of duress and my attempt to withdraw from the ~~[illegible]~~ crime.

• EMOTIONAL GROWTH

During my sentencing hearing, the judge made a comment in which although he could not question the sincerity of my remorse, he did believe that I did not understand the severity of my criminal involvement and the value of a human life. This comment left an indelible impression on my mind and bothered my heart.

From the beginning (my arrest) I expressed remorse, admitted involvement to the crime, and was willing to plead guilty (35 years was the minimum offered to me) despite the mitigating factors of age and the duress put on me to participate in the crime. But the sentencing judge was correct. I was still young, and even with the shame and guilt I was experiencing, my understanding was superficial and lacked depth as only someone so young can typically be.

My first three years of incarceration were incredibly difficult while at 140 pounds I tried to protect myself and adjust to a violent prison atmosphere where I had several fights and acts of disobedience. This included a broken jaw and face that required surgery and extended recovery as I tried to make sense of being an incarcerated father, son,

• EMOTIONAL GROWTH, continued

and brother. Any attempt to revisit the night of my crime to gain understanding was quickly supressed because of the overwhelming guilt that I participated in something that resulted in a person's death.

It would eventually take eight years of incarceration before I can learn how to grieve properly and address all of these layers. The impetus of my growth began on that sentencing day with the words of that judge. I was determined to make certain that I realized with profundity the suffering of the victim's family, my family, and my internal dilemma. With an increasing renewed understanding, life's lessons were clear as I realized the capacity to learn and redeem myself. This emotional growth became the foundation of my maturity.

• INTELLECTUAL GROWTH

Through institutional programs I earned several certificates of completion and a G.E.D. With the financial help from family, I earned an Associates degree, and I'm currently completing courses towards a Bachelor's degree in psychology.

• PERSONAL GROWTH

With training, I became a peer mentor, optical lab technician (1998-2000), industry shop clerk and database creator/manager (2000-2006), bereavement and hospice volunteer (2006-present), and a Certified Nursing Assistant (2008-present). I've taken great pride in being of service to others through volunteerism and care providing.

· CONCLUSION

" Those who work in prisons confirm that people who commit crimes as kids are not "cold-blooded predators" 30 years later, but grow to become compassionate and insightful peer mentors, hospice workers, hospital aides, students, educators, and role models." - Quinnipiac University School of Law Clinic

There is no person that can successfully argue I have the same value system and thinking capacity I once exhibited as a teenager. Being a care provider has cemented a place in my heart. If given the opportunity for early release, I will commit to this field and become a Registered Nurse. Volunteering is a personal mission I will continue to partake in, whether that be in hospice, helping troubled youth, or another area. Extending my education further towards a Master's degree is also an accomplishment within reach.

What life has to offer I will accept with humbleness, especially the opportunity to be a father, son, brother, and friend not afforded by incarceration. Your help is precious, and not only affects me but so many others. Thank you for your time. You have my undying gratitude.

Respectfully Submitted,

Michael Capt

Suspect's brother says ringleader acted 'crazy' before fatal robbery

Appeal 30 May 1, 1998

By Randall Beach
Register Staff 5/1/1998

NEW HAVEN — Was Nicholas Aponte a willing participant in the robbery attempt that killed a North Haven Subway clerk in 1995, or was he forced by his gun-wielding cousin to go into the place?

During the second day of Aponte's trial Thursday in Superior Court, testimony by Aponte's brother made it clear the defense will seek to prove Aponte acted under duress.

Aponte, 20, of Waterbury, is charged with felony murder in the August 1995 death of David Horan, a 28-year-old Manchester resident. Aponte also faces charges of attempted first-degree robbery and conspiracy to commit first-degree robbery.

Although the man who shot Horan was Aponte's cousin, Jason Casiano, who lived with Aponte in Waterbury, Aponte was hit with the murder charge because he allegedly participated in planning and carrying out the robbery attempt that led to the slaying. Casiano pleaded guilty to murder and is serving a 50-year prison sentence.

Two others were in the car that night with Aponte and Casiano: Aponte's brother, Miguel Rodriguez, who was then 14, and Adam Strong, then 15. Both of them made agreements with prosecutors in order to have the murder charge dropped and receive reduced sentences. Rodriguez is serving a 15-year sentence, to be suspended after seven years.

Rodriguez came to court Thursday to testify about the shooting. But Assistant State's Attorney James Clark grew increasingly angry over Rodriguez' contention that he and Aponte went into Subway because Casiano was threatening them by acting "crazy" and waving a gun in Aponte's face.

Rodriguez said that the night of the visit to Subway, Casiano called him into a room at the Waterbury apartment they shared with Aponte, and told him about the robbery plan. Rodriguez said Casiano told him that he and Strong would be needed for backup help.

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Testimony: Ringleader acted 'crazy,' waved gun

Pg 2 Appeal May 1, 1998

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Rodriguez testified that after they parked across the street from Subway, Strong went in as a scout. When he came back and said there was one customer, the four waited a while longer in the car and began to argue, Rodriguez said.

"Jason kept drinking malt liquor," Rodriguez said. He added that Strong decided he didn't want to go back into Subway and Aponte also had "second thoughts."

"Jason waved the gun and pointed it toward Nicholas," Rodriguez testified. "He said, 'You're not punkin' out on me now. We're family, we've got to stick together.'"

Rodriguez said Strong remained in the car while the other three went into Subway. "Jason jumped over the counter and told the clerk, 'Open up the cash register, open up the safe.' The clerk was arguing with him. He said, 'I can't do it, it's locked, I don't have a key.' Jason had the gun in his face. He said, 'I'm giving you your last and final warning.'

"Then a shot went off and a couple more after that," Rodriguez said. "The first shot hit him in the cheek. He keels over and gets shot a couple more times. The clerk got up and ran outside."

Rodriguez said that as he, Aponte and Casiano also ran outside to flee, "Nick said, 'What the hell . . . what'd you shoot him for? You didn't have to hurt nobody.'"

> **"Jason waved the gun and pointed it toward Nicholas. He said, 'You're not punkin' out on me now. We're family, we've got to stick together.'"**
>
> Miguel Rodriguez
> Aponte's brother

However, Clark noted discrepancies between Rodriguez' testimony and his written statement to Clark in November 1996. Clark pointed out that Rodriguez said very little about Casiano "threatening" Aponte before they went into Subway.

"You love your brother and you're doing everything to minimize his role in this, aren't you?" Clark asked. Rodriguez said he was merely elaborating on what he had said in 1996.