

**CCDLA**  
**"Ready in the Defense of Liberty"**  
**Founded 1988**

**Connecticut Criminal Defense  
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March 3, 2014

The Honorable Eric D. Coleman  
The Honorable Gerald M. Fox.  
Chairmen  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

**Re: Raised Bill 5221, An Act Concerning the Recommendations of the  
Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes  
Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted  
of Certain Felony Offenses - Testimony of The Connecticut Criminal Defense  
Lawyers Association by John Walkley, President**

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Dear Chairmen and Committee Members:

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA supports Raised Bill 5221, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses. Raised Bill 5221 is intended to provide for automatic review of sentences of ten years or more served by persons who were under eighteen years of age when they committed their crimes. Numerous scientific and social studies have demonstrated that the teenage brain is not fully developed. The juvenile brain is immature and, by nature, more susceptible to impulsivity and impassioned behavior than an adult brain. Society's imposition of various restrictions on young people, such as voting, driving, and drinking ages, demonstrates that we do not recognize teenagers and young people under a certain age as having sufficient judgment or control to take on these responsibilities. While the teenage brain is developing, it presents the remarkable ability to change and mature. Requiring a person to serve the majority or entirety of a lengthy sentence or a sentence of life based upon a snapshot of who he or she was as a teenager, ignores the probability that the individual will change significantly as he or she reaches adulthood.

Collectively, the members of CCDLA have represented countless young people charged with serious felony offenses, some with the most serious. We do not always have the opportunity to see how they all turn out, whether they receive lengthy sentences or not, but we do know where many of these young people started. The majority of young people who I have represented who were convicted of serious felony offenses and are serving lengthy sentences, did not have a chance to begin with. Born into families where their mothers were children themselves or where the family unit was decimated by drug

addiction, crime, and incarceration, these children never learned another way of life. They never knew how an intact family unit can be or parents who instilled in their children the importance of education and healthy lifestyles. They never knew or appreciated neighborhoods where crime and gangs weren't accepted, and often survival, activities. We, as a society, cast them out because of the gravity of their offenses, but we have failed to look at the entire picture and then to see how that picture changes as the child matures.

Accountability for a child has to be different from accountability as an adult. Our laws protecting children bear this out. The age of consent for sexual intercourse in Connecticut is 16, yet somehow we think a 14 year old is culpable and mature enough to receive a life sentence. If we believe that children are not able to make reasoned and responsible judgments related to their bodies, driving, voting, and drinking, before attaining the ages of 16, 18 and 21, respectively, how can we assume that their judgment and culpability are comparable to those of an adult when they commit a crime? Raised Bill 5221 gives these young people another chance at life: To live as mature, responsible, and productive members of society after demonstrating that they can do so without violating the law.

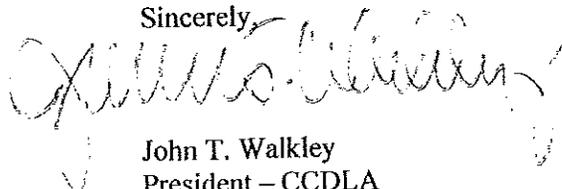
Another important aspect of Raised Bill 5221 is its language amending the Connecticut General Statutes to comply with *Miller v. Alabama*, 132 S. Ct. 2455 (2012) with respect to the sentencing of children under the age of 18 to sentences of life in prison without the possibility of release. A sentencing court is obligated to consider, not only the nature and circumstances of the offense, but the characteristics and circumstances of the offender, whether they be a child or an adult. Codification of *Miller v. Alabama* ensures that courts adhere to that obligation with respect to children and requires courts to recognize that the criminal conduct of children may be mitigated by a number of considerations including age at the time of offense, history of trauma, abuse or neglect, mental illness or substance abuse, intellectual capacity, educational background, etc. Certainly, courts may consider and do consider these factors in the adult sentencing process, but Raised Bill 5221 would ensure that courts consider these factors when sentencing a child in applicable circumstances.

The United States Supreme Court has long recognized that children are different, "[they] have diminished culpability and greater prospects for reform, ... [they] have a lack of maturity and an undeveloped sense of responsibility, . . . [and] a child's character is not as well formed as an adult's . . ." *Roper v. Simmons*, 543 U.S. 551, 569-570 (2005). Sadly, the United States is the only country in the world that sentences its children to sentences of life without the possibility of release. Raised Bill 5221 demonstrates our recognition of the difference between an adult and juvenile offender, allows for the consideration of mitigating factors in sentencing children based on those differences, and permits us to revisit those sentences at a future point in time to see if release to parole is appropriate in any given case. The bill does not guarantee release, it merely affords an opportunity for a hearing at which victims and others would have a chance to speak prior to any decision that is made. HB 5221 balances the interests of all parties involved.

In last year's legislative session, the House of Representatives voted 137 to 4 to pass HB 6581, last year's version of the juvenile sentencing bill. Unfortunately, that legislation was not called for a vote in the Senate before the 2013 session ended. We are hopeful that what started in last year's session can be completed in this one. CCDLA supports the passage of this bill and encourage you to support it as well.

Please contact me if you have any questions regarding our position on these bills. Thank you.

Sincerely



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