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Testimony of Garvin G. Ambrose, Esq., State Victim Advocate  
Submitted to the Judiciary Committee  
March 3, 2014

Good day Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised House Bill No. 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.*

As many of you are aware, the Office of the Victim Advocate (OVA) is an active member of the Connecticut Sentencing Commission (CSC). In that post, the OVA has worked diligently throughout the process to develop a balanced proposal that not only reflected the mandates of the U.S. Supreme Court decisions of *Graham v. Florida* and *Miller v. Alabama* concerning the sentencing of juvenile offenders, but that also finally considered the trepidations of the victims of crime that are impacted by such mandates. The proposal before you today does not create that balance. Unfortunately, the language of Raised House Bill No. 5221 is not the most recent recommendation from the Sentencing Commission that was adopted by consensus of the members, including the OVA, on December 19, 2013. The OVA respectfully urges this body to wholly reject Raised House Bill No. 5221, or at a minimum, to adopt the consensus agreement presented by the Sentencing Commission.

The OVA does recognize that certain factors, including family circumstances, peer or social pressures, and biological factors may sometimes influence the criminal conduct of some juvenile offenders; the OVA also acknowledges that the sentencing of these offenders deserve some special considerations as outlined by the Court in *Miller v. Alabama*. That being said, it remains the OVA's position that Raised House Bill No. 5221 goes far beyond the mandates, or even the spirit, of the U.S. Supreme Court's decisions, and therefore must **OPPOSE** the proposal as drafted.

Today's proposal runs afoul of the U.S. Supreme Court's holdings in both *Graham v. Florida* and *Miller v. Alabama* – cases that call for restraint in the promulgating and implementing of sentencing schemes so severe that a juvenile offender will likely spend **most**

**or all of his life in prison.** These cases reflect the importance of giving juveniles both a meaningful opportunity and incentive to rehabilitate, as well as a chance for release. These cases do not, however, call for vast overhauls of juvenile sentencing nor do they require any State guarantee the release of juvenile offenders as Raised House Bill No. 5221 intends. Likewise, *Graham* and *Miller* **only** address **lengthy** sentences for juveniles; a sentence of ten or twenty years for some of these heinous crimes can hardly be considered unjust or lengthy --- as proposed here.

Moreover, in adopting a categorical rule against the imposition of life sentences without parole in juvenile non-homicide cases, as in *Graham*, and the imposition of life without the possibility of parole, as in *Miller*, the Courts carefully weighed both the nature of the offense and the nature of the offender. Raised House Bill No. 5221 gives far too little weight to the former and too much weight to the latter by guaranteeing those juveniles, convicted of the most heinous of crimes, eligibility for parole release after serving just a mere fraction of their court-imposed sentence. Furthermore, this proposal makes sweeping eligibility guidelines for parole release regardless of the number of crimes for which the juvenile offender has been convicted.

Under the proposal before you, a violent criminal like Jamaal Coltherst, who was just 126 days shy of his 18<sup>th</sup> birthday, merely six hours out of prison when he went on his violent crime spree, was convicted of numerous violent crimes, including murder, and sentenced to an aggregate of more than 200 years in prison on several cases, would be guaranteed a parole hearing, and potentially be granted release, after serving only 30 years of his sentence. Most disturbing is that this proposal would mandate perpetual parole release hearings for this criminal and others, if denied release at the first parole hearing, at the cost of re-victimization for the victims and the families of his victims. We hope that this body strongly considers at what point do we finally tip the judicial scale in favor of those surviving victims who are condemned to live a mandatory life sentence in purgatory, and away from those criminals who continue to receive every opportunity for early release without being held fully accountable for their actions.

The OVA recognizes that this issue is prepared to move forward with or without its input, but in attempting to align Raised House Bill No. 5221 with some of the interests of victims, the OVA respectfully offers the following **three recommendations**, some of which were recently adopted by consensus of the Sentencing Commission:

**First, the OVA recommends the addition of the Office of Victim Services, Victim Services Unit of the Department of Correction, and the Office of the Victim Advocate to the list of agencies that will receive notification of a juvenile offender's eligibility for parole release within subdivision (3) of subsection (f) of Section 1.** Proper and adequate notification is critical to a victim's ability to develop and implement a safety plan, prepare testimony in opposition to or support of the offender's release, receive time off from work to attend a parole hearing, and emotionally prepare for the prospect of the offender's release. Similarly, notification to the agencies that support the victim may hasten the victim's receipt of personal

notification and thereby enhance the agencies' abilities to respond to the arising needs and concerns of the victim.

Second, subdivision (5) of subsection (f) of Section 1 reads that the Board of Pardons and Paroles "shall reassess [a juvenile offender's] suitability for parole release at a later date to be determined at the discretion of the board." Such mandatory language compels the Board to perpetually provide parole hearings to a juvenile offender, regardless of how unsuitable he may be for such consideration. Moreover, it assumes that these juvenile offenders will, at some point, be suitable for release. In recognition that not all offenders pose equal or similar danger, and that some will continue to pose threats so grave as to make them unsuitable for release, the OVA recommends language that would permit the Board to use its discretion in assessing a juvenile offender's suitability for a parole hearing, instead of the presumptive release that the proposal mandates. Specifically, **the OVA recommend replacing the entire language of subdivision (5) of subsection (f) of Section 1 with the following language:**

**"After the hearing, the Board shall articulate its decision and the basis for such, for the record. The board may reassess such person's appropriateness for a new parole hearing at a later date to be determined at the discretion of the board."**

Such language grants the Board the authority to perform a preliminary assessment of whether an offender is reforming and rehabilitating so as to be appropriate for parole consideration. Only after the offender has survived this initial administrative assessment will he be assessed for parole release. This language also conforms to the repeated, stated intent of the proponents of this measure---to give "a" meaningful opportunity for release as interpreted from the above rulings; **NOT** unending opportunities that will eventually result in release.

Third and finally, **the OVA recommends that subdivision (1) of subsection (f) of Section 1 be amended to apply only to juvenile offenders sentenced to not less than twenty years, at a minimum, of incarceration.** As drafted, this proposal considers a sentence of ten years to be a *lengthy sentence*, which is a complete distortion of both *Miller* and *Graham*. Furthermore, as drafted, this proposal creates confusion as to the actual term of eligibility. While the first sentence of this section seeks those with a definite or aggregate sentence of ten years or more, the subsequent sentence discusses eligibility "for parole after serving sixty percent of the sentence or twelve years, whichever is greater." In order to satisfy the mathematical requirements of this second sentence this body must raise the minimum sentence an offender must receive to be eligible for parole to twenty years (20yrs x 60% = 12yrs).

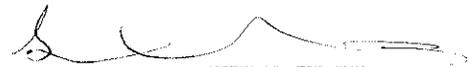
This minimum of a twenty-year sentence for eligibility, **not subject to the benefits of any risk reduction credits under the provisions of section 18-98e**, recognizes the rehabilitative, deterrent, and retributive values of incarceration. Additionally, the above recommendation provides clarity and consistency to subdivision (1) of subsection (f) of Section 1. The change would allow juvenile offenders sentenced to less than twenty years to remain eligible for parole

under the existing parole eligibility requirements, while addressing the parole *suitability* of those sentenced to more than twenty years.

Understanding that this Committee may be unwilling to completely reject the proposal set forth before you, the OVA would request, on behalf of the victims of these offenders, that you at least adopt the most recent amendments agreed upon by the Sentencing Commission. As always, the OVA stands ready to assist this body in revising Raised House Bill No. 5221 to ensure that the mandates and spirit of *Miller* and *Graham* are met while simultaneously honoring the rights of crime victims. A balance of the two is feasible.

Thank you again for consideration of my testimony and recommendations; we urge you to reject Raised House Bill No. 5221.

With gratitude,

A handwritten signature in black ink, appearing to read "Garvin G. Ambrose", written over a horizontal dotted line.

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State Victim Advocate