

Public Testimony for HB 6926  
Judiciary Committee  
March 4th, 2015

Juvenile Sentencing  
Judiciary Committee  
3/04/15

Public Testimony: HR 6926  
Father Russell L. Carmichael, lb., OSB

Good Afternoon Chairman Coleman,  
Chairman Tong, and Esteemed Members of The Judiciary Committee:

I am blessed and grateful for the opportunity to again address this august body of Connecticut State representatives. We are all aware that this is such an important, historic, issue of human concern. All of us here know that the United States Supreme Court and other courts have ruled on this matter; and continue to try and adjust a fair juvenile sentencing structure.

As I testified last year it is an issue concerning Children and natural Law. As a grassroots person who was foolish in his past, I know of few other important issues, that are of such magnitude, that you legislators, will be asked to rule on.

Children? Yes, children, that have made grave and devastating judgement mistakes that will effect their lives for years. For these judgment errors; they, will for years, endure years of confinement, under our State judicial system; no matter what is done here today or in the near future.

These children are going to be confined for and be under our State controlled Judicial and prison system for the rest of their lives in most cases.

We are obligated, to insure, that while under that State control; They come to learn, the reality of facts, and consequences, of their particular actions, which has impacted their lives.

There is a need for them to develop into individuals, that never, present a threat again to our social structure, or the humanity of others in our society.

They “must” learn and develop a brain that can recognize the destruction and harm which they committed; they need to be able to develop their human and civil understanding such that they can be allow a chance to be placed at some point back into our society.

Our obligation, is to understand, that the Supreme Court held in Miller v. Alabama, 112 S.Ct. 2455, 2460 (2012), that “mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eight Amendment’s prohibition against ‘cruel and unusual punishment’.”.

In reaching this conclusion, Miller interweaves two lines of the Eight and Fourteenth Amendment precedents: (1) the recognition (based largely on, the science, of adolescent brain functioning and development) that, as compared to adults, minors are less blameworthy and more deserving of mercy, “even when they commit terrible crimes” : and (2) the principle (taken from the Court’s death penalty jurisprudence, , see Miller at 2467, citing Woodson v. North Carolina, 428 U.S. 280 [1976], Lockett v. Ohio, 438 U.s. 586 [1978], and Eddings v. Oklahoma, 455 U.S. 104 [1982], that any person whom a State would subject to its hardest punishment is entitled to

have his sentencer reach an “individualized” determination as to whether such punishment is justifiable in light of any and all relevant evidence mitigating against it.

Miller identifies three salient characteristics that make children “Constitutionally different” for the purposes of Eighth Amendment proportionality analysis:

- (1) children have a “lack of maturity and a under developed sense of responsibility”, leading to recklessness, impulsivity, and heedless risk taking;
- (2) children are “more vulnerable...to negative influences and outside pressures”, including from their family and peers; they have limited “control over their environment” and the lack the ability to extricate themselves from horrific, crime-producing settings, and;
- (3) a child’s character is not as “well formed” as an adult’s; his traits are “less fixed” and his actions less likely to be “evidence of irretrievable depravity.

In specifying these characteristics, Miller relies upon and endorses the validity of neurological and psychological research confirming that (a) “adolescent brains are not yet fully mature in the regions of systems related to higher-order executive functions such as impose control, planning ahead, and risk avoidance” and (b) “adolescents’,

behavioral immaturity mirrors the anatomical immaturity of their brains”.

Life without the possibility of parole gives no chance for fulfillment outside prison walls, no chance for reconciliation with society, no hope.

Gershom Carmichael one of my ancestors said in the 1700 hundreds: “a punishment is an evil which is rightly inflicted on a wrongdoer because of the wrong, he has done, for the purpose of providing security to human society against the commission of similar wrongs in the future on the part of the same man or others by his example”. And since there has to be a right in the punisher to exact the penalty, this certainly implies that there is an obligation on the part of the person punished, if not of active cooperation, at least nonresistance, to a deserved punishment.

I further suggest it is the obligation of this august body to determent the boundaries of this punishment. The right of punishment does not belong in this case to an individual, or a judge, but rather the delegates of the State of Connecticut to insure the rights and obligations of all concerned.

Testimony of:

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