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To: House Judiciary Committee
Subject: OPPOSITION to House Bill 7132

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I am writing in opposition to House Bill 7132, which would prohibit the imposition of a sentence of life without parole upon any person under the age of 22.

For any individual, regardless of their age, to get a sentence of LWOP for murder, this murder must be of a horrific nature. This sentence is handed out very sparingly and only when certain criteria have been met, including the involvement of torture. The people who are given this sentence have proven through their depraved actions that they are not fit to ever be in society. In most cases when youthful offenders (ages 18-21) are convicted of 1st degree murder they will get a sentence of life **with** the possibility of parole. In fact, since the inception of this sentence of life without parole in 1984, my research shows there have been only 7 times that it has been given to youthful offenders and has NEVER been given to a juvenile in RI. That is 7 sentences over 42 years to adults between the ages of 18-21 and never to a juvenile. Although the bill states this will not be retroactive to those 7 youthful offenders serving life without parole, we need to look at these 7 cases if we are to understand why this sentence is important for our judicial system to continue to have as an option for those under the age of 22. Based on past practice, one can assume this sentence will continue to be given infrequently and for similar horrific crimes.

Kenneth Day was 21 years old when he was involved in the carjacking and execution of young and vibrant Amy Shute and Jason Burgeson. They were executed as they pleaded for their lives.

Joshua Davis was 20 years old when he kidnapped, raped and murdered little 8-year old Savannah Smith.

Steven Quinlan was 21 and Frank Sanchez-Collins 19 when they brutalized and tortured Rafael Ortega and Michael Batista (cutting off Micheal's ear while he was still alive) and then cutting off their hands.

Jose Garcia was 19 when he murdered six members (including four children) of the Chang family when he lit their house on fire leaving them to burn to death.

John Pacheco was 21 when he murdered 17-year old Jenny Lee Bailey who was pregnant at the time of her murder.

William Page was 18 when he and a co-defendant murdered Sylvester Gardiner, beating him to death with a blunt axe handle.

The judge in William Page's case, after calling the crime the most atrocious, barbaric killing imaginable, handed him a sentence of LWOP saying: "I would describe you, as have others, as violently savage and vicious, unnaturally sadistic, and relentlessly inhumane and totally incorrigible. I

am convinced beyond all doubt that even at your age you are beyond rehabilitation. Society must be protected from the likes of you”.

We need to remember this judge’s words. He realized that there will be murderers who, regardless of their young age, society must be protected from forever. This isn’t about being draconian. It is about realizing that society is owed the protection from these rare, predatory individuals. It also ensures the victims’ family members, who have endured unimaginable pain, will not have to continuously relive their trauma through the parole process. Our courts should continue to have the ability to hand out this sentence in rare and horrific cases like the ones mentioned above.

Thank you,

Nicole Kettelle