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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8434

AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCING ENHANCEMENT FOR FIREARM RELATED OFFENSES -- NYNY'S LAW

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** H8434, which adds to the mandatory sentencing enhancements for any murder committed with certain firearms and any murder committed in furtherance of gang activity. Gun violence is a serious problem in our society, and our objections do not stem from a lack of deep empathy for the victims or their families. Rather, this additional enhancement is problematic for two reasons: 1) currently, any murder committed by **any** gun is already punishable by a mandatory sentence of double life (with the first chance of parole only occurring after serving **fifty years**), and 2) both of these enhancements further erode the judicial discretion in these cases, which prevents judges from examining all aspects of a crime before fashioning an appropriate sentence.

Even the recently retired Justice Goldberg—a former prosecutor who was known for being tough on crime—has noted that mandatory sentences often impede the judicial branch from dispensing full justice. When asked recently in an interview about which law she would like to see changed, Justice Goldberg stated that she would encourage the repeal of “the mandatory consecutive life sentences for a gun crime, where the judges have no discretion but to impose that.”¹ **Justice Goldberg is right—the courts need more discretion, not less**, when it comes to sentencing. After all, any first-degree murder can be punished by life without the possibility of parole (if the circumstances warrant it), and any person found guilty of second-degree murder can already receive a full life sentence. The current consecutive life sentence enhancement for all gun murders is unnecessary, and, as Justice Godberg’s comments prove, even the most law-and-order-type judges oppose the lack of discretion they have in sentencing these defendants. Adding additional mandatory enhancements for a murder that involves either specific firearm or a gang-

¹ NBC 10 News, *Justice Maureen McKenna Goldberg reflects on 35 years on Rhode Island’s high court*, (April 9 2026), available at <https://turnto10.com/news/local/justice-maureen-mckenna-goldberg-reflects-35-years-rhode-islands-high-court-east-side-judicial-bay-view-academy-april-9-2026> (last accessed April 30, 2026).

related motivation² would actually make it more difficult for judges to fashion appropriate sentences. Each case is different, and the courts already have the power to ensure that, in the appropriate cases, a defendant will spend decades—or, in many cases, the rest of their natural life—behind bars.

We fully understand the laudable motivation behind this bill, but our experience in the courtroom has proven that mandatory sentencing enhancements do not work. We have to trust our judges and prosecutors—they already have more than adequate tools to ensure that these crimes are punished fully, and tying their hands with mandatory sentencing requirements only makes it more difficult to ensure that justice is served. Accordingly, we ask this Committee to rethink the passage of H8434.

Sincerely,

/s/ Angela M. Yingling

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² In addition, the current gang enhancement has been incredibly difficult to prove in court. To date, our office is not aware of one case where it was successfully applied. And while we do not claim to know about every single case prosecuted in the courts, we are aware of the vast majority, and none of our most experienced trial lawyers could recall a case where it had been employed successfully.