



Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas and Members of the Senate Judiciary Committee, thank you for the opportunity to provide written opponent testimony today on Senate Bill 256.

I am the Ohio coordinator for the National Organization of Victims of Juvenile Murderers (NOVJM).¹ We represent the families of around 370 victims around the entire country. NOVJM opposes SB 256, which would end juvenile life without parole (JLWOP), because it would put society in danger and traumatize victims. We understand that the criminal justice system, like all human systems, is not perfect and needs reform. We oppose over-sentencing offenders to prison terms that are grossly disproportionate when compared to their crimes. And we recognize that most juvenile offenders have the capacity to reform. However, there are *some* offenders who are too dangerous to be released into society.

We believe that judges should have a wide range of sentencing options for juvenile murderers. A juvenile's criminal sentence should be based on their *specific* acts and characteristics, and not simply on the *general* traits of people in their age group or the number of years they have lived. In some rare cases, life without parole (LWOP) may be necessary for juvenile murderers to protect society and to prevent victims from enduring the trauma that comes with repeated parole hearings.

¹ <http://www.teenkillers.org/>

We do not dispute that juveniles are generally more impulsive, immature, irresponsible, susceptible to peer pressure, and poorer at assessing risks. Many juvenile crimes do reflect immaturity and poor judgment, along with disadvantaged upbringings. But juveniles are a large group, and not all people in that group are the same. General traits often do not apply when assessing individuals. Some juvenile crimes, rather than reflecting youth, reflect depravity and moral corruption that will not be fixed by time or age. Here are just a couple of examples.

- Sixteen-year-old David Biro invaded the home of Richard Langert and his pregnant wife Nancy. When the couple returned home, Biro shot Richard in the head and then turned the gun on Nancy. Nancy cowered in the corner, begging him not to kill her baby. But Biro showed no mercy for the terrified mother-to-be and shot her in her pregnant belly. He then left Nancy and her child to die on the cold basement floor. Biro, who came from a privileged background, and lived in a three-million-dollar mansion, had been planning the thrill-killings for weeks.²
- Seventeen-year-old Brian Bahr lured 12-year-old Danni Romig under a train trestle and then raped and beat her, and threw her into a river. Because water was found in her lungs, it is believed that Danni was unconscious but still alive when Bahr threw her into the river. Police later found a list the murderer had created, which consisted of “23 things to do to a girl in the woods.” Those things included stripping and raping a girl, dressing her back up, and throwing her in a river.³

² <http://www.teenkillers.org/index.php/memorials/illinois-victims/richard-and-nancy-bishop-langert-baby/>

³ <http://www.teenkillers.org/index.php/memorials/pennsylvania-victims/danni-reese-romig/>

- Daniel Marsh, 15, invaded the home of Chip Northup, 87, and Claudia Maupin, 76. He stabbed the elderly couple to death and then disemboweled and dissected their bodies. He extensively planned the crime, wearing all black and wearing tape on his shoes so as to not leave footprints. He later described the murders as giving him the most enjoyable feeling he had ever experienced, which was heightened when the victims were conscious and resisting.⁴
- Johnny Freeman enticed five-year-old Shavanna McCann with candy and lured her to a vacant apartment on the 14th floor of a housing project. Once in the apartment, Freeman, who was three months away from his 18th birthday, raped little Shavanna. Freeman then said he would throw out the trash and tried to kill Shavanna by throwing her out the 14th story window. But Shavanna was brave and she held on to the window's ledge with her fingertips. The terrified child screamed for her mother. But she didn't have a chance. She was stuck between a 14 story drop and a man who wanted to murder her. Freeman pried her fingers off the window ledge. This time Shavanna was not able to hold on to anything. The young child plunged 14 stories to her death on the hard ground below.⁵
- One morning, Sherry West decided to stroll her one-year-old son Antonio Santiago to the post office. As they returned home, they were confronted by two youths. The older youth, 17-year-old De Marquise Elkins, pointed a gun at Sherry and demanded money. But Sherry had none to give him. Elkins then threatened to kill Antonio. Sherry begged the robber not to kill her baby. But her pleas for mercy went ignored. Elkins shot Sherry before turning the gun on Baby

⁴ <http://www.teenkillers.org/index.php/memorials/california-victims-2/chip-northup-and-claudia-maupin/>

⁵ <http://www.teenkillers.org/index.php/memorials/illinois-victims/shavanna-mccann/>

Antonio. Sherry tried to cover her son. But the end came anyway for Antonio. Elkins shot him in between the eyes and killed him.⁶

These crimes were not youthful indiscretions or mistakes made due to underdeveloped brains. They were acts of evil committed by criminals who were fully aware of the consequences and who acted with callous disregard for the victims' lives. In these cases, and in many others, the hallmark traits of youth, such as impulsivity, immaturity, and susceptibility to peer pressure, did not apply. The murderers either acted alone or were the leader of a group. Perhaps with the exception of Elkins' murder of Baby Antonio, all the crimes were planned, calculated, and mature. For example, the trial court in Marsh's case noted that his crime was a "highly sophisticated, extraordinary and rare crime even for the most hardened and seasoned adult criminal." These crimes are not less reprehensible because the criminals had not reached their magical 18th birthdays. The suffering inflicted on the victims was also not any less horrific because the criminals were not yet 18.

Advocates of juvenile murderers might argue that we are only showing the worst cases of juvenile crimes. But this argument is disingenuous. Anti-JLWOP advocates want *all* juvenile criminals, including the ones listed above, to have a chance to be released, not just those responsible for relatively less serious crimes. Often, when we bring up specific cases of particularly vicious juvenile murderers, anti-JLWOP advocates insist that making them eligible for parole doesn't really matter, because no parole board will ever vote to release them. They will not directly address the possibility of criminals responsible for highly aggravated crimes being released, even though the laws they are advocating for would allow just that. They will also not directly address the traumatic impact on victims of having to continually appear before a parole board to describe the impact on their life or the continual worry that their family member's killer could be released. Advocates of juvenile murderers will not directly address

⁶ <http://www.teenkillers.org/index.php/memorials/georgia-victims/antonio-santiago/>

these points because most people would not support ending JLWOP when faced with the brutal reality of some juvenile criminals, the impact of parole eligibility on victims, and the possibility of these criminals being released.

SB 256 would make criminals responsible for aggravated homicide offenses (“[t]he offense of aggravated murder or any other offense or combination of offenses that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense”) eligible to be released after 30 years. This part of the bill does not apply retroactively--this is basically the T.J. Lane exception. The Lane exception prevents advocates of SB 256 from having to argue for releasing the notorious mass murderer.

If SB 256 proponents truly are against freeing Lane, then why would they want to free criminals who commit similar crimes after the bill’s potential enactment? Whether or not a mass murder occurs before or after the potential enactment is irrelevant in regards to the culpability of the killer or the aggravating circumstances of the crime. If Lane doesn’t deserve to be released, then neither does a criminal who commits the same type of crime after the bill’s potential enactment. If the bill were to pass and a similar mass shooting occurred afterward, that perpetrator would be eligible for release in 30 years. Perhaps SB 256 proponents won’t try to defend making Lane eligible for release, but could they defend making another mass killer whose crime is committed after the potential enactment eligible for release?

If a juvenile were to murder 10 people, they could be released after serving only three years per victim. If they murder 30 people, they would have to serve only one year per victim before we would have to consider releasing them. The maximum punishment allowed for mass murderers would be grossly lenient when compared to the nature of the crimes.

Under SB 256, those responsible for homicide offenses that are not aggravated homicide offenses would be eligible for release into society after 25 years. As with the aggravated homicide section, this section

allows for punishments that are extremely inadequate and not proportionate to some crimes. For example, a juvenile could murder two people and attempt to murder many others during a shooting spree and be eligible for release in 25 years, regardless of the number of people harmed. If SB 256 becomes law several criminals responsible for extremely aggravated murders who are currently serving LWOP sentences would be eligible for release after 25 years.

Some murderers who are currently serving LWOP in Ohio and could be freed under this bill include:

- Jacob LaRosa, who attempted to rape a 94-year-old woman and beat her to death.⁷
- Devonere Simmonds, who murdered two people and attempted to murder two others during a 2013 crime spree. One of the murders involved Simmonds shooting a store clerk in the eye during a robbery, departing, and then returning to fatally shoot the wounded man in the head.⁸
- Jordyn Wade, who murdered four people and attempted to murder one person during a home invasion robbery. Because he was not the principal offender, he would not benefit from the T.J. Lane exception, and would therefore be eligible for parole after 25 years even though he was responsible for the deaths of four people.⁹
- Gavon Ramsay, who strangled a 98-year-old woman to death and then sexually abused her corpse.¹⁰

⁷ <http://www.teenkillers.org/index.php/memorials/ohio/marie-belcastro/>

⁸ <http://www.teenkillers.org/index.php/memorials/ohio/imran-ashgar-and-quinten-prater/>

⁹ <http://www.teenkillers.org/index.php/memorials/ohio/angela-harrison-daniel-sharp-michael-ballour-and-tyajah-nelson/>

¹⁰ <http://www.teenkillers.org/index.php/memorials/ohio/margaret-douglas/>

SB 256 would allow juveniles who commit non-homicide crimes to be released in 18 years, regardless of the nature of the crimes, the impact on the victims, or the number of people harmed. It would allow, for example, gang-rapists Chaz Bunch and Brandon Moore to be released. After kidnapping and gang-raping their victim, Bunch wanted to murder her. Moore shoved a gun in her mouth and threatened to harm her and her family if she told anyone about the crimes.

We all agree that youth who make mistakes should be given second chances. But these criminals did not make the types of typical youthful mistakes that we all expect to see from our own teenage family members. We're not talking about "boys being boys." It doesn't take a lot of maturity or intellectual development to understand that murder and rape are wrong. Lawmakers should fully consider who exactly could be released early, should they vote for this bill. Honestly consider the possibility of them being released into society. Would you want them as a neighbor? Would you want them living near your children or elderly parents or grandparents? Proponents of SB 256 have asked you to put yourself in the position of the juvenile criminals. We ask you to put yourself in the position of the innocent victims, who, unlike the criminals, did not choose to be in their positions. NOVJM thanks you for your attention to these comments and urges you to vote "NO" on the bill.