

Testimony of Cindy Sanford
In **SUPPORT** of SB 272
Senate Government Oversight and Reform Committee
May 11th, 2016

Thank you for the opportunity to offer proponent testimony on Senate Bill 272. My name is Cindy Sanford. I am a registered nurse and the wife of a retired law enforcement officer. On Jan. 25, when the U.S. Supreme Court ruled 6-3 in favor of giving minors convicted of homicide a chance to have their cases reviewed, an immediate, palpable gratitude overwhelmed me. I rejoiced that most of the justices ruling in *Montgomery v. Louisiana* recognized that children are different from adults and that their actions, even when they involve terrible crimes, are less likely to reflect irreparable corruption.

Such feelings of mercy and compassion did not come easily to me. As a lifelong conservative Republican, I prided myself on being an advocate of victims, not a liberal "bleeding heart" championing the cause of misfits and felons. Both my husband and grandfather were law enforcement officers, and not a single member of my family had ever been incarcerated. In my view, prisoners got what they deserved.

Then I crossed paths with Ken, who was a co-defendant in a double homicide when he was 15. I managed a small art store, and one of our artists brought in some incredible wildlife paintings on leaves that he had acquired from a friend. That friend was a former cellmate of Ken's. Despite my initial revulsion, Ken's hand-painted leaves were so uniquely beautiful that I wrote to him to see if we could display some of his art in our store.

Not long after, I began to have serious second thoughts. Here was a young man - this was 11 years after his conviction - whose history, in my opinion, made him unworthy of being called a human being - never mind one deserving of compassion. As I read his response, I kept my guard up, refusing to believe anything he wrote, so strong was my belief that he was either evil or too broken to fix. If not for my personal faith in a forgiving God, I would have ignored his mail.

But, over time, my husband and I were moved by his polite humility, his refusal to accept any kind of favor, and his determination to make the best of his situation and mentor prisoners in need. Eventually, after many months of letters and later visits, we became convinced that the adult Ken is nothing like the homeless 15 year old boy convicted of such a terrible crime.

Today, Ken is a model inmate, a gifted, self-taught wildlife artist, and a certified peer specialist, trained by the Department of Corrections to work with and counsel mentally ill inmates. Our family witnessed the veracity of Justice Anthony Kennedy's opinion regarding the diminished culpability of youths and their greater prospects for reform.

In his majority opinion, Kennedy reminded the court that a previous ruling, in *Miller v. Alabama*, "requires that before sentencing a juvenile to life without parole, the sentencing judge take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison."

Though we once would have dismissed such a statement as predictable liberal fiction, my family now agrees. No one is arguing that a child convicted of a heinous crime should not be punished. Not a day goes by that we do not all consider the terrible consequences of Ken's deplorable judgment as a youth and its impact on good, innocent people. It took years for us to completely trust the man he has become, and we mourn the fact that a combination of drugs, trauma, and child abuse led him to make such terrible choices.

But what should that punishment be? Should it be the same as what we would dispense for an incorrigible adult? Is it just and fair to ignore the fact that many kids who get involved in crimes of this nature have been victims of terrible violence and abuse themselves?

Kennedy's opinion reminds us that "children are more vulnerable to negative influences and outside pressures, including their family and peers ... and lack the ability to extricate themselves from horrific, crime-producing settings."

Unfortunately, they also lack the ability to extricate themselves from horrific home environments. I eventually was in touch with Ken's family and learned that he suffered serious abuse, and that both he and his siblings had been abandoned when they were very young. In far too many cases like Ken's, this is the rule rather than the exception. Surely we can agree that severe trauma and abuse plays a role in a child's development, and should have been considered at trial.

That is what we hope the court's opinion in *Montgomery* will rectify. We are not pursuing a get-out-of-jail-free card, but a chance. A chance to consider what every social scientist knows to be true: that experiences like Ken's can lead a vulnerable child into a cascade of terrible, impulsive choices that could have been prevented if he had been raised in the kind of home that all children deserve.

Still, none of that would matter if redemption and rehabilitation were not possible. The most important duty of our justice system is to keep our society safe. But as we have seen with Ken, abused and neglected youths are not irredeemable. And in cases where a child has matured into an adult with genuine remorse and a proven record of good behavior while in prison, can we not as a society agree that some mercy may be justified? Can we not compromise and find some solution short of his dying in prison?

It is my fervent hope that we can. Ironically, despite my change of heart, I still consider myself "tough on crime." But there is a difference between being tough on crime and being unmerciful. My heartfelt thanks to those Supreme Court justices who recognize that difference as well.

Cindy Sanford