



Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. Thank you for allowing me the opportunity to provide opposition testimony on Senate Bill 256. I am the Ohio coordinator and national legislative director for the National Organization of Victims of Juvenile Murderers (NOVJM).<sup>1</sup> NOVJM represents the families of around 370 victims who have lost loved ones to juvenile murderers. NOVJM opposes Senate Bill 256, which would end life without parole (LWOP) for juveniles, because it would endanger society 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 his or her *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.

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<sup>1</sup> <http://www.teenkillers.org/>

Proponents of SB 256 attempt to portray all juvenile crimes as simply being the results of poor decisions made due to under-developed brains. They argue that *no* juvenile crime can *ever* warrant LWOP. As an organization made up of those whose family members were murdered by juveniles, we disagree. Juvenile LWOP (JLWOP) is a just and appropriate sentence for some juvenile crimes when one takes into account the nature of those crimes and the impact on the victims. In these rare cases, JLWOP may be necessary to protect society and to prevent victims from enduring the trauma that comes with repeated parole hearings. The US Supreme Court, while prohibiting mandatory LWOP, does allow discretionary LWOP for these rare juvenile murderers.

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 constitute a large group, and not all people in that group are the same. General traits often do not apply when assessing individuals.<sup>2</sup> Some juvenile crimes, rather than reflecting youth, reflect depravity and moral corruption that will not be corrected by time or age. We will list several examples to illustrate the point.

- 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

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<sup>2</sup> “[E]ven if everything said about the adolescent brain and juvenile immaturity is generally true, why would one assume that juveniles who commit heinous crimes are typical juveniles?” Lerner, *Juvenile Criminal Responsibility: Can Malice Supply the Want of Years?*, 86 *Tulane L. Rev.* 309, 332 (2011). <https://ssrn.com/abstract=1908953> or <http://dx.doi.org/10.2139/ssrn.1908953> Juveniles who rape and murder are by no means “typical juveniles.” Decisions about criminal sentences for extremely rare and abnormal juveniles who commit murder should not be based on the behavior of normal juveniles.

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.<sup>3</sup>

- Seventeen-year-old Brian Bahr lured 12-year-old Danni Romig under a train trestle and then beat and raped 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.<sup>4</sup>
- 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.<sup>5</sup>
- 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 held on to the window’s ledge with her fingertips.

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<sup>3</sup> <http://www.teenkillers.org/index.php/memorials/illinois-victims/richard-and-nancy-bishop-langert-baby/>

<sup>4</sup> <http://www.teenkillers.org/index.php/memorials/pennsylvania-victims/danni-reese-romig/>

<sup>5</sup> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/individual-offender-profiles/yolo-county/daniel-marsh/>

The terrified child screamed for her mother. But she didn't have a chance. She was stuck between a 14 story drop and a rapist 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.<sup>6</sup>

- 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 were callously disregarded. Elkins shot Sherry in the leg before turning the gun on Baby Antonio. Sherry tried to cover her son, but the end came anyway for Antonio. Elkins shot him in between the eyes at point-blank range, murdering the infant execution-style.<sup>7</sup>

These crimes were not youthful indiscretions or childhood<sup>8</sup> mistakes made due to underdeveloped brains. They were evil acts committed by criminals who were fully aware of the consequences and who acted with callous disregard for the victims' lives. The idea that a 17-year-old does not fully understand the wrongfulness of crimes like these is asinine. To suggest that LWOP is a cruel and unusual sentence for murderers responsible for such extreme depravity is also asinine.

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<sup>6</sup> <http://www.teenkillers.org/index.php/memorials/illinois-victims/shavanna-mccann/>

<sup>7</sup> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/georgia-offenders/de-marquise-elkins-dominique-lang/>

<sup>8</sup> Proponents of SB 256 have repeatedly referred to the criminals it would free as "children." In Ohio, JLWOP is available for 14-17-year-olds, and most juvenile lifers were older teens nearing legal adulthood, not "children." By calling evil criminals "children," advocates of teen killers exploit the natural urge to protect young children and manipulate people into associating the killers with child characteristics like innocence and vulnerability, none of which apply to them. See <http://www.teenkillers.org/index.php/juvenile-lifers/teen-killers-are-not-children/> This deceitful language is deeply offensive to victims.

In these cases, and in many others,<sup>9</sup> the hallmark traits of youth, such as impulsivity, immaturity, failure to appreciate risks, and susceptibility to peer pressure, did not apply. The murderers either acted alone or were the leader of a group. They did not fail to assess the risks and consequences of their crimes. In fact, the murders of the Langert family and Claudia and Chip were thrill killings. Biro and Marsh committed these murders specifically *because* of the consequences and the thrills and pleasure they derived from them. 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."<sup>10</sup> Marsh thoroughly researched how to commit the murders without getting caught. There was no DNA, footprints, or any other type of evidence at the crime scene. Had Marsh not bragged about the murders, he would never have been caught. To reduce a killer's sentence because of the general traits of people in their age group even though none of those traits apply to them is absurd.<sup>11</sup>

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<sup>9</sup> For more examples of juvenile crimes that did not involve the hallmarks of youth see the following pages: <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/missouri-offenders/charles-benjamin-and-christopher-simmons/> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/missouri-offenders/alyssa-bustamante/> <http://www.teenkillers.org/index.php/memorials/delaware-victims/godt-family/> <http://www.teenkillers.org/index.php/memorials/illinois-victims/victoria-larson/> <http://www.teenkillers.org/index.php/memorials/michigan-victims/sandra-nestle/> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/colorado-offenders/austin-sigg/> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/rhode-island-offenders/michael-woodmansee/>

<sup>10</sup> Order Granting Transfer in *In re Marsh*, No. JD-18-332 (Yolo Sup. Ct., Oct. 24, 2018), page 5 [https://www.davisenterprise.com/files/2018/10/marsh\\_transfer-ruling-c.pdf](https://www.davisenterprise.com/files/2018/10/marsh_transfer-ruling-c.pdf)

<sup>11</sup> We will also note that even when a criminal displays youthful traits they still may be fully aware of the nature of the crime and the impact on the victim. For example, as explained by Dr. Morse in *Brain Overclaim Syndrome: "Crimes committed impulsively, for example, are still committed consciously and intentionally"* Morse, Stephen. *Brain Overclaim Syndrome and Criminal Responsibility: A Diagnostic Note* University of Pennsylvania Law Review, [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1116&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1116&context=faculty_scholarship) (Morse 406) More about criminal culpability of juvenile criminals can be found on our website. <http://www.teenkillers.org/index.php/myths-about-the-juvenile-life-sentence/reading-about-culpability/> <http://www.teenkillers.org/index.php/myths-about-the-juvenile-life-sentence/research/>

These crimes are not less reprehensible because the criminals had not reached their magical 18th birthdays. The suffering and terror inflicted on the victims was also not any less horrific because the criminals were not yet 18. Families of victims of juvenile murderers have just as much of a right to justice and legal finality as other murder victims' families. They deserve compassion and support, and should not be tormented by repeated parole hearings.<sup>12</sup>

Advocates of juvenile offenders might argue that we are only presenting 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 only 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 parole boards to describe the impact on their lives or the continual worry that their family members' killers could be released. Advocates of juvenile criminals will not directly address 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.

Under SB 256, those responsible for homicide offenses that involve one victim would be eligible for release into society after 25 years, while those who murder two victims would be

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<sup>12</sup> We explain the trauma victims endure when forced to repeatedly engage with the murderers in our brief for the Supreme Court of the United States to read in the *Jones v. Mississippi* case. [https://www.supremecourt.gov/DocketPDF/18/18-1259/150986/20200821165455372\\_18-1259bsacNOVJM.pdf](https://www.supremecourt.gov/DocketPDF/18/18-1259/150986/20200821165455372_18-1259bsacNOVJM.pdf)

eligible for parole after 30 years. 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 30 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 or functional LWOP sentences would be eligible for release. Some murderers who could be freed under this bill include:

- Jacob LaRosa, who attempted to rape a 94-year-old woman and beat her to death with a heavy metal flashlight.<sup>13</sup>
- 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.<sup>14</sup>
- Jordyn Wade, who murdered four people and attempted to murder one person during a home invasion robbery. Wade and his partner in crime Robert Adams took the victims hostage inside the home and robbed them. They then forced them into the basement. Adams asked Wade, “should I off (kill) them all?” Wade answered, “yes.” Adams then shot the hostages, ignoring their pleas for their lives. A 16-year-old girl was shot in the head but survived by playing dead. The survivor wrote in a letter to the court that Wade “permanently destroyed my mind, heart, and soul.... I will always have a deep, deep hatred for Jordyn Wade ... it feels great his life can be taken away, the way he took my sister and father’s life.” Because

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<sup>13</sup> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/ohio-offenders/jacob-larosa/>

<sup>14</sup> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/ohio-offenders/devonere-simmonds/>

Wade was not the principal offender, he would be eligible for parole after 25 years even though he was responsible for the deaths of four people. The surviving victim would be forced to repeatedly re-live the horrifying experience.<sup>15</sup>

- Gavon Ramsay, who strangled a 98-year-old woman to death and then undressed and sexually abused her corpse. Ramsay was interested in serial killers and had long fantasized about raping and murdering people.<sup>16</sup>

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. Under SB 256, one could attempt to murder someone, leaving them with disfiguring, disabling, incapacitating or otherwise life-altering injuries, but still be eligible for parole after a mere 18 years.<sup>17</sup>

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. Proponents of SB 256 argue that because we do not allow minors to vote, sign contracts, get married, serve on juries, or engage in certain other activities, that we should not allow them to be sentenced to

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<sup>15</sup> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/ohio-offenders/jordyn-wade/>

<sup>16</sup> <http://www.teenkillers.org/index.php/juvenile-lifers/offenders-cases-state/ohio-offenders/gavon-ramsay/>

<sup>17</sup> For example, consider the case of Queena Vuong. Queena was raped and beaten by a 16-year-old. She was beaten so severely that she was left paralyzed, blind, unable to speak, and with profound intellectual disabilities. <https://www.bradenton.com/news/local/crime/article137413133.html>



LWOP. This argument is nonsensical. It is much easier to understand the wrongfulness of murder than it is to understand how to responsibly serve on a jury or vote intelligently. One can be old enough to understand the wrongfulness of executing an infant in front of his mother or assassinating a young couple in their home but not be old enough to understand the complexities of marriage or legal contracts.<sup>18</sup>

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? If one supports giving those responsible for such serious crimes a chance to be released, they must be willing to see those criminals actually be released. If one is not comfortable with offenders responsible for such malicious and merciless crimes being released, they should not vote to make that a possibility.<sup>19</sup> Proponents of SB 256 have been adamant in insisting that the bill will not guarantee the release of violent criminals, but will only guarantee a parole review. However, parole reviews themselves are often extremely traumatic for victims, as explained by several other opponents. And parole boards do not always make the right decisions. In fact, parole boards often release dangerous criminals who go on to re-offend. We should not give murderers like LaRosa and Simmonds any chances to commit more crimes in society.<sup>20</sup>

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<sup>18</sup> “It is absurd to think that one must be mature enough to drive carefully, to drink responsibly, or to vote intelligently, in order to be mature enough to understand that murdering another human being is profoundly wrong, and to conform one’s conduct to that most minimal of all civilized standards.” *Stanford v. Kentucky* 492 U.S. 361.

<sup>19</sup> Moore and Bunch terrorized and raped the victim in 2001, 19 years ago. Should SB 256 pass, they could be released into society not too long from now.

<sup>20</sup> On NOVJM’s website, we document almost 100 cases of dangerous early releases. Many of these cases involve murderers being paroled and then committing more murders. Allowing killers like LaRosa and Simmonds to go before parole boards may result in similar deadly results. Ohio should not take the risk.

<http://www.teenkillers.org/index.php/myths-about-the-juvenile-life-sentence/dangerous-early-release/>

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.