

Senate Judiciary Committee

Proponent Testimony

Senate Bill 182

Larry Heller

06/16/2021

Dear Chairman Manning, Ranking Member Cecil Thomas, and members of the Senate Judiciary Committee:

My name is Larry Heller and I am a resident of Euclid, Ohio. Thank you for the opportunity to submit proponent testimony on Ohio Senate Bill 182.

Thank you for the opportunity to testify today. My name is Larry Heller. I am in the substance use disorder treatment field, and I am active in many civic and community activities and organizations. I am a frequent advocate for the under-served, and for those who have not yet found their voice, or those who may believe they have no voice.

I strongly support Senate Bill 182.

My name is Larry Heller. I am in recovery, and I also work with recovery populations.

I work in outreach for a treatment agency. I get to go to people who cannot yet come to us. This includes people in jail, especially those in pretrial detention. I am often referred by family, clergy, attorneys, or jail or court staff, when someone is requesting treatment.

I frequently have conducted screenings, and can often submit recommendations to the court, requesting that a client be released and transported directly into treatment instead of remaining in jail. I have noticed recently that many clients are succumbing to the incredible pressure to accept plea agreements, often not in their best interest, during the weeks while these requests are typically pending. There is unimaginable pressure to accept a plea agreement while held in pretrial confinement. The uncertainty and fear may create severe mental, psychological, emotional, and even physical pressure or distress (stress, blood pressure, etc.), often leading people held in pretrial confinement to accept bad plea agreements, often even pleading guilty to something one did not do.

(Example: A and B in car, owned and driven by A. A has drugs in a locked suitcase in rear luggage area. A admits luggage and drugs belong only to A. A has long criminal record, including drug trafficking and violence and gun charges. Both A and B receive court appointed counsel. A can afford bail, and meets several times with attorney. B remains in jail. A continues to meet frequently and privately with counsel, and A negotiates plea agreement, goes to prison, serves, time, and is released. B is still in pretrial, and facing increasing pressure to accept Plea agreement. B is pressured with threats of much greater charges. B succumbs to pressure and accepts plea deal. B was a minor participant / accomplice, with no prior violence or trafficking, but receives a longer sentence (from the same judge) than A, who was the primary offender and had an extensive record including both violence and trafficking. The only difference was that A was released, and had access to counsel.

There may also be collateral consequences to such plea agreements made under pressure. For example, one may unknowingly plead guilty to a charge which is exempt from Driver License Reinstatement Amnesty, and may suffer additional consequences even years after the plea.

I have not only worked with many such people, I have been in this situation. I am in recovery.

I developed knee problems in grade school, and I was given prescription opiates in grade school, and I quickly became addicted. This led to many years living the downward spiral of the progressive disease of addiction, which led to frequent interactions with law enforcement and with our criminal justice system. For several years, when I had good jobs and could afford bail, I often met with counsel prior to court appearances, and could plan, prepare, and participate in my own defense. I understand that our Constitution protects the right to effective assistance of counsel at every stage, including the right to participate in one's own defense. When I could no longer afford bail, I often met my counsel only in open court when I was already facing the judge. This pretrial detention deprived me of any opportunity to meet with counsel or to prepare a defense. This led not only to harsher outcomes for me, but this pretrial detention preventing access to counsel also endangered the safety of our citizens, because every time I went to jail I got out and continued offending, including driving while intoxicated every day for many years. Everyone was in danger.

My last offense, I was allowed to be released and start treatment pretrial!

Today I have been sober more than 10 years, have gone to school, and I now work with people seeking recovery.

Because I was given this opportunity to start treatment during my pretrial period, I have transformed from a career criminal who regularly and repeatedly endangered others, I have transformed into an asset to my community.

Today I have become educated. I have earned several degrees, including Master of Social Work and Master of Education in Clinical Mental Health Counseling, and I am a Doctoral Candidate.

Today I volunteer in my community, feed the homeless, and advocate on behalf of the under-served. I am a regular volunteer at a prison, and frequently volunteer at several homeless shelters. I have earned many honors and awards, including a Commendation from the Ohio House of Representatives, recognizing my achievements after being named the Emerging Leader of the Year by NASW Ohio Chapter. All this became possible because I was given a chance, and I was offered the opportunity to be released pretrial and to begin treatment during this pretrial period.

Today I seek to help others make use of this pretrial period.

Thank you.

I ask you to consider my testimony and vote yes on this critically important bill. Thank you again for the opportunity to testify.

Thank you,  
Larry Heller

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I help people