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February 10, 2017

State Senator Kevin Bacon, Chair
Senate Judiciary Committee
1 Capital Square
Columbus, Ohio 43215

Dear Chairman Bacon and Members:

I am writing this letter in support of Senate Bill 20. It is truly an honor to be an advocate for victims who have had their lives substantially and permanently altered as a result of senseless violent crime.

Ten years ago, I prosecuted Terrance King for severely abusing a little girl named Destiny Shepherd. As a result of this senseless violence, Destiny received a permanent debilitating injury that, in effect, is a life sentence. Even though he received a maximum sentence under the law, Terrance King was released from prison in 2015. You would be hard pressed to find a law-abiding citizen in Clark County who believes that this is a just result for Destiny, her family, or the community as a whole.

As a front-line prosecutor, I submit to you that Senate Bill 20 gets it right with respect to the criminal justice system's ability to address violent crimes where the victims are substantially and permanently injured. I believe that your Legislative Services personnel and the other people who participated in drafting this bill have crafted a piece of legislation that provides justice to account for the permanency of a victim's injuries, yet is flexible enough to allow Judges discretion in considering other factors that influence the criminal justice system. Senate Bill 20 accomplishes this in several ways:

First, it targets violent criminals who inflict the most serious type of injuries upon their victims. These are the types of offenders and factual situations that justify use of a mandatory base sentence. However, the specification also allows for judicial discretion and flexibility in the imposition of the total sentence. The sentencing range for the specification of three to eight years allows the sentencing judge who is in the community, and closest to the facts, the discretion and flexibility to craft a sentence that he or she feels is appropriate. Furthermore, this bill is not an oppressive legislative mandate to the courts that removes all of their discretion (ie: a defendant who permanently and substantially injures a child automatically gets eight years).

Senate Bill 20 also applies to all victims in the protected class. As in Destiny's case, anatomically, neurologically, and physically, children are more likely to be substantially and permanently injured by violent crime. This bill will clearly address criminals who inflict permanent and substantial harm on children like Destiny. However, this bill also addresses the cases where the 19 year old domestic violence victim is punched so hard in the head that she permanently loses her vision, or the victim who is stabbed during a robbery attempt and suffers substantial and permanent nerve damage. This bill is broad enough to protect a wide class of victims, but narrow enough to only apply in the most serious cases.

Finally, there will be overwhelming support from the public at large for this bill. I have never met a citizen in my jurisdiction who thinks that a violent criminal who permanently injures a victim should be treated lightly by the justice system. When I tell people that the man who permanently injured Destiny only faced eight years in prison, people are shocked and appalled.

Thank you for your consideration of this matter. Nothing we do will ever restore Destiny to the child she was before she was abused. However, by supporting Senate Bill 20, you will be able to bring some additional sense of justice to future victims who are permanently and substantially injured as a result of violent crime.

Sincerely,



D. Andrew Wilson
Clark County Prosecuting Attorney