February 14, 2017

To: Ohio Senate

Senate Judiciary Committee

Re: Destiny’s Law

Senate Bill 20

Thank you Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee for the opportunity to provide written only proponent testimony for Destiny’s Law – SB 20. As you know, SB 20 is named for Destiny Shepherd who is now nearly 12 years old but who sustained permanent, disabling brain injury as an infant when she was shaken and beaten while in the care of her mother’s boyfriend.

I was privileged to be Destiny’s primary pediatrician for about ten years after her injury so I was able to witness her slow recovery and the challenges that she faced, many of which will continue into her adulthood. As a result of inflicted trauma, Destiny suffers from a severe form of epilepsy, blindness in both eyes, hearing deficits and moderate global developmental delay. She also suffers severe anxiety that may be related to her early experiences in hospital compounded by her sensory deficits, particularly blindness, that manifests as panic in unfamiliar social situations and, particularly, in the presence of unfamiliar male voices.

Because of changes in my employment, I haven’t seen her since 2013 so I am not able provide an assessment of her current function. However, her developmental trajectory can be predicted with at least moderate certainty. It is extremely unlikely that Destiny will ever become self-sufficient. Her epilepsy will require life-long medications and her sensory deficits will add to her overall impaired functional ability. In terms of SB 20, at the hands of her assailant, Destiny sustained permanent and substantial injury to her intellectual, physical and sensory function and she will require significant life-long support to meet basic activities of daily living.

The inflicted injury that occurred in September, 2006 has changed her life irrevocably. The need for continuous care has also dramatically altered the lives her mother and other family members. The emotional toll on the family has been at times overwhelming and the financial stress has been devastating. It is to her family’s credit that Destiny has surpassed the developmental expectations of her medical consultants who were pessimistic that she would ever walk. Nonetheless, the damage to her and her family is life-long and substantial.

I know that the intent of this legislation is to provide additional punishment to perpetrators who inflict permanent and substantial damage to a child. Although I am not qualified to comment on sentencing, I understand and deeply empathize with the family who experience the imbalance between Destiny’s life-long impairments and her perpetrator’s freedom to start a new family following a few years of incarceration.

Respectfully,

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