**Nicole Miller**

**Proponent Testimony**

**Senate Bill 207**

**November 28, 2017**

Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the Ohio Senate Judiciary committee. Thank you for the opportunity to present proponent testimony on Senate Bill 207, legislation that if enacted into law, would expand the offense of felonious assault to include knowingly causing or attempting to cause physical harm to another person by means of strangulation or suffocation.

My name is Nicole Miller, and my sister, Monica, was murdered by her husband, during my second year of law school. As expressed by my sister-in-law Amy, the pain and suffering that Monica and her family suffered, and witnessed could have been prevented if a law like Senate Bill 207 had been enacted. We refuse to allow her to become nothing more than a statistic, and our family is dedicated to making sure that we didn’t lose her in vein, that we carry on her legacy in efforts to try to, and to hopefully prevent the loss of others, by ensuring they are protected by the law, educated on the dangers and implications of non-fatal strangulation and maybe even afforded more time to escape their abusers.

Monica was one of the most amazing women you could have ever been privileged enough to know let alone call family. She was selfless, god-fearing, and a dedicated mother and caregiver. She was so loving…she truly loved with all her heart, her heart was so pure, but I feel like I failed her, as well as that the law, and the justice system, in which I have dedicated my faith and life to failed her, has failed numerous other domestic violence victims, and will continue to if we don’t do something.

As Amy told you, approximately 10 months prior to the attack that ultimately resulted in her murder, Monica was viciously strangled by her husband, Andre. Monica was sleeping when Andre abruptly woke her, and after attempting to exit her bedroom, he wrapped his arm around her throat, and put her into a choke hold. He pushed her down onto the ground and heartlessly continued to choke her until she was dizzy and unable to call for help. All five of their children were home at the time of this attack, and if their daughter, who was 12 years old at the time, hadn’t heard a scuffle, interrupted the attack, and called 911, we likely would have lost Monica that night.

At that point, Andre had already had a record that illustrated his propensity for violence against others. But without being able to consider such character evidence, and after entering a plea of “no contest,” Andre was held guilty of a misdemeanor DV charge and sentenced to 11 days out of a possible 180-day sentence. Monica was convinced to drop the EPO, so that they could communicate regarding their children. Andre had completed all his court mandated counseling and as most abusers do, he was able to manipulate his way back into the home.

On October 8, 2014, Andre again attacked Monica while she slept, but this time his savagery had raised to an even more vicious and violent level. He brutality beat and stabbed Monica with a kitchen knife over 28 times, all while their two youngest children, who had been sleeping in the living room with her, witnessed everything. The two boys were so young and frightened, that they didn’t know what else to do but wake up their sister, who again, had to call 911 and try to save her mom. As his children panicked and called 911, Andre riffled through Monica’s purse, and then fled.

Miraculously, Monica survived the attack, and lived for 32 days in the Surgical ICU of University of Cincinnati Hospital, even after losing record amounts of blood, and having most of her abdomen and intestinal tract shredded. She endured sever trauma and cuts to nearly every part of her body, multiple surgeries, and an Aspergillus infection due to the immeasurably vulnerable state her body was in after everything she had gone through.

Throughout most of those 32 days, Monica was conscious and lucid, she would mouth and sometimes whisper communications with us. She was even cognizant and coherent enough to communicate with the nursing staff that she didn’t want as much pain medication and wanted to be as upright as possible, so she could stay awake while her family visited with her, all while her abdomen was still cut open and packed.

When Monica was attacked on October, I was in a Domestic Violence class, and I was shocked to find out that my home state, Monica’s home state, was within the minority of states that did not have a non-fatal felony strangulation law in place. After that class, while sitting in the waiting room at UC Hospital, the family discussed strangulation, and how if Andre had been charged with a felony, not only could he have possibly been incarcerated on the date of her ultimately fatal attack, but Monica could have had more than 11 days to gather herself and her children and flee their abuser. It was on that day, that we decided as a family, that we would do whatever we could to facilitate a change in Ohio.

As you have heard/will hear from others far more experienced and knowledgeable than myself, non-fatal strangulation can not only lead to serious conditions like brain damage, and can ultimately lead to death days or weeks later. Among the multitude of sources, The National Domestic Violence Hotline has consistently stated that strangulation is not only one of the most lethal forms of domestic violence, but that it is one of, if not the most significant predictor for future lethal violence. As well as, if a domestic violence victim was strangled by their partner in the past, the risk of them being killed by that partner is 10 times higher than the average.

We know that enacting a felony non-fatal strangulation law is not the final solution or magical end to domestic violence and murder, as well as, that there is no guarantee that we wouldn’t have lost Monica, but it is most certainly a step in the right direction to provide further protections for domestic violence victims. Having such a law on the books, allows the victims to have more time to understand and to come to grips with the circumstances, reach out for help, and plan and make arrangements for themselves and their family to flee to safety.

Our family is so incredibly thankful to Senator Kunze and the co-sponsors of Ohio Senate Bill 207, as well as to all of the experienced individuals that have offered their support and input on the matter. We know that Monica would be so proud to see the efforts being made, and for the opportunity to potentially save lives. And I am beyond thankful for, and humbled by the opportunity to speak before you today, and to tell you Monica’s story which allows me, to try to keep the promise I made to Monica, to carry on her legacy by advocating for a such an important change.

Thank you so much for your time and consideration.

Nicole Miller, J.D.