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Hon. Jeremiah W. Nixon
Missouri State Capitol
Jefferson City, MO 65102

Dear Governor Nixon:

I write on behalf of Missouri's prosecutors in support of SB590.

This bill provides a legislative fix for Missouri's first-degree murder statute in the wake of *Miller v. Alabama*. For four years, crime victims in Missouri have been held in limbo, waiting for this statute to be fixed. Our criminal justice system has failed them in this respect. Finally, the legislature has provided the desperately needed fix to this law, which will allow a fully functioning criminal justice system. Crime victims deserve to this fix, with an emergency clause.

Approximately four years ago, the United States Supreme Court ruled that in cases where a killer less than 18 years old is facing life imprisonment without the possibility of parole, the jury must have a second option to consider.

First and foremost, this bill maintains life without parole as one of those options. During the legislative process, we suggested that this procedure be modeled after the death penalty requirements of notice and statutory aggravators. We willingly welcome this extra burden, because we know that but for the ruling in *Roper v. Simmons*, which bars the death penalty for killers under the age of 18, that the vast majority of these heinous cases would be death eligible.

The second option is life with the possibility of parole, and the third option is a term of years between 30 and 40. Either of these options requires that a period of 25 calendar years must be served before the killer can petition for a parole review process. This ensures that a significant amount of time will have passed before the parole could begin to consider parole eligibility. It is also important to note that this is not less than the amount of time the killer would have to serve before being parole eligible should they receive the highest punishment on a charge of murder in the second degree.

In January of this year, the United States Supreme Court ruled in the case of *Montgomery v. Louisiana* that *Miller v. Alabama* was retroactive. The Supreme Court said that retroactive cases that pre-date *Miller* can simply be granted eligibility for a parole hearing, instead of resentencing them with a new jury. Earlier this year the Missouri Supreme Court issued orders in most of Missouri's cases granting parole hearing after 25 years unless the legislature or the Governor took contrary action. This bill codifies that order and we support this procedure, as opposed to holding judicial re-sentencing proceedings on decades old cases, and putting crime victims' families through another court proceeding.

There will be opponents who wish to see life without parole eliminated as an option altogether. The following case examples from Missouri cases illustrate exactly why life without parole must remain a sentencing option. If we trust our juries to make the decision of guilt, then we should trust them with the full range of legally available sentencing options for the most heinous cases.

Michael Taylor, age 15 at the time of the murder. Taylor was approx. 6'4" and well over 200lbs. He was a student at a local middle school. He had been caught hiding in the girls bathroom at a different middle school and was transferred to this school. The school officials were not advised of the reason for the transfer. Within a few weeks, he murdered a 15 year old victim, who was about 5' tall and well under 100lbs. He murdered her in the girl's restroom. Taylor grabbed her beat her unmercifully and attempted to sexually assault her. He continued the beating and attempted to stuff her in a toilet after she was dead or at least unconscious. She was found later by other students entering the restroom. Taylor was under 16 at the time of the murder and therefore ineligible for death. He was convicted and sentenced to LWOP. While serving his sentence at Potosi, he sexually assaulted and beat to death his cell mate. He was convicted of that offense and sentenced to death.

Tony Jones, age 15 at the time of the murder. Jones was dating a 15 year old. She worked at a donut shop in the neighborhood. He robbed the store while she was working. Then beat her and strangled her with a cord around her neck. His bloody footprint (her blood) was found on her chest where he stood on her as he strangled her with the cord.

Rodney Allen, age 15 at the time of the murders. Rodney Allen broke into the first victim's home and held his wife and two children at gunpoint until the victim arrived at the front door. He chased the victim down the street until the victim fell in the driveway of the garage sale where he shot him in the back. The victim died from the gunshot wounds. He then kicked in the locked front door of the house at the garage sale and shot the second victim, the homeowner, who survived, he then chased her son out into the back yard where he was shot and killed. He then took the first victim's car and hid in a carport from the police. When an officer approached the car he drove at him and nearly hit him. He wrecked the car a short distance away, fled on foot, and was arrested hiding in some bushes.

Louis Clark, age 16 at the time of the murder. Clark was a drug dealer. Six months prior to the murder (at age 15) he ambushed a rival drug dealer and hit him with a shotgun blast leaving him partially paralyzed. On the day of the murder he again ambushed his rival. This time the victim was sitting in a car with his 2 year old daughter, his girlfriend and her 2 year old daughter. Clark approached the car and began firing. He let loose with at least 15 rounds striking the v

several time. The v was able to crawl across the seat (his was partially paralyzed from the earlier shooting) and he and his daughter fell out of the passenger door onto the sidewalk. As the victim begged for his life and that of his two year old daughter, Clark walked around the car and executed the dealer with one shot at close range above the left ear. He then executed the two year old with one shot above her left ear. Clark was originally sentenced to death but the case was reversed. He was retried and sentenced to LWOP.

We urge you sign this bill to bring justice for crime victims in Missouri.

Sincerely,



Kevin S.Hillman
President
Pulaski County Prosecuting Attorney

cc: Sen. Bob Dixon
Rep. Robert Cornejo
Elected Prosecutors