

Presentation to Courts of Justice

SB 842

Dear House Delegates:

I am asking you to support SB 842. I know that there has been some concern that there may be cracks / loopholes in the legislation that may allow some underserving petitioners to be released from custody. As I read the bill, I am confident that there are enough stopgap protections in the bill that allow the good objective judgment of the courts to mitigate those potential problems.

I could go into GREAT detail re. the numerous problems and caveats within the current process for petitioning the state but will not do so here.

SAFEGUARDS:

1. The key word in this bill is **MODIFICATION** and each case is reviewed in a hearing by the circuit court that entered the original judgment.
2. The circuit court may dismiss w/o prejudice the petition
3. **VERY Important:** The Petitioner **must** state the reason for requesting a sentence modification and make a **compelling** argument to the court.
4. We are trusting our court system with the process and should be confident that those not worthy of a modification will not receive one.

POI: The Petition for Conditional Pardon for the inmate for whom I have been working for his release was submitted in October of 2016 and was not acted upon (a denial) until July of 2021: 5 years!! Under current Virginia law he cannot resubmit a petition until 2024 so from a

practical standpoint it may well be 2029 until he gets a decision which would effectively be **thirty years** from the time of his incarceration!!

Bill 842 requires the court to file a written explanation for granting or denying the petition within 30 days of the hearing. **MUCH** different than the current process that goes through the Secretary of the Commonwealth's office. Also, this takes off some of the burden on that office as it is understaffed and overwhelmed in this area!

Finally: The intention of SB 842 is to provide a "Second Chance" to those that meet the criteria listed in the bill and who are truly deserving of a "Second Chance". I have been working for 4.5 years to gain the release of my friends' son who had been wrongly convicted and over sentenced and now has spent twenty-three + years incarcerated. He checks all the boxes needed to be considered for petition and release under SB 842; actually, he could be the poster boy for the good intentions of the bill. Therefore, I ask you to vote YEA and let the courts that were originally involved in the adjudication of these individuals decide if the DOC has fulfilled it's mission statement by rehabilitating these people; especially those that have not committed violent crimes.

Thanking you in advance for your time and consideration in this matter, I am,

Truly yours,



Jay Halprin

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