

I am writing today to support HB 308 introduced by Delegate Ballard relating to the conditional release of geriatric prisoners. My husband's killer recently had his initial geriatric parole hearing, so I come to you with a firsthand look at what I experienced. As you consider this bill, please consider the victims of these violent crimes. I emphasize 'violent crimes' because these are the felonies that are included in this bill. Also, please remember that for every criminal that will be affected by this bill there are even more victims that are affected.

Until October 9, 2023, I had no idea that geriatric parole even existed in Virginia. I have lived in Virginia all but eleven months of my sixty-one years and remember when Virginia abolished parole in 1995. It never dawned on me that parole might still exist for crimes committed after 1995. Imagine my anguish when as the spouse of a murder victim, I received an automated phone call notifying me that my husband's killer had a parole interview scheduled for November 8! How could Virginia even be considering letting a murderer back out on the streets?

On November 7, 2000, Joe Ludlam brutally murdered my husband, Tim O'Shaughnessy. Tim had terminated Joe's employment several weeks prior to the murder. Joe left his home in Portsmouth by foot the morning of the 7<sup>th</sup> and took the ferry over to Norfolk. From there he walked several blocks to the parking garage next to the Crestar building, went to his car which was broken down, and removed a gun. He then went up to the offices of First Union Securities (now Wells Fargo Securities) on the 14<sup>th</sup> floor of what was then the Crestar Building. He entered the office and picked up a golf club along the way to the break room where he attacked my husband. He struck Tim in the head with the golf club with such force that it broke the club. He then stabbed him in the chest with the handle. As Tim was reeling from what was happening, Joe pulled out his gun and shot Tim in the back. While the shot to the back would have been fatal, he proceeded to hold the gun to the back of his head and shoot him again. Ludlam was clear headed enough to know he needed a get away vehicle so he stole Tim's keys and car. Tim was forty at the time of his murder. His four sons ranged in age from nine months old to six years old. I provide these details so you can see just how violent this crime was.

Ludlam was ultimately charged with capital murder, robbery, grand larceny, and three counts of use of a firearm. In October 2002 after several continuances, he worked out a plea deal which gave the Commonwealth Attorney (CA) an assured conviction (first-degree murder and use of a firearm) and Ludlam waived his right to appeal. I initially opposed this deal as forty years didn't seem long enough a punishment for his selfish act, but the CA assured me that the forty years was virtually a life sentence. The CA knew I that I believed parole had been abolished and yet he never mentioned that in only 21 years Ludlam would be eligible for something called geriatric parole. The forty years have already been reduced to less than thirty-five, because of some law that states criminals committing felonies only serve 85% of their sentences **unless** they misbehave.

For the last twenty years I have mainly been okay. I raised our four sons as a single parent with the support of my family and friends. They are all healthy and grown up, living with the loss of their dad. They don't know or remember things being any other way. IT is a part of who we are. As children, they were scared of the man. Would he get out of jail and try to kill them? Would he harbor a grudge against us while serving his time and try to kill us when he gets out?

It nauseates me to think that Ludlam could be released earlier than September 18, 2035, and the idea that I will have to relive in such vivid details my loss multiple times over the next twelve years is

something no one should have to go through. Ludlam was not granted parole in November 2023 and I asked for and received a three year deferral. But my fight is not over...

The current code (§53.1-40.01) acts as though it is the criminal's responsibility to ask for a geriatric parole hearing ("...may petition..."), but based on information I was provided it is automatic. The Department of Correction's system flags inmates that will become eligible for geriatric parole and automatically schedules a hearing. These hearings are annual unless the victim asks for and receives a three-year deferral. IF a victim has registered for NAAVI then they will receive an automated notification of the hearing. It is the victim's responsibility to schedule a meeting with a parole board member. It is the victim's responsibility to provide support opposing the release of the prisoner. In the twenty-three years since Tim's murder the CA's office has not reached out to me to see if the contact information they have for me is current. It was evidenced by my contact with the CA's office after learning of the parole hearing, that I'm not even a concern to them anymore. I'm lucky, because I actually reached out to the parole board office in 2020 to make sure that Ludlam wasn't on a list to be released. I updated my information then; otherwise I would not have known he was eligible for geriatric parole. I had no idea that I should update since I can go online and check on his scheduled release date and get the information I received under the VINE. Sadly no information is provided about potential parole hearings. His expected release date hasn't changed in 23 years. I have hoped and hoped he would do something that would tack on those additional years and make it forty.

Per one of my sons, very few of the criminals that come up for geriatric parole even get the parole. If it is so hard to get geriatric parole, then why put the victims through this every year after an inmate qualifies for geriatric parole? I have no idea of what the cost of these parole hearings is, but I would imagine that it strains an already strained system.

Please think of the victims and pass HB 308.



*Figure 1: Tim and Paige summer 1992*



*Figure 2: Only picture of Tim and his four sons, Summer 2000*

