



February 8<sup>th</sup>, 2024

Representative Tusler, Chair  
Members of the Assembly Committee on Judiciary

**Testimony on 2023 Assembly Bill 845**

*Relating to: sentencing for crimes committed by a person who is under the age of 18.*

Thank you, Chairman Tusler and other members of the committee, for hearing my testimony on Assembly Bill 845 today. I am a believer in second chances and the possibility of rehabilitation, which is why I have introduced this legislation with Representative Novak.

At the federal level, the United States Supreme Court has acknowledged how extreme sentences for juveniles violates their Eighth Amendment constitutional rights. In 2005, *Roper v. Simmons* the Supreme Court ruled that the death penalty for anyone under the age of 18 was in violation of the Eighth Amendment; following that decision, in 2010, *Graham vs. Florida* established that life sentences without the possibility of parole for juveniles convicted of non-homicide crimes also violated the Eighth Amendment. Those two cases preceded the two important cases that were the driving factor for this legislation.

The 2012 *Miller vs Alabama* decision abolished juvenile mandatory life without parole sentences and reiterated that while life without parole sentences were still permissible, it is only allowed after judicial consideration of the individual case's circumstances. The subsequent ruling of *Montgomery vs. Louisiana* in 2016 found that the *Miller* decision must be applied retroactively, allowing juvenile homicide offenders to petition for parole. Ever since the *Miller* decision, states have been changing their laws to comply with the federal ruling of no **mandatory** life without parole sentences, but some have gone even further with abolishing juvenile life without parole sentences completely.

Wisconsin has not necessarily kept up with juvenile justice reform, considering we are one of the only three states that still tries 17 year olds as adults, so it should not be a surprise that we have not addressed this issue. AB 845 would do just that. There are three major components to this legislation: adjusting sentencing procedures for "youthful offenders," the consideration of mitigating factors in a sentencing decision, and eliminating mandatory life sentences without the possibility of parole or extended supervision for youthful offenders. Under this bill, youthful offenders are allowed to petition the court for a sentence adjustment after 15 years of their sentence, or 20 years if the offender was convicted of a crime that caused the death of a person or was convicted of felony sexual assault of a child. Notification of this eligibility would be given to offender one year before they are able to petition. The district attorney and crime victim would be notified as well. Although the department would be required to hold the hearing on the petition, sentence adjustment is not 100% guaranteed.

This bill also aims to address future youthful offender cases with adjusting the sentencing decision procedures. In addition to aggravating factors, a court must consider mitigating factors such as age and maturity when determining the sentence of the youthful offender. Lastly, this bill would officially eliminate **mandatory** life sentences for those convicted of three seriously felonies on separate occasions or two separate serious child sex offense. This change in law would align Wisconsin statute with federal precedent established by the Supreme Court.

STATE SENATOR

JESSE



JAMES

23<sup>RD</sup> DISTRICT

Although this bill would help a small population currently serving in our state, it would help prevent unjust and unnecessarily lengthy sentences for youthful offenders in the future. We've heard time and time again that our prison system needs changing. This is just one step we can make to make sure we aren't paying for someone to sit in prison for the entirety of their life with no hope of getting released when we should be focusing on rehabilitation. Thank you, and I will take any questions at this time.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jesse James".

Senator Jesse James  
23<sup>rd</sup> Senate District  
[Sen.James@legis.wisconsin.gov](mailto:Sen.James@legis.wisconsin.gov)



# TODD NOVAK

STATE REPRESENTATIVE • 51<sup>ST</sup> ASSEMBLY DISTRICT

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Rep.Novak@legis.wi.gov

P.O. Box 8953

Madison, WI 53708-8953

DATE: Thursday, February 8th, 2024  
RE: Testimony on Assembly Bill 845  
TO: Assembly Committee on Judiciary  
FROM: State Representative Todd Novak

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Thank you, Chairman Tusler and members of the Assembly Committee on Judiciary, for holding a public hearing on Assembly Bill 845 (AB 845), relating to sentencing for crimes committed by an individual who is under the age of 18.

This legislation is a crucial step toward ensuring fairness and justice for youthful offenders in our criminal justice system. Individuals under the age of 18 possess a level of immaturity and developmental differences that significantly impact their decision-making abilities. By introducing a sentence adjustment procedure specifically tailored to youthful offenders, this bill acknowledges the potential for growth, rehabilitation, and redemption in these individuals.

The recent rulings by the United States Supreme Court (*Jones v. Mississippi*) have made it clear that sentencing juveniles to life without parole is a violation of the Eighth Amendment. This bill aligns Wisconsin law with the Supreme Court's interpretation, eliminating mandatory life sentences without the possibility of release for juvenile offenders. This evolving line of interpretation is rooted in the fundamental difference that exists between juvenile and adult offenders as it relates to their culpability.

AB 845 brings Wisconsin in line with 28 other states, including Arkansas, Illinois, Minnesota, North Dakota, Ohio, South Dakota, Texas, Utah, Virginia, West Virginia, and Wyoming.

Wisconsin law currently allows juvenile offenders to receive mandatory life sentences without the possibility of release. Assembly Bill 845 eliminates those provisions that do not conform with federal constitutional law to ensure Wisconsin remains in compliance with controlling U.S. Supreme Court precedent.

Importantly, this bill also provides a chance for those who were sentenced under the old, unjust guidelines to have their sentences reviewed. These "youthful offenders" who have been imprisoned for years, sometimes decades, will have the opportunity to demonstrate their growth and rehabilitation and, if appropriate, to rejoin society.



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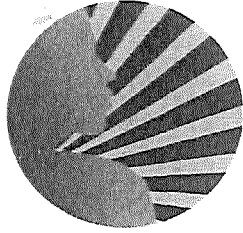
Madison, WI 53708-8953

Under this bill, courts would have the discretion to reduce or modify a youthful offender's sentence so long as the reduction was warranted by the interests of justice and did not pose a threat to public safety. If a youthful offender's initial petition is denied, the court will be required to provide its reasons in writing. Youthful offenders would be able to petition to have their sentence reviewed every three years.

The Department of Corrections would need to consider access to rehabilitative services for youthful offenders as they approach eligibility for sentencing review. Victim's families would be notified regarding these proceedings and would be entitled to be involved in the sentence adjustment procedure.

In conclusion, this bill will ensure Wisconsin remains compliant with prevailing federal constitutional law and takes steps to ensure that the sentencing of juvenile offenders is more just. Ending juvenile life without parole in Wisconsin is not just about reforming our justice system but restoring hope, potential, and the promise of a future for our youth.

Thank you for your consideration of Assembly Bill 845.



The **CAMPAIGN** for the  
**FAIR SENTENCING**  
of **YOUTH**

**BILL: AB 845**

**DATE:** February 8, 2024

**POSITION: SUPPORT**

**COMMITTEE:** Assembly Committee on Judiciary

**CONTACT:** Preston Shipp (Preston@cfsy.org)

Chairman Tusler, Vice-Chair Rettinger, and distinguished members of the Assembly Committee on Judiciary:

The Campaign for the Fair Sentencing of Youth respectfully submits this testimony for the official record to express our **SUPPORT for AB 845**, which is rooted in the belief that children who cause harm are still children, deserving of our care and concern, and we must leave room for them to move beyond the worst act of their young lives and realize a redeemed future.

The U.S. Supreme Court, relying on recent science concerning adolescent brain development, has concluded in a series of cases that children are fundamentally, constitutionally different from adults. Based on these holdings, 28 states and the District of Columbia have passed legislation creating second-look opportunities that focus on rehabilitation and the unique potential that children have to experience profound positive transformation as they become adults. AB 845 is in line with these Supreme Court decisions, the brain science, and the 28 other states, including Arkansas, the Dakotas, Illinois, Minnesota, Nevada, Ohio, Texas, Utah, Virginia, West Virginia, and Wyoming, that have already passed this kind of legislation. In all of these states, the people who are being given second chances are doing what we would expect rehabilitated people to do. They are raising families, serving their communities as mentors to at-risk youth, and working as substance abuse counselors, truck drivers, juvenile court program directors, translators, social workers, paralegals, re-entry specialists, and directors of food ministries. Nationwide, over 1,000 people are now home who were told as children that they would die in prison. And among former juvenile lifers, there is a rate of recidivism of only 1.14 percent.

As a former Tennessee prosecutor, I place great value on personal accountability, the rights and needs of victims, and public safety. But true justice is never a zero-sum game. We need sentencing policies, especially for children, that balance these important concerns with meaningful opportunities for children to mature, experience rehabilitation, and demonstrate that they are ready to live successful, productive lives outside prison walls.

Children are simultaneously the most vulnerable members of our society and our most valuable resource for building our future. We must never discard a child as being beyond the hope of redemption, which is, in a word, what AB 845 is about. Please vote in favor of AB 845.

Testimony for Public Hearing  
State Assembly Committee on the Judiciary  
February 8, 2024

Clinical Professor Adam Stevenson  
on behalf of himself and the undersigned

2023 Assembly Bill 845

**STATEMENT OF INTEREST**

Thank you for the opportunity to testify before you today. My name is Adam Stevenson. I am Clinical Professor at the University of Wisconsin Law School, and Director of the Frank J. Remington Center. I am speaking today on my own behalf, and on behalf of my colleagues whose names appear at the end of my written testimony. I have served on the clinical faculty at the University of Wisconsin Law School and the Frank J. Remington Center for over 13 years, working with individuals incarcerated in the state of Wisconsin. My colleagues and I also teach courses on all aspects of criminal justice and work as clinical educators supervising law students in projects that serve professionals and individuals within the criminal justice system. Our research and the work of several of the projects with which we are affiliated position us to offer experience-based insights to advance effective state criminal justice policies that improve fairness and public safety. This work includes serving those individuals who would be considered “youthful offenders” under the proposed legislation.

Based on our research, expertise, and experience, we strongly support 2023 Assembly Bill 845.

**POSITION STATEMENT**

We believe that this bill is a measured approach balancing the national recognition of the development of young people that makes a sentencing decision a difficult task to accurately assess at the time of youth while continuing to ensure public safety. Many states have

recognized this same balance. As to how to evaluate these young people as they grow, this Bill has proposed to build on the procedures that have served similar balance for many years.

Assembly Bill 845 helps Wisconsin move more like a large, growing, and diverse national consensus that a sentence of life without parole is categorically inappropriate for those under the age of eighteen. As of today, 28 states have banned the sentence for such individuals, including diverse states such as Texas, California, Ohio, Maryland, and three of our closest neighbors: Iowa, Illinois and just recently Minnesota.<sup>1</sup> Five additional states have functionally eliminated the practice with no one currently serving such a sentence.<sup>2</sup> The nation is recognizing, as the Supreme Court said in *Graham v. Florida*<sup>3</sup> and re-emphasized in *Miller v. Alabama*<sup>4</sup>, that children have “lessened culpability” and “greater capacity for change.”

Many will speak to you today about the Bill’s actions for future cases. I would like to highlight the method to address all youthful offenders, including those sentenced before we learned of much of the science behind juvenile brain development.

We believe that the use of the sentence adjustment procedure under Wis. Stat. § 973.195 provides an open and effective way in which to evaluate the development of an individual along with the other criteria a court considers at sentencing. The sentence adjustment procedure gives a chance for courts, new and old, to consider an individual’s youth, developmental experience, intellectual capacity and mental health, history of trauma, and many others more fulsomely and accurately. In recent years, “studies of adolescent brain anatomy clearly indicate that regions of the brain that regulate such things as foresight, impulse control, and resistance to peer pressure” are not fully developed at age 18.<sup>5</sup> At that time, a child is still growing into who she will become as an adult. “Adolescence . . . is a time when people are, on average, not as mature as they will

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<sup>1</sup> The Campaign for the Fair Sentencing of Youth, [www.cfsy.org](http://www.cfsy.org)

<sup>2</sup> *Id.*

<sup>3</sup> 560 U.S. 48, 68, 74 (2010).

<sup>4</sup> 567 U.S. 460, 465 (2012).

<sup>5</sup> Laurence Steinberg, *Should the Science of Adolescent Brain Development Inform Public Policy?*, *Issues in Sci. & Tech.*, Spring 2012, <https://issues.org/steinberg-science-adolescent-teenage-brain-policy/>

be when they become adults.”<sup>6</sup> The release mechanism further accounts for the transformation of both the youthful offender but also the information about that individual. While at sentencing, the most prominent factor at sentencing for a youthful offender is the crime, because there may not be much if any information about many factors the Bill adopts that mirror the findings discussed in the Miller line of cases and adopted by many other states.

Another feature of the sentence adjustment portion of the bill deserves discussion. This bill fills a gap in the sentence adjustment process for youthful offenders with Class B felonies. These offenses, including 1<sup>st</sup> Degree Reckless Homicide, Wis. Stat. § 940.02, and 2<sup>nd</sup> Degree Intentional Homicide, Wis. Stat. § 940.05, hinge on a mental state and understanding of cause/effect, risk, among other that are particularly underdeveloped in young people. For 2<sup>nd</sup> Degree Homicide, these include the belief in adequate provocation, improper belief of the need for defensive force, among others. As a result, it is particularly important that these offenses be included in this youthful offender sentence adjustment package to reflect the science of adolescent brain development.

This mechanism represents an opportunity, a hope, but not guarantee, of a second chance if an individual grows and proves to be capable of safe return to the community. As in all sentence adjustment proceedings, all parties to the case, victims included, can express their positions before the court determines whether release would be appropriate. Such an open consideration by the original sentencing court, and possibly the same circuit court judge, affords an incentive for change and an opportunity for return to our communities as a changed, grown adult.

The balance for public safety is also born out in the statistics related to life without parole sentences and the outcomes for those who were released from those sentences received in the past. As of June 6, 2023, fewer than 100 people have received a life without parole sentence while a minor in adult court since 2012, when the Supreme Court decided *Miller v. Alabama*. In that same time frame, from 2012 to 2023, more than 1,000 youthful offenders have been released in other states. What is perhaps most striking about these releases is the outcomes experienced by those individuals. While you are likely to hear from many individuals today who are testaments to the power of change, the over 1,000 people I reference had no hope for release until 2012. Yet

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<sup>6</sup> *Id.*; Mass. Inst. Of Tech., *Brain Changes, Young Adult Dev. Project* (2008), <https://hr.mit.edu/static/worklife/youngadult/brain.html> (“The brain isn’t fully mature . . . at 18.”).



the positive outcomes from their releases have been staggering. As of 2021, it has been reported that not even one of the 68 “juvenile lifers” granted parole had been rearrested.<sup>7</sup> In a study conducted by Montclair State University on the then 174 “juvenile lifers” returned to Philadelphia, it found a rearrest rate of 3.45% (1.17% reconviction rate), compared to 30% for those others released from life sentences.<sup>8</sup> The individuals who committed the conviction that led to these extreme sentences are mostly, if not all, different people than those that are serving sentences 15-20+ years later. An opportunity to reconsider the first person’s sentence will help provide us all with an opportunity to have that new, second person join us in society.

Thank you for your time and attention.

Respectfully submitted,

Adam Stevenson  
Clinical Professor of Law<sup>9</sup>  
Frank J. Remington Center

Rachel Burg  
Clinical Assistant Professor  
Frank J. Remington Center

Zoe Engberg  
Clinical Fellow  
Frank J. Remington Center

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<sup>7</sup> Demario Davis and Stan Van Gundy, *It’s Time for Louisiana to End Juvenile Life Without Parole*, LA Illuminator, April 29, 2021, <https://lailluminator.com/2021/04/29/its-time-for-louisiana-to-end-juvenile-life-without-parole-demario-davis-stan-van-gundy/>

<sup>8</sup> Drs. Tarika Daftary-Kapur and Tina M. Zottoli, *Resentencing of Juvenile Lifers: The Philadelphia Experience* (2020) <https://www.msuddecisionmakinglab.com/philadelphia-juvenile-lifers>.

<sup>9</sup> I have included my title and the title of others for identification purposes only. The views we express are solely our own, not those of the University of Wisconsin, the University of Wisconsin - Madison, the University of Wisconsin Law School, or any entities (including clinics) associated with them.



## WISCONSIN CATHOLIC CONFERENCE

TO: Representative Ron Tusler, Chair  
Members, Assembly Committee on Judiciary

FROM: David Earleywine, Associate Director

DATE: February 8, 2024

RE: Support for AB-845, Prohibiting Life Sentences without Parole for Youthful Offenders

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The Wisconsin Catholic Conference (WCC), the public policy voice of the state's Catholic bishops, thanks you for the opportunity to testify in support of AB-845, prohibiting life sentences without parole for those under 18.

Catholic teaching holds that all offenders must be held accountable, but in a way that serves to rehabilitate them and to eventually reintegrate into the community. The U.S. bishops spell out this "paradoxical Catholic teaching on crime and punishment":

We will not tolerate the crime and violence that threatens the lives and dignity of our sisters and brothers, and we will not give up on those who have lost their way. We seek both justice and mercy. Working together, we believe our faith calls us to protect public safety, promote the common good, and restore community. We believe a Catholic ethic of responsibility, rehabilitation, and restoration can become the foundation for the necessary reform of our broken criminal justice system.<sup>1</sup>

In this same statement on criminal justice, the U.S. bishops are explicit in their opposition to treating young offenders as adults:

The actions of the most violent youth leave us shocked and frightened and therefore they should be removed from society until they are no longer dangerous. But society must never respond to children who have committed crimes as though they are somehow equal to adults – fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. In many instances, such terrible behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, or addressing serious mental or emotional illnesses.<sup>2</sup>

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<sup>1</sup> United States Conference of Catholic Bishops, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (2000).

<sup>2</sup> *Id.*

Furthermore, for punishment to be an instrument of correction, the offender must be given hope.<sup>3</sup> As Pope Francis noted in 2022, “It is right that those who have done wrong should pay for their mistake, but it is equally right that those who have done wrong should be able to redeem themselves for their mistake. ... Any sentence must always have a window of hope.”<sup>4</sup>

Our legal system also recognizes that holding youth to the same standards of accountability as a fully formed adult is unjust. In *Miller v. Alabama*, 567 U.S. 460 (2012), the Supreme Court held that imposing a mandatory life sentence without parole for a juvenile constitutes cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution. In that case, the Court specifically explained that juvenile offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions.

With all this in mind, we urge the Committee to support AB-845, which will foster both rehabilitation and restoration in Wisconsin. Thank you again for the opportunity to testify today.

<sup>3</sup> Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, no. 403. (“There is a twofold purpose here. On the one hand, encouraging the re-insertion of the condemned person into society; on the other, fostering a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed.”) See also *Catechism of the Catholic Church*, 2<sup>nd</sup> ed. (2000), no. 2266: (“The efforts of the state to curb the spread of behavior harmful to people’s rights and to the basic rules of civil society correspond to the requirement of safeguarding the common good. Legitimate public authority has the right and duty to inflict punishment proportionate to the gravity of the offense. Punishment has the primary aim of redressing the disorder introduced by the offense. When it is willingly accepted by the guilty party, it assumes the value of expiation. Punishment then, in addition to defending public order and protecting people’s safety, has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party.”)

<sup>4</sup> Pope Francis, *General Audience* (January 19, 2022).



AMERICAN CIVIL LIBERTIES UNION

Wisconsin

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February 8, 2024

Chair Tusler, Vice-Chair Rettinger, and Honorable Members of the Assembly Committee on Judiciary:

**The American Civil Liberties Union of Wisconsin appreciates the opportunity to testify in support of Assembly Bill 845.** This legislation will align Wisconsin law with brain science and Supreme Court precedent. Specifically, the bill creates a sentence adjustment procedure for a “youthful offender,” defined under the bill as an individual who committed the crime for which the individual is being sentenced before he or she turned 18 years old. This bill also prohibits a court from sentencing a youthful offender to life imprisonment without the possibility of parole or release to extended supervision, and creates new mitigating factors that a court must consider when sentencing a youthful offender. Finally, this bill eliminates statutory mandatory life sentences without parole or release to extended supervision for youthful offenders in order to comport with federal constitutional law.

### **The Supreme Court Says Kids are Different than Adults**

Decades of scientific and psychological studies confirm that children are fundamentally different from adults. Youth lack maturity and have an underdeveloped sense of responsibility,<sup>1</sup> often resulting in impulsive and ill-considered actions and decisions, which explains why “adolescents are overrepresented statistically in virtually every category of reckless behavior.”<sup>2</sup> Kids engage in impulsive decision-making because they are unable to fully perceive and evaluate risks; they think more about immediate gains as opposed to long-term consequences; children are more vulnerable to negative influences and outside pressures, in part because they have less control over their own environment than adults. So it is no surprise that psychologists have concluded that youth “lack the freedom that adults have to extricate themselves from a criminogenic setting.”<sup>3</sup>

“There is no keener revelation of a society than the way in which it treats its children.”

**NELSON MANDELA**

<sup>1</sup> See Laurence Steinberg & Elizabeth S. Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*, 58 *Am. Psychologist* 1009, 1011–14 (2003).

<sup>2</sup> Jeffrey Arnett, *Reckless Behavior in Adolescence: A Developmental Perspective*, 12 *Developmental Rev.* 339, 339 (1992); see also Laurence Steinberg & Robert G. Schwartz, *Developmental Psychology Goes to Court, in Youth on Trial: A Developmental Perspective on Juvenile Justice* 9 (Thomas Grisso & Robert G. Schwartz eds. 2000).

<sup>3</sup> *Id.*

## Death in Prison Sentences

The United States is the only country in the world that allows kids to be sentenced to life imprisonment without the possibility of parole—a sentence to die in prison.<sup>4</sup> Each year, children as young as 13 are sentenced to spend the rest of their lives in prison without any opportunity for release.<sup>5</sup> According to the Campaign for Fair Sentencing of Youth, 33 states and Washington D.C. have banned or have no one serving life without parole for crimes committed as children.<sup>6</sup>

Citing the overwhelming body of psychological research, the U.S. Supreme Court has recognized that, “children are constitutionally different from adults for the purposes of sentencing.”<sup>7</sup> Accordingly, the Supreme Court has held that it is unconstitutional to sentence youth, even those who commit heinous crimes, to life without parole, except for the “rare juvenile offender whose crime reflects irreparable corruption.”<sup>8</sup> Absent such a finding, states *must* offer child offenders a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.”

Wisconsin’s current system for the parole of juvenile offenders fails to provide this meaningful opportunity, ostensibly creating de facto life-without-parole sentences, by consistently denying release on parole to juvenile lifers who demonstrate unmistakable maturity, rehabilitation and reform, and a low risk to public safety.

According to a 2021 Legislative Council Interim Research Report, as of October 2020, “There are 115 individuals currently serving life sentences in Wisconsin prisons for offenses committed as juveniles. Of these, six will never be eligible for release. The remaining 109 will become eligible for release at some point, though it may be beyond the person’s life expectancy,” and the “youngest age of offense for any individual serving a life sentence is 13.”<sup>9</sup>

Of the state agencies, organizations, and individuals invited to submit recommendations regarding the sentencing of youth offenders in adult criminal court for this Legislative Council Interim Research report, *nearly all* recommended 1) prohibiting courts from imposing life sentences without the possibility of release for juveniles, 2) eliminating both discretionary and mandatory sentences of life without the possibility of release for juveniles, and 3) creating a “second chance” sentence adjustment procedure to allow offenders currently serving life sentences or extremely long sentences for crimes committed while a juvenile to petition for release after serving at least 15 years.

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<sup>4</sup> “Juvenile Life Without Parole (JLWOP),” Juvenile Law Center, <https://jlc.org/issues/juvenile-life-without-parole>.

<sup>5</sup> “Children in Adult Prison,” Equal Justice Initiative, <https://eji.org/issues/children-in-prison/>.

<sup>6</sup> “States that Ban Life Without Parole for Children,” The Campaign for the Fair Sentencing of Youth,” (2023), <https://cfsy.org/media-resources/states-that-ban-juvenile-life-without-parole/>.

<sup>7</sup> *Montgomery v. Louisiana*, 136 S. Ct. 718, 733 (2016) (quoting *Miller v. Alabama*, 567 U.S. 460, 471 (2012)).

<sup>8</sup> *Montgomery*, 136 S. Ct. at 734 (2016) (quoting *Miller*, 567 U.S. at 479–80); *Graham v. Florida*, 560 U.S. 48, 82 (2010).

<sup>9</sup> Katie Bender-Olson and David Moore, “Criminal Sentencing of Juvenile Offenders in Adult Court,” Wisconsin Legislative Council (Feb. 2021), [https://docs.legis.wisconsin.gov/misc/lc/study/2020/2086/010\\_legislative\\_interim\\_research\\_report/lirr\\_juve](https://docs.legis.wisconsin.gov/misc/lc/study/2020/2086/010_legislative_interim_research_report/lirr_juve).

## All Wisconsinites Incarcerated for Crimes Committed as Children

According to a report published in 2023,<sup>10</sup> out of all Wisconsinites incarcerated in adult prisons, 7.13% are there for crimes committed as children—more than double the percentage nationwide. Louisiana is the only other state in the country with a higher percentage at 7.2%. Only ten states have at least 1,000 people or more serving prison sentences for crimes committed as children—Wisconsin is one of them:

State	Count	Percentage of Total Prison Population
Louisiana	2,277	7.2%
Wisconsin	1,709	7.13%
South Carolina	1,139	6.12%
Maryland	1,132	6.09%
Missouri	1,091	4.19%
North Carolina	1,179	3.46%
Texas	5,272	3.33%
California	3,762	3.07%
Florida	2,638	2.75%
Georgia	1,249	2.31%

Wisconsin also has the fourth-highest racial disparity in the nation among individuals incarcerated for crimes committed as children, with Black Wisconsinites making up less than 8% of the total population but constituting over 60% of people tried, sentenced, and incarcerated as adults for crimes committed as youth.<sup>11</sup> We know these disparities are present at every stage of Wisconsin's criminal legal system. According to a report published by the Sentencing Project, Wisconsin has the highest Black incarceration rate in the country.<sup>12</sup> Data shows that 1 in 36 Black Wisconsinites are currently incarcerated, meaning Black people are nearly 12 times more likely to be incarcerated than white people. According to a study by the Wisconsin Court System,<sup>13</sup> Native American men are 28% more likely to be sentenced to prison than their white counterparts.

Human Rights for Kids also developed a calculation to determine the annual cost for individuals incarcerated for crimes committed as children and an estimate of the total cost of incarcerating these individuals for the full duration of their sentences in each state. In Wisconsin, taxpayers are responsible for an annual cost of \$66,042,596<sup>14</sup> and a total cost of incarceration of \$894,077,245<sup>15</sup> for children serving adult sentences in DOC institutions.

<sup>10</sup> "Crimes Against Humanity: The Mass Incarceration of Children in the United States," Human Rights for Kids (May 2023), <https://humanrightsforkids.org/wp-content/uploads/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf>. Data from the report was collected beginning in the summer of 2021.

<sup>11</sup> *Id.* at 60.

<sup>12</sup> "The Color of Justice: Racial and Ethnic Disparity in State Prisons," The Sentencing Project (2021), <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

<sup>13</sup> "Race and Prison Sentencing in Wisconsin: Initial Outcomes of Felony Convictions, 2009-2018 DRAFT," Wisconsin Court System Office of Research and Justice Statistics (January 2020), <https://www.documentcloud.org/documents/20478391>.

<sup>14</sup> \$38,644 annually per person X 1,709 people = \$66,042,596.00 per year

<sup>15</sup> (\$38,644 X 1,495 people serving numbered sentences under 40 years X 9.75 average years served) + (\$38,644 X 214 people serving life/de facto life sentences X 40 years) = \$894,077,245.00

In light of the profound human and economic costs, ACLU of Wisconsin urges the committee to pass this critical legislation that will allow Wisconsin to join the majority of states that have banned juvenile life without parole sentences and ensure all youthful offenders are guaranteed a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” Codifying the realities of youth into our sentencing statutes would acknowledge that, “There is no keener revelation of a society than the way in which it treats its children.”

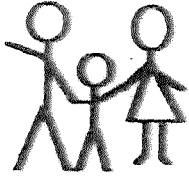
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## Clinical Psychology Associates, LLC

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197 W. Chestnut St., Burlington, WI 53105

February 8, 2024

Assembly Committee on Judiciary  
Wisconsin State Capitol  
2 E Main St.  
Madison, WI 53703

Dear Chairperson Tusler, Vice Chair Rettinger, and Honorable Committee Members Bodden, Gustafson, Sortwell, Anderson, and Ortiz-Velez:

I am writing to you in support of AB845, a bill relating to sentencing for crimes committed by a person who is under the age of 18.

I am a child clinical psychologist and board-certified forensic psychologist. I have an active practice in Burlington, Wisconsin where I have worked for the past 35 years. I have extensive experience in the evaluation and treatment of delinquent children and youth, and I have testified frequently in state and federal courts within Wisconsin, the United States, and Canada.

Youthful offenders come from a broad spectrum of backgrounds and life experiences that are known to impact their behavior. Emerging neuroscience continues to shed light on the ways in which the brain development of youthful offenders interacts with these contextual factors to influence their behavior. It is well-established that youthful offenders' emotional and physiological immaturity sets them apart from adults.

Research demonstrates that a variety of factors impact the behavior of youthful offenders, including perceived threats and peer influence. Research further demonstrates that most adolescents who engage in anti-social behavior desist from such behavior by early adulthood.

Automatic life without parole for youthful offenders is not only contrary to United States case law, but it also ignores the data demonstrating that these youth pose little risk to society as they grow older.

AB845 allows for the sentencing court to exercise discretion and consider the youths' immaturity and other contextual factors. I strongly urge you to consider this bill positively and recommend its passage.

Sincerely,

David W. Thompson, Ph.D., ABPP  
Diplomate in Forensic Psychology  
American Board of Professional Psychology  
Clinical and Forensic Psychologist



Good morning,

My son Carl Morgan, is currently serving a 55-year sentence with no chance of parole at a maximum-security prison, he was the first juvenile in 2006 charged as an adult in the State of Wisconsin at the tender age of 15-years-old.

Carl has since served 17 remorseful years, and is a role model prisoner and has obtain various higher educational degrees, he is an active tutor for fellow inmates to obtain an education to better their lives and made many positive changes in his life as his records will support.

Carl would benefit immensely in his life if given a chance to live in a free society among his Menominee Tribal people and use his education and experiences to help other troubled teenagers not make the mistakes he did.

As a mother, I know my son Carl is remorseful and he understands, how precious our freedom is.

Please support and pass the Youth Violence Bill A.B.- 845 and give my son Carl Morgan a 2<sup>nd</sup> Chance at life.

Laura White - Carl's mother.

Roger Robinson

Berlin, WI 54923

Email: rogrbnsn@charter.net

After a mis spent youth, life's circumstances took me on a trail that led me through the state of Wisconsin's correctional system. I was sentenced to one year of prison time, of which I received credit for four months of time spent in the county facility. When I adjusted to the reality of time away from my family and was awestruck with the separation, realizing that my sentence was child's play compared to the sentences that I saw all around me. I dealt with many different amounts of time as I met people, and then I met some of the inmates that were facing life sentences. I met all with a stunning degree of concern, but some more than others.

I met up with Malik when circumstances had him moved to the unit that I was assigned to. We knew him as Malik but his name is Augustine Valez. We met on several occasions, and I got to know him better and we talked a bit about our lives. I learned the Malik was a part of the gang scenario and he received a life sentence without parole while he was 19 years of age. My travels down life's road had me ministering to juvenile offenders in the county jail in Outagamie County for about nine years. My early life in the church had me involved with youth ministry, so I'm aware of youth and many of the issues they deal with in today's world.

As I got to know Malik better I was stunned by the aura that he gave off. He was well known on the unit and there were many people who had need of him for something that he could help them with. He had to focus on the task at hand to stay with our with our conversation because there were others who wanted his attention. When I tried to imagine the gangbangers I've met while passing through the system and give consideration to what I was seeing it was alarming that Malik would never have the opportunity to share his abilities with the public. I believe he has much to offer. This guy functions at a high level and is driven to meet whatever needs seem to pop up.

I look back at my youth it was life that stopped just short of a felony. In today's world I would not have received the grace that I received when I had a fatal car accident in which my uncle was killed. I was given a plea agreement that had me pleading guilty to reckless driving with a fatal accident. I mention this only to compare the person I was then and the value system I had to the one that was allowed to develop as I processed my mistakes and grew emotionally and spiritually as I experienced life. The person I've become today has values that are totally different from the ones I possessed during that phase of my life. At age 28 I was ready to come to the end of myself and raise my children in an atmosphere free of alcohol and the struggles that can come to those who indulge themselves in it.

As unfortunate as it is, our system can't reach all of those incarcerated but there is a good percentage of inmates that have learned plenty by it. I know that God did in fact work my incarceration out for good. My time was used to reconnect with God since my sentence was the result of distancing myself from the God that I had a 20 plus year relationship with. I met many men who were working hard on receiving the correction due them. I believe Malik to be among them. I became close friends with a young man that's

facing 10 years in the federal system. He was a cellmate to Malik, my advise to him was to get as much information from Malik as possible. Malik has learned to make wise use of his time incarcerated, and he lives separate from any regret that a person could have given the circumstances. He's always found things that will improve the quality of life. That alone is amazing since as far as he knows he may never see life outside of prison walls

I've stayed in touch with Malik, and in one of our phone calls he wanted to know how things were going. I had to be honest and share the realities of my life on the outside. After our time on the phone, I realized that I had just received council from my friend Malik and it was good sound advice too. We all need to focus on what's important and let the not so important things pass. I was surprised that he was so fast to offer advice on that topic because he's never experienced getting out. I was impressed with the desire that existed to offer counsel on this topic. He was aware of the needs that may arise on this topic and was quick to offer advice.

It is my hope and prayer that our state would come to realize that we have a sizable portion of our population that is wrongly incarcerated, and we should take a good look and see how we can give them a shot at life on the outside. I'm feeling like many may not be ready at this time, but we really need to give those a shot at life on the outside for those who may be ready. Our corrections system certainly is not without its flaws, but we run as good of a system as is possible and many people put forth their best effort. There are issues too numerous to mention but when an issue shows itself as clearly as this one does, we need to make an attempt to fix it. The worst case scenario would be a system of corrections that's improved. Human conditions just won't allow for all who enter the state corrections system to have success in turning their lives around but we do have that percentage that can amaze us with the changes that they make and their desire to remain free. Seems that as a society we'd want to hold onto our success and hold it high and make it known to the tax paying public.

In looking at my own life I seemed to live out the Native American stereo type and deal with the issues that lifestyle can bring to a person. The circumstances I experienced caused me to do what I had to do to make some changes in hopes that the next generation could live free of them, mistakes that the previous generations accepted as part of life. That change in lifestyle can bring substantial growth that spurns more growth and improves the quality of life. Me having experienced this growth in abundance, is totally convinced that there are inmates in our state system that have grown in wisdom and knowledge and their life in the corrections system has served its purpose.

Things can be changed for the sake of improvement change doesn't always mean we did things wrong. The people in our correction system are just that, they're people. When dealing with people we usually consider humanitarian issues. I see myself as holding on to this as a humanitarian issue. I see that the court system ruled on what was presently used in the prison system as discipline. I'm referring specifically of what was referred to as segregation. The courts ruled that the lengths of time that could be passed down was too lengthy I'm not mistaken they ruled that the time given to some inmates was too long and was not in the best interest of those it was inflicted upon.

So let's not hold on to the past lets accept that maybe we can improve on the way we do something in the future. I ask that that any with the opportunity to support SB 801 and AB 845. I ask on behalf of the many that this could come up for the consideration of release upon the acceptance on this legislation. I really believe this to be in the best interest of our governing bodies as well as us citizens. It's time to adapt to our needs as they change and grow we need to change and grow with them.

To: Chair and Members, Assembly Committee on Judiciary

Chair and Members, Senate Committee on Judiciary and Public Safety

Date: February 5, 2024

Re: AB 845 and SB 801, sentencing for crimes committed by a person under the age of 18

My name is Ronald Talsky, and I write to encourage you to vote yes on AB 845/SB 801 to make Wisconsin the 29th state to abolish life without parole for children. They are good and significant bills, and it is important for you to pass them.

Juvenile life without parole/extended supervision has been allowed in Wisconsin since 1995; after almost 29 years, now is the time to end it. Twenty-eight other states have done so.

Juveniles are too young, immature, undeveloped, for all of their hope to be taken away for a bad decision and act. Certainly, we do not trust persons under 18 with other important decisions, like voting, jury service, obtaining medical treatment, contracting, marrying, not to mention consuming alcohol.

Life without parole is the second most severe penalty permitted by law, especially harsh for a younger person; we should not subject our children to that. Currently, prison conditions are more difficult, given the staffing shortage and the age of facilities at Green Bay and Waupun. There is also society's financial cost in keeping juveniles in prison for their whole lives. Every year that we keep a young person locked up beyond what is necessary to ensure public safety is \$30,000 Wisconsin tax dollars wasted.

A meaningful chance for release would provide a powerful incentive for self-improvement and change. As a Maryland legislator, who happens to be a conservative Republican, said recently about their similar bill: "People can change. Redemption is possible. When that happens, as a society we should rejoice." There is a very low recidivism rate for juveniles sentenced to life without parole and subsequently released.

Sentences did spike in Wisconsin from 1990 to 2002, prior to the series of US Supreme Court decisions that overturned harsh sentences for juveniles. The sentence adjustment procedure proposed is needed to correct and make a number of those and other long sentences more fair and age-appropriate. At these hearings the youthful offender's "subsequent growth, behavior, and rehabilitation while incarcerated" must be considered, and victims will have the right to provide a statement. Going forward, when sentencing a youthful offender for any crime, the bills require the judge to consider a range of mitigating factors related to youth.

Our persistent repeater statute does mandate life without parole/extended supervision sentences. For a juvenile, this is unconstitutional, a violation of the 8th Amendment's cruel and unusual punishment prohibition, per the US Supreme Court in *Miller v. Alabama* (2012). Section 11 of the bills corrects this defect.

A Milwaukee County case reported in the *Journal Sentinel* helped spark my interest in this issue. A 16-year-old was sentenced for a homicide in 1990 to life with parole eligibility in 35 years. After serving 30

years, he returned to court with assistance of counsel, was granted relief in January 2021 and released from prison, but would still be on parole for 9 years. The victim's sister did not oppose the sentence reduction. The judge said the defendant was manipulated by older friends, had been an exemplary inmate (earning high school and college degrees, learning welding, mentoring other inmates, writing three books) and was now getting his second chance. There was hope that this would be the first of many similar re-sentencings, but unfortunately that has not happened.

One clear message State Public Defender Kelli Thompson conveyed when she stepped down last year after 12 years in her position: "we overuse incarceration." Adding: we have potential workers for our state's economy, but they are just "sitting in cages" around our state.

Passing these bills would help move us in a better, smarter direction. I ask you to please vote YES on AB 845/SB 801.

Thank you.

Attorney Ronald Talsky

Franklin, WI 53132

## Schmidt, Melissa

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**From:** Schultz, Nick  
**Sent:** Thursday, February 08, 2024 2:44 PM  
**To:** Schmidt, Melissa  
**Subject:** FW: Support for AB 845/ SB 801

*Best Regards,*

## Nick Schultz

Office of [Representative Ron Tusler](#) | 3<sup>rd</sup> Assembly District  
[PH: \(608\)-237-9362](tel:608-237-9362) | [Nick.Schultz@legis.wisconsin.gov](mailto:Nick.Schultz@legis.wisconsin.gov)  
State Capitol Room 22W | P.O. Box 8953 | Madison, WI 53708

**From:** makenit gutierrez <[gmakenit@gmail.com](mailto:gmakenit@gmail.com)>  
**Sent:** Monday, February 5, 2024 1:43 PM  
**To:** Barbour, Eric <[Eric.Barbour@legis.wisconsin.gov](mailto:Eric.Barbour@legis.wisconsin.gov)>; Schultz, Nick <[Nick.Schultz@legis.wisconsin.gov](mailto:Nick.Schultz@legis.wisconsin.gov)>  
**Subject:** Support for AB 845/ SB 801

To whom it may concern,

I met Carl Morgan in Highschool. He was different than the rest of the population of the school. He had an urban demeanor to him, more mature in a street sense compared to his peers. When I met him in a Title VII class for the Native American students, I was able to learn who he was and what his personality truly was not the facade he portrayed. Our group of friends decided to befriend him. He had not had a stable home, his parents both absent due to incarceration so this explained much of why he conducted himself in certain manners, he was alone out in the world as a child trying to survive. With that struggle comes many other negative behaviors, as those traits are needed just for basic survival.

While our group of friends got to know Carl even further, we recognized he was just a kid like us, liked to have fun, play, and joke around. He was smart when he applied himself to academics. He was kind and nurturing and helped take care of his nieces. He didn't have a winter coat so our friends all pitched in and got him one, the look on his face was so full of gratitude yet ill at ease as any child would be for receiving a gift as such from his peers.

Carl missed school a lot and ended up falling back into a lifestyle that no child should be invited to, manipulated by "grown adults" to join their circles and "they will take care of him". Falling back into patterns that he grew up with or was already accustomed to. At the immature age of 15 this encouraged him to make one of his biggest mistakes landing up incarcerated, yet later one of his most disguised blessings. My friend has been incarcerated for almost 20 years.

Over the years him and I have kept in close contact. I've watched him struggle to survive behind the prison walls, but I have also watched him grow tremendously. He has hit more milestones with limited resources than some adults out in the free world. I have kept in contact with Carl initially because he was my friend but also because I had read a journal from my father who was incarcerated too coincidentally at 16 and I could not let another person feel so alone and go through those challenges without a friend to lean on.

As time went on, I continued to help Carl, and encourage him to continue with his life, to carry hope, and to find purpose. From the inside he also helped me through my life challenges whether it was the loss of my husband, me going to college and helping me with homework, or just rationalizing life's obstacles. We learned how to counsel each other and guide each other to do remarkable things. Carl would send letters being Santa or our elf on the shelf and send holiday cards to my children and all his nieces and nephews. He learned how to be better for himself and for others.

Carl had grown and continues to grow into a whole heartedly great man, his altruism shines with everything he does. He has completed his GED then went on to further with his HSED and has completed and continues to complete college courses while keeping a spot on the honor roll/ presidents list. He did so good academically that he became a tutor and found a passion in helping others learn and flourish. He has completed "Thinking for a change", anger management, "High risk offender", tutor training programs, and so many other courses offered in the supports of his life transformation.

If the prison system is designed for rehabilitation Carl Morgan is one of the best illustrations of the system doing its job in aiding in reintegration and changing individuals for the better despite challenged lifestyles within the prison. I could not be more proud or more grateful to watch him thrive in an environment that most times doesn't allow individuals to do so. With this I am asking for your support and pass SB 801 and AB 845 to give kids a meaningful opportunity for release. Carl would be a great asset to his community and has so much room in his heart to help deter others from making choices he made but also has many initiative-taking ideas to support himself in a positive healthy lifestyle but also many other kids with disadvantages like he faced. Thank you for your time!

-M

Dear committee members:

I'm writing today to encourage you to support AB 845, which would ban life-term sentencing of youth.

My interest in this topic is personal. In 1998, at the age of seventeen, my son, Jason, was charged and convicted of murder and received a life sentence without the possibility of parole in Wisconsin.

Jason was sentenced twenty-six years ago. He has "grown-up" while in prison. He has worked consistently and responsibly since he was sentenced. In addition, over the years he has taken advantage of programs available to him with his sentencing structure. He finished his HSED achieving some of the highest scores recorded at Green Bay Coorectional, a surprise to him since he was diagnosed as Learning Disabled in second grade. He was involved over a three year period in the Long Term Offender's group. He has completed the Challenges and Possibilities Program and anger-management counseling. He has been involved during Victim Impact Week at both facilities he has been housed at, with drawings at the first institution and leading discussion groups in the present facility. He has been working to improve himself without expecting anything in return.

I'm proud of the humble man my son has grown into. He knows what he did was terrible and he is remorseful. When he was 18 I was apologizing to him for not managing to prevent "this" and he told me that it was completely his attitude, his fault, and that there was nothing that I could have done to prevent it. Recently without prompting from any program from the prison or myself he wrote an apology letter to the family of his victim. He has accepted responsibility for his crime, telling me that his sin was unforgivable and that he can't sin any more. I've been praying that he will realize that Jesus paid for all the sins we



as collective humans could or will ever commit. I believe that God still has a future for him.

I'm asking you to support banning juvenile life sentencing without the possibility of parole and to create a meaningful opportunity for an young offender's release sometime in the future. I believe many can be positive members of society someday. Research is showing that because of their youth, their brains were not fully developed yet at the time of their crimes. Their rate of recidivism is less than 2%.

I am not trying to minimize the crime that my son committed. I realize that Jason's crime was horrible. I am not trying to minimize the tremendous pain it caused his victim's family. I'm simply asking that you consider that he was a child.

Please support AB 845.

Sincerely,

Carolyn Swanberg

Chetek, WI 54728

02/05/2024

Wisconsin State Capitol  
2 E Main St.  
Madison, WI 53703

RE: Please support AB 845 / SB 801 – End Juvenile Life Without Parole

Dear committee members,

My fiancé, Zachary Reid, has been incarcerated since he was 16 years old and has been in prison now for 15 years. Soon he will have been locked up for the same and longer than he was alive before his arrest. During this time, he has had every excuse to give up, misbehave and continue down a bad path. But instead, he has grown into this mature man he is today, who is going above and beyond to right his wrongs and to make the world a better place.

He has gained 6 years of welding, fabricating, and machining experience. Starting as a janitor in the weld shop, he dove at the first opportunity to earn the welding position that opened up. He loves to work with his hands, create something new and functional out of nothing, fix things that are broken.

Zach has also increased his knowledge in other ways including earning an electro-mechanical certificate, attending college for his A.S. degree and also working toward a dog training certificate.

His charity work has skyrocketed; he makes hearts for the Little Heart Project (for suicide prevention), blankets for Knots of Love (for NICU babies), hats/scarves for Operation Gratitude (active military, their families, or veterans) and has recently been participating in a brand-new charity program that the prison started offering. Not to mention he works with OccuPaws training future guide dogs every single day.

All of these things he has done for the sole purpose of benefiting society. He desperately wants to have a reach outside of those walls, to help in any way that he can.

This bill will give the smallest bit of hope to someone who is doing everything he can to do better. He wants to get out, start a family, work a blue-collar job, pay taxes, be a good neighbor, help people, join the military if they will let him. And he wouldn't be alone upon release – he would have my support to make sure he has a safe place to live, ensure he gets a job, stays on the right path, etc. He would also have his family supporting him and cheering him on.

This bill would allow a chance at redemption to someone who deserves it more than anyone I know. Zach is a good person and deserves this chance. I support AB 845 / SB 801 and hope you will too.

Thank you,



Samantha Gray  
Smgray215@gmail.com

## Samantha Gray

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**From:** REID ZACHARY  
**Sent Date:** Sunday, February 4, 2024 6:45 PM  
**To:** Smgray215@gmail.com  
**Subject:** Statement

My name is Zachary Barnett Reid and I was arrested October 5th 2008 at the age of 16. In short order I was sentenced to life in prison. In the over 15 years I have been incarcerated I have experienced growth in many aspects of my life. Looking back at an almost feral youth it was no wonder I was placed in here. I had nothing but anger and resentment for the world. I thought destruction was the way out. That destruction was internal and external. I lacked structure when I needed it most. Unfortunately and fortunately prison was the structure I ended up with. My character did not change overnight but as I became an adult physically my mind slowly followed. Rather than bucking the system I began to fall in line. The few people with integrity I met taught me I didn't need to be a criminal despite being in prison. I devoted myself to spiritual growth, education, and hard work. The largest turning point in my life, after being arrested, was in 2014 when I learned to weld. I wasn't able to do it in a classroom, instead it was on the job in the maintenance department at Waupun. This single skill showed me I could have a purpose. I learned I could have a positive impact by creating rather than destroying. Welding saved my life. From that point on I have been on a completely different trajectory than where I started. I have been a lead welder six of the last ten years. I also learned many other metal fabrication skills including machining. I completed a vocational course for electromechanical service work. I am currently enrolled in a certificate program for dog training through CVTC. I am also working on an Associate of Science through MATC. Beyond that, I train dogs through the Paws Forward program which is part of Occupaws. They place guide dogs with visually impaired people here in Wisconsin and the surrounding area. I also crochet for various charities and the community service project that just started. This bill would be an opportunity to earn a chance at release and to bring my life experience back to a community that needs it. I want to work. I want to contribute. I want to help prevent other people from taking the wrong path. I know given the chance I can bring out positive change in the world.

Dear Members of the Assembly Judiciary Committee,

I write to you in support of AB-845/SB-801, which would end juvenile life without parole sentencing in Wisconsin.

As CEO of Sarah Best Strategy, I am a proud member of the Wisconsin business community. Throughout my career, it has been important not only to deliver for my clients and my employees, but also to make my community a better place to live and work. But right now, here in Wisconsin, we are failing our children. By continuing to practice juvenile life without parole sentencing, we rob our state's young people of their chance at redemption.

We are one of only 22 states that still sentence children to die in prison, and are the only known country in the world to continue this punishment. In fact, the United Nations Convention on the Rights of the Child explicitly prohibits it, declaring it to be a violation of fundamental and inalienable rights.

Research has shown that adolescents and their neurodevelopment are not fully developed until the mid-to-late twenties, meaning children are less capable than adults of long-term planning, emotional regulation, impulse control, and calculating risks and rewards. However, this also means that children have a far greater capacity for change, growth, and redemption. More than half of juveniles sentenced to life without parole are first-time offenders, meaning they didn't have a single crime on their court record prior to their sentence. The vast majority have experienced serious risk factors – including being exposed to gun violence, physical and sexual abuse, or severe poverty. They have never been given the chance to live up to their full potential. Unless legislation currently before the Wisconsin Legislature brings this practice to an end, they most likely never will.

Economically, ending juvenile life without parole would also have a significant impact. Wisconsin spends \$38,644 to incarcerate an individual per year. With 115 individuals serving life sentences since they were children, the state will spend approximately \$4.4 million per year to incarcerate a child for life. Conversely, if a child is paroled after a decade, they could contribute over \$700,000 in tax revenue over the course of their lifetime. Wisconsin's children deserve the chance to return to society and rejoin the workforce – and benefit all of our communities.

As Wisconsinites, we often talk about the importance of mentoring and guiding youth. However, instead of giving justice-involved youth an opportunity for redemption, we take a harsh and retributive approach towards justice for juvenile offenders. These individuals, and all of Wisconsin's children, deserve a second chance. I am deeply encouraged by the bill's co-sponsors and urge the Committee members to move forward with ending this inhumane practice. By passing AB-845/SB-801, we can make our great state an even better place to live and work. It's the right thing to do.

Sarah Best  
CEO of Sarah Best Strategy

Matt Gullickson  
640 W. Wilson St., Unit 402  
Madison, WI 53703  
[matt.gullickson@wisc.edu](mailto:matt.gullickson@wisc.edu)

February 7, 2024

To: [Nick.Schultz@legis.wisconsin.gov](mailto:Nick.Schultz@legis.wisconsin.gov)  
Re: **Support of AB 845**

To Whom It May Concern:

My name is Matt Gullickson, and I am writing to urge support of 2023 Assembly Bill 845. I am a current third-year law student at the University of Wisconsin–Madison. Last spring I had the opportunity to work in the University’s Legal Aid for Incarcerated People: Second Look Advocacy Clinic. My work there focused on challenging mass incarceration through representation of individual clients serving excessive sentences. This Clinic was the most fulfilling, challenging, and eye-widening experience of my law school career.

At the Clinic, we looked for avenues of relief through a variety of “second look” mechanisms in the Wisconsin statute books. Both clients I worked with had extremely long sentences—one with 25 years and the other with a life sentence. The client with a life sentence was incarcerated when they were a child. I witnessed first-hand, both through regular client meetings and steeping through hundreds of pages of records, how a child who makes a mistake can be punished for the rest of their lives—despite marked and clear rehabilitation.

Prior to entering the clinic, my notions of the incarceration system were agnostic. My father was a law enforcement agent so I was raised to believe that when people do bad things they should be punished accordingly. Missing in this framework is the idea that people can, and *do*, change. The Clinic entirely changed my perspective of punishment. I represented a man who, admittedly, did something very bad as a child. But, in my process of getting to know him I came to the realization that the person I was speaking to *is not* the same child. By taking advantage of the programs offered by the DOC my client had truly grown and rehabilitated. Yet, because of their life sentence, there is no light at the end of the tunnel—an ever-continuing punishment. This is not right or just.

Working directly with a someone who was sentenced to life as a child completely shifted my perspective of the detrimental effects of incarceration. At what point do we hit diminishing returns? Life sentences for children veers off the goal of rehabilitation into an abyss of punishment. I believe that AB 845 is an excellent proposal that will begin to remedy the undue effects of Wisconsin’s carceral system. I hope my perspective is helpful and give full support to the bill.

Thank you,

Matt Gullickson

## Schmidt, Melissa

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**From:** Schultz, Nick  
**Sent:** Thursday, February 08, 2024 2:43 PM  
**To:** Schmidt, Melissa  
**Subject:** FW: Support for AB 845/SB 801

*Best Regards,*

## Nick Schultz

Office of Representative Ron Tusler | 3<sup>rd</sup> Assembly District  
**PH: (608)-237-9362** | [Nick.Schultz@legis.wisconsin.gov](mailto:Nick.Schultz@legis.wisconsin.gov)  
State Capitol Room 22W | P.O. Box 8953 | Madison, WI 53708

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**From:** Heredia, Wendy <heredia.wendy@marshfieldclinic.org>  
**Sent:** Wednesday, February 7, 2024 12:47 PM  
**To:** Schultz, Nick <Nick.Schultz@legis.wisconsin.gov>  
**Subject:** Support for AB 845/SB 801

Dear Legislators,

I am writing a letter of support for AB 845. All children deserve a second chance. We would not be the first state to do this as 29ish states have already passed a similar bill. My loved one Victor Heredia is a perfect example. He had a life sentence at the age of 17. After 25 years he was released by the Parole Board. He has been out for 2 years now. He has meaningful employment up here in the Northwoods as a Plumber. We own our home and just seen my youngest daughter off to College. Please pass this bill on for a vote so all children can get the same chances as Victor.

Wendy Heredia  
4717 Dyer Rd  
Eagle River, WI 54521

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The contents of this message may contain private, protected and/or privileged information. If you received this message in error, you should destroy the e-mail message and any attachments or copies, and you are prohibited from retaining, distributing, disclosing or using any information contained within. Please contact the sender and advise of the erroneous delivery by return e-mail or telephone. Thank you for your cooperation.

Chairman Tusler, Vice-Chair Rettinger, and Members of the Committee on Judiciary,

I am writing in support of AB-845.

The Wisconsin my family knows is the state that never gives up on its young people. My great-grandfather instilled this in us, dedicating his career as a high school football coach who won five conference championships with young people from all sorts of backgrounds, who needed all sorts of support, and who had all sorts of unlocked potential. He proved that when you truly didn't give up on your youth, you could achieve amazing things. Sometimes it *felt* too late to turn things around but he knew it was *never* too late for a kid to experience positive change. Sometimes it was messy getting to the change a kid needed but hope and belief in these kids were always critical components.

My great-grandfather's tenacity for Wisconsin's youth inspired his daughter, my grandmother, to help set up a research center and scholarship program at UW-Madison to focus on neuroscientific research regarding child development and well-being. The Center, named after my great-grandfather Willis Jones, recognizes that "adolescence is a period when the brain is more sensitive" and prepares young people in leadership, including in conflict resolution.

Because of my family and this community, I am consistently reminded of Wisconsin's history in supporting youth and the research it has produced to protect young, malleable minds around the world. Let's make sure this history and research is reflected in our laws.

I hope to honor my family's legacy by asking you all to end juvenile life without parole and give all children the opportunity to grow and heal, even those who have committed serious harm. Please honor this core part of Wisconsin's tenacity in never giving up on its young people and pass AB-845/SB-801. Thank you so much for your consideration of this important issue.

Callie King-Guffey



**To:** Members of the Wisconsin Assembly Committee on Judiciary

**Attn:** Nick Schultz, Committee Clerk of Wisconsin Assembly Judiciary Committee

**Date:** February 6, 2024

Chairman Tusler, Vice-Chair Rettinger, and Members of the Committee on Judiciary,

Thank you for hearing public testimony in support of AB-845 to address the extreme sentencing of youth in Wisconsin. Players Coalition represents 1,500 athlete advocates across 12 professional leagues, and we thank you for the opportunity to submit our written testimony in support of this vital legislation.

Players Coalition is an independent 501(c)(3) (charity) and 501(c)(4) (advocacy) organization. In our work with professional athletes and coaches nationwide, we are committed to advocating for policies that seek to protect the most vulnerable members of our society, such as our children.

We know firsthand that sport becomes a lifeline for many young athletes who grow up in challenging environments. Their teams become their systems of support. It is not lost on many of the professional players part of Players Coalition that if it weren't for their access to sports growing up, their upbringings or environments could have jeopardized their futures.

Not all children get access to life-changing interventions such as sports. In this country, the harshest denial of a child's future is sentencing them to life without parole, and Wisconsin is in the minority of states that still allow this practice. Although over 90% of incarcerated children experience abuse growing up, the futures of more than 100 individuals in Wisconsin currently serving life without parole continue to be defined by the harm they endured and caused as children, with no opportunity to become more than the worst thing they've ever done.

AB-845 (SB-801) would rightfully change this, eliminating life without parole as a sentencing option for children under 18 years old and establishing a review process for those currently serving extreme adult sentences for crimes committed as children after serving 15 to 20 years, depending on the specifics of their offense.

With 28 states adopting similar laws across party lines over the past decade, evidence suggests that this reform creates opportunities for genuine rehabilitation while prioritizing public safety. In no way does the bill guarantee the release of any individual. Instead, it empowers the original sentencing court to review the sentence to determine if an individual has transformed themselves and is deserving of the opportunity for a fair chance at freedom. Over 1,000 formerly life-sentenced children have been released nationwide, and studies report a 1% recidivism rate, demonstrating they are some of the safest to review.





We at Players Coalition have been inspired to work with formerly life-sentenced children who are overwhelmingly committed to making their communities safer by serving as youth mentors, credible messengers, and violence prevention experts. Just as many coaches were once athletes themselves, these formerly incarcerated individuals were once children in need of mentorship and are the exact individuals needed to coach youth through hardships. It's a public safety win to give young people growing up in violent and impoverished environments opportunities to interact with the very adults who can reach them, understand their experiences, convey the stakes of their actions, and guide them to better decisions and brighter futures. In meeting former life-sentenced-children from Maryland to Ohio, we've witnessed many become some of the most qualified coaches for our youth out there.

This year, the Badger State can become the 29th state to reject the endless punishment of children. We ask you to advance AB-845 and put an end to juvenile life without parole, holding our youth accountable in ways that allow for hope and healing.

Thank you for your consideration,

Players Coalition

Chantawn Jackson

Milwaukee, WI 53216

February 07, 2024

Re: AB 845/SB 801

To whom it may concern:

My name is Chantawn Jackson I am a Controller for a nonprofit agency on the south side of Milwaukee and I am the second oldest child in a family of 5. I am writing this letter asking that you pass AB 845/ SB 801. Passing this bill will mean a lot to me and my family.

Growing up in the 53206 neighborhood I learned early on how one bad decision can ruin your life. My siblings and I didn't grow up in the best environment and we didn't have working class parents. It was very hard on us and the children in our neighborhood.

For the most part of my life I have been the big sister to my entire family. I have been the protector and caregiver to my younger siblings. We grew up in a home where our father was an alcoholic and our mother who tried her best had challenges of her own. My mother didn't have a high school diploma and was unable to read, spell or count money so from an early age I had to read important documents for my mother, help her pay bills and attend to my siblings. Doing all these things made me very close and protective of my siblings. We were a very tightknit family. We didn't have much but we always had each other.

Once our father passed, I watched my little happy brother change. I saw my brother going down the wrong path in life. I tried my hardest to try to stop him but that didn't happen. My brother was 17 years old when he was convicted of a crime and charged as an adult. He has spent more years in prison than he has outside. He has been serving his sentence for over 29 years. Although, my brother has not been allowed to correct the bad decision that he made as a child during his time in prison I have watched him grow and mature. He isn't that little boy he was when he went in. He has gotten his high school diploma, mentor certificate and has had several jobs and continues to find ways to try to better himself and to become a productive member of society if he is ever given the chance to. My brother has become a mentor to the children in our family while he has been behind bars. Encouraging them to stay out of trouble, go to school and being a listening ear for those who are struggling. He tells them all the time what happens to you when you make a bad decision. I feel that him staying on our younger generation as much as he can has stop a lot of them from going down the wrong path in life.

Research has shown that the brain finishes developing and maturing in the mid-to- late 20's. It is essential for Wisconsin to enact legislation that creates fair and age appropriate sentences and give children a chance for rehabilitation. If you do so Wisconsin will join 28 other states that have banned juvenile life without parole sentences. This legislation will align Wisconsin law with the brain science and Supreme court precedent

If this bill is passed my brother could possibly have some sort of life outside of prison after *demonstrating that he isn't the immature kid he was at 17*. While talking to him about the possibility of AB 845/SB 801 I have caught a glimpse of the little boy I knew that had so many hopes and dreams as child and if giving a chance I know that he will go on to do great things for the rest of his life. *Please pass this bill.*

Sincerely,

Chantawn Jackson

## Schmidt, Melissa

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**From:** Schultz, Nick  
**Sent:** Thursday, February 08, 2024 2:43 PM  
**To:** Schmidt, Melissa  
**Subject:** FW: Testimony for Committee Hearing on AB 845/SB 801

*Best Regards,*

## Nick Schultz

Office of **Representative Ron Tusler** | 3<sup>rd</sup> Assembly District  
**PH: (608)-237-9362** | **Nick.Schultz@legis.wisconsin.gov**  
State Capitol Room 22W | P.O. Box 8953 | Madison, WI 53708

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**From:** Amanda Schmitt <schmitt4545@yahoo.com>  
**Sent:** Wednesday, February 7, 2024 5:03 PM  
**To:** Barbour, Eric <Eric.Barbour@legis.wisconsin.gov>; Schultz, Nick <Nick.Schultz@legis.wisconsin.gov>  
**Subject:** Testimony for Committee Hearing on AB 845/SB 801

To the committees of Sen. Wangaard and Rep. Tussler:

I would like to share my story as testimony for the hearing on LRB – 4986/1 and LRB-5218/1. I have close to Dustin Harwick, one of Wisconsin’s juvenile lifers for 7 years, and engaged to him for 4 years. I met Dustin in 2016, when I wrote him a letter offering to share my traditional Catholic Faith with him. He was 4 ½ years into a transformation of his character, which began with a call from God, followed by a series of painful experiences which included the death of his sister, serious illness (cancer), and most importantly, his last fight. (He hasn’t been in a single fight since – 11 years).

Dustin has been a tremendous inspiration and support to me as I have navigated through a transformational and constructive chapter of my own life as well. Dustin has spent countless hours pondering next steps and solutions, when I didn’t have time to think. I really do not know where I’d be right now without him. Given his freedom, he will do tremendous things for the good of anyone he can reach. Thank you,  
Amanda Schmitt

Here is Dustin’s account of his accomplishments in prison.

I’m Dustin Harwick inmate #464171. I was arrested at 15 for taking a life when I was 14. I took a Plea for life in prison with possibility of Extended Supervision Release after 30 years for 940.01 first degree intentional Homicide in 2004 at 16. Since then I have been attempting to discover why I put myself in this place, and what were the circumstances leading towards this sentence

It took me a while to get adjusted to prison setting. This was due to me being sent to an adult maximum security prison at 16. I spent The next 8 years fighting and becoming lost within a system that has next to no programming for inmates with lengthy sentences as mine. In 2012 I decided to change my life and asked for help from the prison administration to allow for me to enroll into certain programs that could aid me in figuring out how to act civil in an environment designed for the opposite.

I was accommodated by a lieutenant and a social worker in Green Bay Correctional Institution. I was allowed to bypass waiting lists designed based on how much time you have left in prison, instead of when you are placed on this list. I have fought against this mind set that programming only works close to release. Inmates such as I grew up in environments that formed bad habits around criminalistic thinking. This mind set must be curbed before prison develops it further to entrench these bad habits. This has been my most single issue to not allow these life long bad habits effect my life in community negatively.

I will briefly describe the program I have completed, the year completed, and applications towards change it has done for my overall mental and physical health and wellness.:

1. High School Equivalency Diploma in June of 2005. (While at Green Bay Correctional Institution)
2. Anger Management completed in October 2012. This program opened my eyes to the fact that I had issues and triggers from which my pride brought out my violent tendencies. Shortly after this in March of 2013 I got into a fight, my last fight. This changed my way of looking at why I get angry, and how to cope with it.
- 3 Challenges and Possibilities program completed in December 2014. This program allowed for deep internal reflection on numerous topics. The most profound was a week of restorative justice where inmates here from people who were victims of crimes. They spoke about the ripple effects of how the crimes they suffered through altered their entire life. Got me to understand there was a significant problem with my problem solving techniques. Sought to try and change them after this program.
4. Vocational wood techniques-Cabinetry program in January 2015. This put into perspective the ability to create something with hard work, and team work. It showed me that I could build instead of destroying things as I always did when it came to solving problems. Also gave me tools to seek employment through honey means.
5. Certified Tutor from the Wisconsin Institutions Literacy Counsel. This certifies me as a Tutor for all schooling aspects for 5 years. This occurred in November 2015 and I was recertified again in November of 2019. This certification has allowed me to teach other inmates to pursue education as I did to change our thought process. I have been a tutor five times throughout my 21 years incarcerated and watching young men obtaining their diplomas was a fulfilling experience.
6. Apart of the "Gift of Incarcerated Book Club" from 2015-2019 while at Green Bay Correctional Institution. This is a self help book club based on accountability and was started by a former inmate that was incarcerated for 24 years. The corner stone of this program is a book by Jeff Scott Olson, "The Slight Edge". It changed how I look at resolving any type of problems, and allows for different experiences other than criminalistic thinking.
7. Participated in the S.M.A.R.T. program between December 2017-2019. Self Management and Recovery Training teaches us how our bad habits such as violence pits us in certain situations that are reoccurring. Gives us information and life experiences in a group setting from others to learn how to apply positive problem solving techniques within an environment designed for failure as it promotes negative habits.
8. Finished the " Positive Psychology Correspondence Group" while on covid lockdown at Kettle Moraine Correctional Institution. This program was brought to allow inmates to cope with extreme lockdown conditions in prison due to covid pandemic. It gave me the ability to focus on my mental wellness to try and manifest positive results from an overall situation with no end in sight. What is did for me was to bring a new found way of thinking to show others our attitudes can change in spite of our negative environment.
9. Participated in " Restorative Justice Apology Letter" for victim awareness in May of 2021. This program gives the opportunity to write a letter to your victim/family of victim and ask to be forgiven for your crime. If the victims want to reach out and see it they can contact Restorative Justice Initiative and see what you've written. It gave be a chance to confront my actions and the ripple effect my crime created throughout all of the people connected to the victims family, and mine as well.

10. Completed "Computer Literacy" program in October 2021. This gave me the basic skills that most people take for granted when it comes to learning technology. I was incarcerated before the smart phone boom and it gave me basic skills to be proficient in what most people consider to be easy computer skills such as Microsoft word.

11. Graduated from Blackstone Stone Career Institute Legal Assistant/Paralegal program. This occurred in August of 2022. Showed me how this countries laws were created. It out into perspective how laws are able to allow for order instead of living by chaos and strife. Gave me tools in order to learn a profession that can be used in numerous ways, and a potential career opportunity if given a chance for release.

Thank you,

Amanda Schmitt

Dustin Harwick

07 Feb. 2024

Dear esteemed committee members,

My name is Emma Hannu, I am a twenty-two year old second year law student at the University of Wisconsin law school. I have never been in trouble with the law, and I have never been involved in the criminal justice system like those that AB 845 would most impact. Since being a person under the age of eighteen was a mere five years ago for me; it is very easy for me to recall what it was like to be a young, impulsive, and misguided teenager. I remember what it was like to be filled with the kind of youthful invincibility that we all eventually age out of and become responsible, mature, and productive members of society. But I know many people who were not given that opportunity; cousins, old highschool friends, and nighttime news stories that plastered headlines of teenagers being sent to a correctional facility for decades. I remember always thinking to myself how tragic it was that the solution was to lock up a teenager until they were grown; to only assimilate them to a life inside the walls of the DOC.

As I have furthered my education, social awareness, and moral standings; I have realized that the state of Wisconsin lags behind in its criminal treatment of children. The Supreme Court of the United States, through a series of established case law, have legally defined those under 18 as different. Cases like *Roper v. Simmons*, *Graham v. Florida*, *Miller v. Alabama*, and *Jackson v. Hobbs* has all fundamentally defined those under the age of 18 as legally different for the purposes of sentencing, treatment, and the possibilities for reform. Legally, the highest courts have established that those under 18 cannot, and should not, be held to the same heightened standard as adults; because they just aren't adults!

Socially, we treat those under 18 with care, respect, and grace. An unruly teenager is more often treated with social grace for being upset with a trivial condition than any adult would.

Because socially we understand that those under the age of 18 aren't done learning. They're not done processing the gravity of being part of a society with rules, expectations, and disappointments. But what do we do to children who struggle to fit in? Who breaks the law? Who get into unthinkable troubles? We send them to a correctional facility, and hope they come out better. Most people would confidently tell you that through years of criminological, sociological, and psychological research that this isn't working; juveniles are still committing crimes, they're still becoming "lifers". So what should we do?

The answer is to start doing better and being better for the youth of Wisconsin. To go back, and do better for the youth we have already failed. AB 845 gives those who were sentenced as teenagers the possibility of a second chance; and that alone can do a lot for a person who was sent into the DOC as a teenager, and never been let back out. AB 845 places the state of Wisconsin into line with what federal law already knows; we must do better for our children. By not sending a teenager to prison for the rest of their life, for looking back at those we have sent to prison for the rest of our lives, and building a foundation for a system that doesn't just send children to prison; but does better for them. Please, I urge you to pass AB 845, and endorse it with a sense of pride and hope for the future.

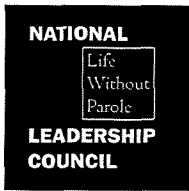
Thank you for your consideration,

Emma Hannu

University of Wisconsin Law School

Second Year Student.





## **SECOND CHANCES = STRONGER COMMUNITIES**

### **MEMBERS**

MARSHAN ALLEN  
JOSEPH BELL  
JOSE BURGOS  
ALLEN BURNETT  
SHEENA EASTBURN  
STEVEN GREEN  
HASSAN HILLS  
WILLIAM HOFFMANN  
THAISAN NGUON  
KELLY SAVAGE-RODRIGUEZ  
MICHELE SCOTT  
JAMES SWANSEY  
JAMES THOMAS  
BRYAN WIDENHOUSE

February 7, 2024

RE: Support for Wisconsin AB 845

Dear Assembly Judiciary Committee,

The National Life Without Parole Leadership Council is an organization committed to promoting a society that recognizes the human capacity for transformation, promotes true accountability, and creates opportunities for healing and making amends. The Council is comprised of 14 members, each of whom was once sentenced to life without parole (LWOP). Our collective experience, amounting to over 350 years of incarceration, has equipped us with unique insights into the potential for human transformation and rehabilitation.

The Wisconsin legislature is considering an important bill, AB 845, that would provide a second look for people younger than 18 sentenced to LWOP. Our lived experience and existing corrections data both demonstrate that a careful review process works. Wisconsin can offer a second chance while simultaneously ensuring that only those who are safe reintegrate into society do so. We believe AB 845 would create a careful, effective review process.

Our members come from states as diverse as Louisiana, California, Florida, Illinois, Michigan, Missouri, and Pennsylvania. Each of us demonstrated significant personal transformation that ultimately led to our release. We now contribute positively to our communities through mentorship, earning college degrees, drug and alcohol counseling, work with people who are homeless and those being released from jail and prison, and much more. Moreover, there is zero recidivism among our members, which is consistent with data showing that this population has remarkably low recidivism rates.

We understand and support the need to ensure public safety and justice for all members of society. We also believe it is important to create the possibility of redemption by considering every person's capacity for change. The Wisconsin Parole Board can review cases individually, and determine, on a case-by-case basis, if a person has changed.

Our lives, and the lives of more than 1000 people across the country formerly sentenced to LWOP but now released, challenge the belief that a person who commits grave harm is incapable of change, growth, and giving back to society. There is no question accountability for actions is important, but there must also be room for rehabilitation, reconciliation, and reintegration.

We respectfully request your consideration and hope our perspective informs your deliberation on these bills. Redemption is not only possible but is happening now, as evidenced by the individuals who were once sentenced to LWOP and are directly contributing positively to their communities.

Attached please find written testimonies from individuals once sentenced to LWOP. They illustrate their transformational journeys, how they have successfully reintegrated into society, and their current contributions to their communities. We believe these testimonies offer compelling evidence that counters the notion that individuals sentenced to LWOP are incapable of change and rehabilitation.

We hope to engage in a deeper dialogue about this critical issue and are available for further discussion or to provide additional information you may find helpful.

Thank you for your time and consideration.

Sincerely,

Members of the National Life Without Parole Leadership Council

Marshan Allen- LWOP  
Served 25 years  
Resentenced after change in law

Joseph Bell Jr- LWOP  
Served 24 years  
Sentenced commuted by  
Governor, and resentenced after  
change in law

Jose Burgos- LWOP  
Served 27 years  
Resentenced after change in law

Allen Burnett- LWOP  
Served 28 years  
Sentenced commuted by Governor

Sheena Eastburn- LWOP  
Served 25 years  
Resentenced after changes in law

Steven Green- LWOP  
Served 28 years  
Sentenced commuted by Governor

Hassan Hills- LWOP  
Served 20 years  
Sentenced commuted by President  
Barack Obama

William Hoffmann- LWOP  
Served 20 years  
Sentenced commuted by Governor

Thaisan Nguon- LWOP  
Served 20 years  
Sentenced commuted by Governor

Kelly Savage-Rodriguez- LWOP  
Served 23 years  
Sentenced commuted by Governor

Michele Scott- LWOP  
Served 30 years  
Sentenced commuted by Governor

James Swansey- LWOP  
Served 28 years  
Resentenced after changes in law

James Thomas- LWOP  
Served 30 years  
Resentenced after changes in law

Bryan Widenhouse- LWOP  
Served 31 years  
Resentenced after changes in law

February 7, 2024

To the honorable and respected members of the Assembly Judiciary Committee,

I am writing in full support of Assembly Bill 845. If passed, some people who are serving a life without the possibility of parole sentence, would be eligible for a parole hearing after 15 or 20 years of incarceration. This will provide a second chance to so many that have lost hope over the years. It will also give them motivation to work towards rehabilitation.

I was formerly sentenced to life in prison without the possibility of parole plus 20 years, at 21 years old. Committing this crime is the biggest regret of my life. I'm truly sorry for all the hurt, pain, and suffering I caused my victims' family and the community. I served 27 years in prison before having the rare opportunity to return back to society due to a governor's commutation of my sentence.

I've been home for over one year. Upon being released, I'm a contributing member of society, someone that works two jobs, collaborates with community-based organizations that aim to rebuild the community, and educate the youth.

Life without the possibility of parole is a walking death sentence because it takes away all sense of hope. I believe this is cruel and inhumane as it is built on the false premise that once you've caused harm you are unredeemable. This also causes family members to suffer tremendously, as they serve the sentence with their loved ones.

For these reasons I respectfully urge passage of AB 845. Thank you.

Sincerely,

Omar Walker

February 7, 2024

Re: **Letter in Support of Assembly Bill 845**

To the Honorable Members of the Assembly Judiciary Committee:

I am a member of the National Life Without Parole Leadership Council with Human Rights Watch. I am also the Director of Policy & Communications at the Illinois Prison Project. I write in support of Assembly Bill 845, which would provide hope to people serving life without parole sentences in Wisconsin.

I believe I am an example of how people can grow and change. I served a sentence of life without parole for 25 years and then was given a second chance. I have been home for a little over seven years. Since my release, I have become an advocate for criminal justice reform, and am fortunate to have been recognized for this work: In 2018, the Illinois Judges Association presented me with the Recognition of Excellence in Outreach Award, for participating in *Your Future, Your Choice*, a program designed to teach school-aged children about aspects of the law that they often find themselves in conflict with. In 2019, I received the Liberty Bell Award from the Chicago Bar Association and the Grace Warren Award from the Campaign for the Fair Sentencing of Youth. In 2020, the Governor of Illinois appointed me to the Juvenile Justice Commission.

I serve on the Board of Directors for Restore Justice Foundation and the Campaign for the Fair Sentencing of Youth and am a member of Incarcerated Children's Advocacy Network.

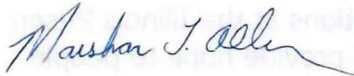
While incarcerated, I assisted the Illinois State Bar Association with a revision of *Post-Trial Remedies: A Handbook for Illinois Prisoners*. I earned certificates in paralegal studies, business management, computer technology, and restorative justice. I also obtained an associate degree from Lake Land College, where I graduated summa cum laude, and earned a bachelor's degree in justice policy and advocacy from Northeastern Illinois University. I am currently attending Chicago-Kent College of Law on a full-tuition scholarship.

Life without parole is a walking death sentence! Like the actual death penalty, it too, is cruel and inhumane. It takes away any hope of redemption and is built on the false premise that a person who has committed a crime can never change. It also causes families to suffer tremendously because they, too, must serve the sentence along with their loved one.

I ask that you support AB 845, which would abolish life without parole as a sentencing option for people younger than 18, and create release eligibility after 15 or 20 years depending on the nature of the offense in Wisconsin.

Thank you for your time and consideration.

Sincerely,



Marsha Allen  
Director of Policy & Communications,  
Illinois Prison Project

February 7, 2024

To the Respected Members of the Assembly Judiciary Committee:

I write in strong support of Assembly Bill 845. If passed, it will abolish life without parole as a sentencing option for people younger than 18, and create release eligibility after serving 15 or 20 years depending on the nature of the offense. It will also provide hope and human dignity to people serving life without the possibility of parole in Wisconsin.

I was formerly sentenced to life in prison without the possibility of parole for a crime I committed when I was 19 years old. I am deeply remorseful for the harm I caused Mr. Kim, his family, and the community at-large. I served 30 years before having the rare opportunity to return to the community due to a change in my state's laws. I have been home for over one year.

Since being released, I have enrolled in UC Irvine as a full-time student of Social Ecology and an advocate for Transfer and Justice Impacted students. For example, I recently partook in a delegation to California's capital, offered support in committee, and effective in passing two bills.

Life without parole is death by incarceration and is built on the false premise that the crime itself means that a person is incorrigible. Yet, over half of my graduation class from Southwestern College was life without parole. Furthermore, they have since matriculated into UC Irvine as the first cohort of LIFTED (Leveraging Inspiring Futures Through Educational Degrees). It is important to note that 60% of the first LIFTED cohort made Dean's List. This, in itself, flies in the face of the falsehood that LWOP's are beyond redemption.

For these reasons, I respectfully urge passage of AB 845.

Thank you.

Sincerely,  
Patrick Acuña  
Ambassador, UCI LIFTED

February 7, 2024

To the Honorable Members of the Assembly Judiciary Committee:

My name is Thaisan Nguon and I am a member of the National Life Without Parole Leadership Council with Human Rights Watch. I am writing in support of Assembly Bill 845, which would provide hope to people younger than 18, serving life without parole (LWOP) in Wisconsin.

I served a sentence of life without parole (LWOP) for twenty years and was given a second chance through a rare action of a sentence commutation by a governor. I have been home for three years now.

Since my release and coming home, I have been given the opportunity to give back to the communities I harmed so long ago with my poor judgment and destructive behavior. I am able to continue my supportive work with [pawsforlifek9rescue.org](https://pawsforlifek9rescue.org), a nonprofit organization committed to rescuing abused and abandoned dogs by putting them in the care of currently incarcerated people. Working with Neutral Ground, a nonprofit organization working with at-risk youths and providing them with the support, love, and resources they lack in their everyday lives. I also volunteer with Cambodia Town, Inc., working on the annual Cambodian New Year parade in Long Beach, California. I served my alma mater, California State University, Los Angeles, during the pandemic by working to support testing and vaccination at sites on campus. For the past two and a half years, I have been working full time for a financial and insurance agent as a Transfer Coordinator, helping clients secure and grow their retirement funds. I am grateful to be able to contribute and serve our broader society in these ways, and it would be not possible if I was still serving an LWOP sentence. I changed my life and was able to do so in part because of the efforts of hundreds of other currently incarcerated people serving LWOP who mentored me while in prison.

I stand on the shoulders of the men who guided and counseled me through my process of transformation. I am the product of those who were well on their own path of transformation and thought good of encouraging and uplifting others around them. I believe that people have the awesome capacity to change for the better and HOPE is the greatest factor in facilitating that change.

When society sentences people to life without parole we are stripping away any hope they might have to redeem themselves or make amends for the harm they have caused. When I was sentenced to LWOP, I knew I was sentenced to die by incarceration, and for a long time, I behaved in prison like a person with nothing to live for. I passed on that corrosive negativity unto others and created a destructive ripple effect throughout the prison community, which eventually led back to the broader society.

To stop this destructive cycle from continuing, I am asking that you support AB 845, which would create release eligibility after 15 or 20 years depending on the nature of the offense in Wisconsin.

Thank you for your time and consideration.

Sincerely,  
Thaisan Nguon  
National LWOP Leadership Council member



February 7, 2024

**RE: Support of Assembly Bill 845**

Dear respected committee members,

I was 18 years old when I committed a crime for which I will always have immense remorse. At age 19, I was sentenced to die in prison with the sentence of life with no possibility of parole.

Life without parole is a sentence of hopelessness. It told me I was discardable and irredeemable. I was overcome with shame, regret, and remorse over the harm I caused, and it compelled me to change. I worked hard to become a better person. Yet every day, the sentence told me that no matter how hard I worked or how much I changed, it did not matter. I spent 20 years believing I would die in prison.

The only reason I am here today is because of an extremely rare act of mercy. My sentence was commuted by the governor of my state, and this allowed me to have a parole review hearing. Through a rigorous process, I demonstrated to the parole board that I was no longer the same person I was all those years ago. They found me suitable for parole, and I was released in 2020 with supervision.

I am a member of the National LWOP Leadership Council and work full-time with Human Rights Watch, an organization that focuses on helping and protecting the most vulnerable populations. I support my family and am my father's full-time caregiver. This fall I will receive my bachelor's degree. I also share my story in the hope that it will keep others from taking the path that I did.

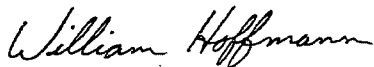
The sentence of LWOP says people are irredeemable and have nothing to offer society. That is not true. I know many people sentenced to life without parole who have chosen a path of growth and change; and are committed to being their best self.

Those of us who have been released through a commutation or change in law like the legislation you are considering today are grateful for a second chance, and we act on that gratitude. We want to make amends for the harm we have caused and work to make our communities stronger.

Please support Assembly Bill 845, which would abolish life without parole as a sentencing option for people younger than 18, and create release eligibility after 15 or 20 years depending on the nature of the offense.

Thank you.

Sincerely,



William Hoffmann

February 7, 2024

To the Honorable Members of the Assembly Judiciary Committee:

I am writing this testimony in support of Assembly Bill 845, which would offer hope to people younger than 18, serving life without the possibility of parole in Wisconsin.

I was sentenced to life without parole for a crime I committed at age 18, and I served over twenty-eight years in prison. Because of my personal development and transformation, I was given an uncommon opportunity to appear before the board of Parole hearings where I was able to demonstrate my change.

Since my release I have continued to practice living amends through working with crime survivors; going back into prisons to encourage men and women to focus on their rehabilitation which encompasses accountability, responsibility, and understanding the impact and root causes of their criminal behavior. I am also a member of the National Life Without Parole Leadership Council with Human Rights Watch.

Life without the possibility of parole is a slow grinding death sentence. The sentence locks a person into the worst moment of their lives, stripping them of any hope that change is possible. The sentence relinquishes a person of agency, value, and self-worth and replaces it with isolation and loneliness lulling a person into a form of psychosis. As a person who served life without parole, I fully understand that change begins with hope. AB 845 does not forgive the harm that was caused nor does it excuse it. This bill is the recognition of the human capacity to change.

I am asking that you support AB 845. This bill would grant an opportunity for a parole hearing after fifteen or twenty-five years of incarceration depending on the nature of the offense.

Thank you for your time and consideration.

Sincerely,

*Allen Burnett*

Allen Burnett

Messaging & Communication Committee

National Life Without Parole Leadership Council

February 7, 2024

To the respected members of the Assembly Judiciary Committee:

My name is Bryan Widenhouse, and I am a member of the National LWOP Leadership Council with Human Rights Watch. I am submitting written testimony in support of Assembly Bill 845. This bill would provide a second look opportunity to persons serving life without the possibility of parole younger than 18 in Wisconsin.

I can personally attest to how this bill can work successfully. I was incarcerated for 31 years under a life without parole sentence. Fortunately, for me, a legislative change similar to this bill allowed my state to take a second look at my original sentence and determine if it was still appropriate. After satisfying the parole board that I was rehabilitated, no longer posed a threat to public safety, and took accountability for my crime I was released under supervision. I have been home close to three and a half years now.

Since my release I have been gainfully employed and now a taxpayer, not a tax burden. I have purchased a home as well. I use my personal experience to help others make positive life choices or follow a path of redemption if they have done wrongdoing in the past. I believe in the power of redemption. I serve as a public speaker to college students about my crime, incarceration, and redemption. I also participate with a local youth advocacy group as a mentor to those who have come into contact with the justice system.

A life without parole sentence is extreme because it is essentially death by incarceration. It completely denies that people can change, that they are not forever the worst decision they made. The beauty of this bill is they don't release anyone considered unworthy. I can say that the smallest amount of hope can have a huge impact not only on the individual but the correctional system as a whole.

I offer myself as an example of how this bill can successfully work. Many others who I was incarcerated with had life without parole sentences have also been released successfully. A bill such as this can and do work. For these reasons, I am asking that you support AB 845, which abolishes life without parole as a sentencing option for people younger than 18, and creates release eligibility after 15/20 years depending on the nature of the offense.

Thank you for your time and consideration.

Sincerely,

Bryan Widenhouse

National LWOP Leadership Council

February 7, 2024

To the Respected Members of the Assembly Judiciary Committee:

My name is James Swansey, and I am a member of the National LWOP Leadership Council with Human Rights Watch. I am writing in support of Assembly Bill 845, which would provide hope to persons serving life without parole for people younger than 18 in Wisconsin.

I was incarcerated for 28 years, serving a sentence of life without the possibility of parole. Fortunately for me, I was given an opportunity to return to the community, and I have been home since December 2020.

Since being released, I am now a Policy Manager with Restore Justice Foundation, where I am doing everything possible to take advantage of my second chance. I teach people about the challenges faced with issues such as the one I am here in support of today. I also mentor youth by speaking about my past mistakes, showing that I was not my worst mistake, and encouraging them to take a different path in life.

Life without parole takes away any hope, which is cruel and inhumane. It is a sentence built on the false premise that the crime itself means a person can never change. People should not be defined for the rest of their lives by one mistake. Science shows the brain continues to develop into the late 20s, and everyone grows and changes. Returning people to valuable citizenship should always be the goal.

For these reasons, if you believe that children and young people can change and mature, I ask that you give people that chance. Please vote to pass AB 845, which would grant an opportunity for a parole hearing after 15 or 20 years of incarceration depending on the nature of the offense for some people serving this sentence in Wisconsin.

Thank you for your time and consideration.

Sincerely,  
James Swansey  
Policy Manager, Restore Justice

February 7, 2024

Joseph Bell Jr.

To the Respected Members of the Assembly Judiciary Committee,

I am submitting testimony in full support of Assembly Bill 845. If passed, some people serving life without parole would have an opportunity for a parole hearing after 15 or 20 years of incarceration depending on the nature of the offense. It will also bring hope to people serving life without the possibility of parole in Wisconsin. They would see a clear pathway to redeeming themselves and earning an opportunity at being paroled.

I was incarcerated for 24 years with the sentence of life without parole. Due to my personal transformation and a change in law, I was given a rare second chance, and was able to return to my community. I have been home for four years now.

For the last three years I have worked as a Peer Support Specialist, assisting individuals upon release from incarceration. I specialize in mental health and case management services. In addition, I have been a member of Human Rights Watch, National LWOP Leadership Council and M3, the Mentoring Men's Movement for individuals currently incarcerated and those being release.

While serving life without parole, I felt hopeless at times. It was debilitating, and could have undermined my path of self-improvement. My family also was deeply affected. Life without parole is a slow death by incarceration. It ultimately takes away any hope and undermines the possibility that a person can change.

There is no question that people can commit crimes that harm others. But people can grow, change and ultimately give back to our communities. I humbly ask that you give a second chance to people serving life without parole in Wisconsin and vote yes for AB 845. Thank you.

Sincerely,

Joseph Bell Jr.,

National Life Without Parole Leadership Council

02/07/2024

Joel Aguilar

To the Respected Members of the Assembly Judiciary Committee,

I strongly support Assembly Bill 845, and I respectfully submit this testimony to express my heartfelt conviction. This bill would allow individuals serving life without parole to have a parole hearing after 15 or 20 years of incarceration. Such a measure would offer hope and second chances and restore human dignity to those serving life without the possibility of parole in Wisconsin.

I was once sentenced to life without the possibility of parole for a crime I committed as a young adult. After twenty-one years of incarceration, I was granted the rare opportunity to return to the community, thanks to a change in my state's laws. I have been rebuilding my life and have been home for eight years. Today, I stand before you with sincere remorse, forever regretful of the harm I caused others. Since my release, I have dedicated myself to living a life of purpose, striving to be a contributing member of society. Aimed at giving back to the community and making a positive impact. I have actively engaged in mentoring youth in group home facilities, preparing men and women with life skills, job training, and mentoring those returning to society after many years of incarceration.

With this personal experience and profound understanding, I firmly believe life without parole is akin to a walking death penalty. This harsh sentence affects individuals and inflicts immeasurable suffering on their families who share in the sentence. It extinguishes any glimmer of hope and denies the fundamental belief in human potential for change.

For all these reasons, I would like to ask you to pass AB 845. May this bill provide a ray of hope and the chance for meaningful rehabilitation to those who have made mistakes but deserve a second chance. Let us foster a justice system that upholds fairness, compassion, and the possibility of redemption.

Thank you for your careful consideration. I hope you will make a positive difference in the lives of individuals affected by life without parole sentences.

Respectfully,

Joel Aguilar  
Citizen Coach / Program Manager  
Mass Liberation

2/6/2024

To the Distinguished Members of the Assembly Judiciary Committee:

I am writing in support of Assembly Bill 845, which would provide hope to people serving life without parole in Wisconsin.

I was incarcerated for 27 years with a sentence of life without parole. Due to a change in laws, I was given an unexpected second chance. I worked hard to grow and change. Ultimately, I was found eligible for parole and returned to my community. I have been home for five years. I am now a member of the National LWOP Leadership Council with Human Rights Watch.

Since coming home, I have been employed as a reentry specialist providing services, ensuring that people who reenter society from prison have the tools they need to succeed. I have also worked with my state's legislators to make certain that people have access to vital records, enabling them to access services and obtain gainful employment.

It is my belief that Wisconsin can hold accountable people who commit crimes without having to take away the hope of ever being able to correct the actions that brought them to prison in the first place. Society loses when it throws lives away. Those of us who had life without parole embrace our second chance, and we return to our communities ready to give back and make society better. We have a strong desire to make amends.

I am asking that you give a second chance for people serving this sentence in Wisconsin and support AB 845, which would abolish life without parole as a sentencing option for people younger than 18, and create release eligibility after 15 or 20 years depending on the nature of the offense.

Thank you for your time and consideration.

Sincerely,  
Jose Burgos, Legislative Committee  
National LWOP Leadership Council  
Human Rights Watch

February 6, 2024

To the Distinguished Members of the Assembly Judiciary Committee:

I am writing in support of Assembly Bill 845, which would abolish life without parole as a sentencing option for people younger than 18, and create release eligibility after 15 or 20 years depending on the nature of the offense in Wisconsin.

I was incarcerated for 23 years and with a sentence of life without parole. I was given a second chance through a rare gubernatorial commutation that recognized my personal change and work to help others, especially survivors of domestic violence. I went through the parole hearing process, was found suitable for parole, and was able to return to my community. I have been home for five years. I am a member of the National Life Without Parole Leadership Council with Human Rights Watch.

Once I returned home, I continued my education, and earned a second associate degree and bachelor's degree at San Francisco State University. In my free time, I volunteer at San Francisco Women against Rape with their weekly hotline, and I work with Survived and Punished California, where I continue to update my domestic violence training.

I can say with certainty that life without parole is the slow death penalty. It takes away any hope, stripping a person of the ability to demonstrate growth or change. It is truly inhumane. When I was living with the sentence, I struggled daily to find a reason to keep moving forward, let alone heal and become a better human. People serving life without parole are often denied access to self-help programs and other education. We are forced to pull ourselves up and find a purpose, when everything about the sentence of life without parole tells us we are worthless. I was constantly reminded that the system did not want to waste funds on resources for those with a walking death sentence.

The question before you as policymakers is: Do you believe in redemption? Do you believe people can grow, and change, despite crimes they have committed? I believe every person is capable of rehabilitation, and I believe every person should get that chance. Wisconsin bill AB 845 recognizes the potential in every person and would give a chance—not a guarantee—to earn parole after being punished for 15 or 20 years.

I respectfully urge your support.

Sincerely,

Kelly Savage-Rodriguez  
National LWOP Leadership Council



February 6, 2024

Kenneth Hartman

Santa Monica, CA 90404

[ken@thetpw.org](mailto:ken@thetpw.org)

To the Honorable Members of the Assembly Judiciary Committee:

I am writing in full support of Assembly Bill 845. If passed, people younger than 18, serving life without the possibility of parole would have an opportunity for a parole hearing after 15 or 20 years of incarceration. It will also accord human dignity to people serving life without the possibility of parole in Wisconsin.

I was sentenced to life in prison without the possibility of parole for a crime I committed when I was 19 years old. I will always feel tremendous remorse for my actions that caused harm to another human being. I ultimately served 38 years before having the rare opportunity to return to my community thanks to a governor's commutation. I have been home for more than six years.

Since being released, I have lived my life with the prime intention of contributing to the well-being of my community, as a kind of living amends. I am actively involved in working to make the prison system in California more humane, more effective, and more responsive to the needs of survivors of crime. I also volunteer in reentry facilities assisting other released long-term lifers in successfully adjusting to life after prison.

Life without the possibility of parole is the other death penalty. It is built on the false premise that human beings are not capable of becoming better than their worse decisions. It is also premised on the idea that inflicting endless suffering will, somehow, translate into something good. This sentence accomplishes nothing of real value to the community. All incarcerated people should have the opportunity to earn their way back home.

For these reasons, I respectfully urge the passage of AB 845.

Thank you.

Sincerely,

*Kenneth Hartman*

Kenneth Hartman  
Director of Advocacy  
Transformative in-Prison Workgroup

Date 02/07/2024

Louis Gibson

Laplace, La 70068

To the Respected Members of the Assembly Judiciary Committee:

I am writing in full support of Assembly Bill 845. If passed, people younger than 18, serving life without parole would have an opportunity for a parole hearing after 15 or 20 years of incarceration. It will provide hope and the motivation to work towards rehabilitation and human dignity to people serving life without the possibility of parole in Wisconsin.

I was once sentenced to life in prison without the possibility of parole. I will always regret my actions and the harm it caused to others, I prayed for forgiveness more than I prayed for freedom. I served 25 years before having the rare opportunity to return to the community due to a change in my state's laws. I have been home for over five years.

Since being released, I have lived my life as a contributing member of society. I have worked with The Louisiana Parole Project as a reentry specialist, Catholic Charities as a case manager and now with The Public Defender's Office in Orleans Parish as a re-sentencing client advocate. I have helped over 300 men and women transition back into society who have served long sentences. I also served as a peer mentor and a mentor to high school students. I have been married for five years now and have a four-year-old son.

I am an example of what can happen when you give someone a second chance who has served a long period of time. Please understand that life without parole is a death by incarceration sentence, life without parole is the walking death penalty, it ultimately takes away any hope, which is cruel and inhumane, it is built on the false premise that the crime itself means that a person can never change.

For these reasons, I respectfully urge passage of AB 845. Thank you.

Sincerely,

Louis Gibson

Orleans Public Defender's Office

Re-sentencing Client Advocate

February 6, 2024

To the Distinguished Members of the Assembly Judiciary Committee:

I am writing in support of Assembly Bill 845, which would provide hope to people serving life without parole in Wisconsin. I am a member of the National LWOP Leadership Council with Human Rights Watch.

I was incarcerated for 25 years with a sentence of life without parole. I was given a second chance due to changes in law in my state, and my personal change and growth made it possible for me to parole and return to my community. I have been home for over six years.

Since coming home, I have maintained employment. I became a licensed esthetician, am earning my BA in Psychology, opened my own business, and started a nonprofit. I spend my free time volunteering at our local Teen Challenge and am building a reentry program to help families when their loved one comes home. I find every opportunity to help those being released from prison to return to society successfully. I do everything I can to contribute to my broader community.

When I had life without parole I had no hope, I was living with the perpetual nightmare of dying in prison. I was not the only one facing that nightmare: My family was, too. Life without parole has not changed the crime rate or made society safer. What it has done is fill our prisons with increasingly aging individuals.

Those of us who got a second chance, whether through a commutation or change in law, have returned home and shown that not only that rehabilitation is possible, but that when we come home, we give to the community. In the past few years, many of us who once had life without parole are thriving in society.

The sentence of life without parole is a message that someone is no longer important in society. That message, and the lack of hope it engenders, is devastating to basic human dignity. When a person is given hope, it not only changes the individual, it helps people embrace purpose in their lives, and creates the opportunity to make amends.

I am asking that you give a second chance for people serving this sentence in Wisconsin and support AB 845, which would grant an opportunity for a parole hearing after 15 or 20 years of incarceration for people younger than 18.

Thank you for your time and consideration.

Sincerely,  
Sheena Eastburn  
National LWOP Leadership Council

Dear Legislators,

I am writing to you today to encourage your support for Assembly Bill 845, which would allow individuals younger than 18, sentenced to life without parole to have a board hearing after 15 or 20 years of incarceration, depending on the nature of the offense.

As a graduate of California State University, Fullerton with a bachelor's degree in criminal justice, and a current doctoral student in criminology, law, and society at the University of California, Irvine, I am committed to advocating for just and equitable policies in our criminal justice system. I am a member of the National Life Without Parole Leadership Council with Human Rights Watch. My passion for this issue stems from my personal experience: I was sentenced to life without parole at the age of 18 and served 28 years before receiving a rare commutation.

Upon my release, I had the unique opportunity to parole directly to a college campus through Project Rebound, an organization dedicated to helping formerly incarcerated individuals navigate higher education. This transformative experience allowed me to join the Roland E. McNair Scholars and the Criminal Justice Student Association, where I have been involved in organizing food drives, volunteer efforts, and other community initiatives.

In addition to my work on campus, I have visited several juvenile detention centers and California state prisons as a mentor, offering hope and guidance to incarcerated individuals. My story serves as proof that it is possible to reenter society and make a meaningful contribution to our communities. Many of those I have mentored have since returned home and are now following in my footsteps, creating their own paths to success and positively impacting the lives of others.

The potential for transformation and redemption is evident in the stories of those who have been given a second chance. As more individuals sentenced to life without parole are granted the opportunity to reintegrate into society, the benefits are felt not only by the individuals themselves but also by the communities they serve.

By supporting Assembly Bill 845, you are providing hope to those who have demonstrated their commitment to change and their desire to make a positive impact on society. This bill not only promotes the ideals of rehabilitation and

redemption, but they also contribute to the creation of safer and more compassionate communities.

I respectfully urge you to vote in favor of Assembly Bill 845. By doing so, you are offering the possibility of a second chance to those who have demonstrated personal growth and a commitment to bettering themselves and their communities.

Thank you for taking the time to read my letter and for considering my perspective on this important issue. Your support for this critical piece of legislation will have a lasting impact on the lives of many deserving individuals and the communities they will go on to enrich.

Sincerely,

*Steven Green*

Steven Green

National Life Without Parole Leadership Council

5/10/2023

To the Respected Members of the Assembly Judiciary Committee:

I am writing in full support of Assembly Bill 845. If passed, some people serving life without parole would have an opportunity for a parole hearing after 15 or 20 years of incarceration depending on the nature of the offense. It will also provide human dignity to people younger than 18, serving life without the possibility of parole in Wisconsin.

I was once sentenced to life in prison without the possibility of parole for a crime I committed. I will always regret my decisions that I made that put me on course of an LWOP sentence for harming my community. I served 25 years before having the rare opportunity to rejoin my community after reforms to the LWOP sentencing practice. I have been home almost seven years.

Since being released, I have lived a life of service to my community, with a focus on improving the Juvenile Criminal Justice System in San Mateo County, Ca. It has been a blessing to be able to help improve my community by doing the social justice work I do in the JCJS. I have Co- Founded a non-profit ReEvolution that works to help youth reintegrate back into our communities after serving long-term incarceration. I also work as a Juvenile Justice Commissioner for San Mateo County who provides oversight and ensures that our youth are receiving the healthiest of conditions and programming that enhance public safety when our youth return to our institutions, communities, and families upon release.

Life Without Parole is not a humane sentence. It took all my hope for a healthy future and brought unconditional pain and confusion to my family for years. Both of my parents passed away during these 25 years and I could still feel the pain that the LWOP sentence condemned them too as well. They passed believing that this was my fate. A sentence like this can be avoided by supporting the following legislation.

For these reasons, I respectfully urge passage of AB 845.

Thank you.

Sincerely,  
Paul Bocanegra,  
San Mateo County, Juvenile Justice & Delinquency Prevention Commissioner,  
Youth Outreach Manager, ReEvolution, SUDCC-I

To the Wisconsin legislature:

I am a third-year law student at the University of Wisconsin. I am urging you all to vote in support of AB845. During my time at the law school, I was part of the Legal Assistance to Incarcerated People clinic. When I began law school, I didn't have a strong interest in criminal law. This clinic, however, changed my perspective completely.

At the clinic, we helped a lot of men who were incarcerated for very long sentences, many of them for life. We helped with "second-look" advocacy, finding ways to reduce their lengthy prison sentences. Admittedly, when I began the clinic, I was anxious about working with men serving life sentences, as I could assume the types of crimes they had committed.

What I did not expect was to encounter some of the most humble, soft-spoken men I have ever encountered. Many of the clients we worked with were Black men in their 40s and 50s, convicted of crimes as teenagers while they lived in areas like Milwaukee in the 90s, the height of mass incarceration and the war on drugs. As I read their police reports and trial transcripts, I realized that many of our clients were poor, and had parents that struggled immensely with substance abuse. Their parents might have been completely absent from their life or in and out of prison. Some of our clients suffered abuse from those closest in their family, and had suffered a variety of mental health issues by the time they were young teenagers. One of my clients even was not even literate until after he became incarcerated.

Many of these men ended up being involved in gangs from a young age, mostly for economic reasons and to have some sort of reliable social network. And instead of meeting with men, who I worried, might be intimidating, threatening, and hardened from prison, I found men who were softened, tired, and so full of regret and remorse. Even with these feelings, the clients I worked with manage to accomplish great things in their time in prison, like literacy, earning their GEDs, taking college-level classes, and gaining new skills, such as cooking and knitting. They reconciled issues with their families from prison. It was clear that these were not the same teenagers that had committed violent crimes.

The hardest thing was that for many of these men, life outside of prison may never be a possibility. Even though they live full of regret, no longer exhibit violent tendencies, and have gained skills that would help them become productive members of society, they have little chance to redeem themselves. We now know that our brains do not fully develop until well into our twenties. These men, boys even, committed crimes well before that, and many of them were products of environments that did not support their emotional and physical development and wellbeing. With another chance, even if it is a life monitored on parole, I know that these men would not return to their teenage ways. They have no interest, their bodies are too tired and fatigued, and in fact, they have no connections left in these crime circles. Many of their close family are regular people, living with children, who just want their brother, son, or uncle back in their lives.

I think it is hard to fully humanize someone who has committed a violent crime until you spend time with them. I spent almost every Friday for five months working with someone incarcerated at a maximum-security prison. I did not feel scared of or enraged by this person for the crime he had committed. Instead, I felt sad. Yes, I felt immense sadness for the victim and family who had been affected by his crime. But I also felt sad for the young boy that society had failed to nurture, and sad for the grown man living in a cage, desperate to prove that that he can redeem himself, if given a chance.



We have to have hope in the humanity of all people. Please vote in support of AB845.

Sincerely,

Sarah Kuelbs

Dear Honorable Members of the Wisconsin Legislature:

My name is Lydia Dal Nogare, and I am writing to express my full support for Assembly Bill 845. As a clinical student in the Legal Assistance for Incarcerated People Clinic at the University of Wisconsin Law School, I had the opportunity to work with two clients serving long sentences. Through my interactions with them, I witnessed firsthand their remarkable transformation into kind individuals prepared to make positive contributions to society.

Initially skeptical of the rehabilitative impact of incarceration, I was persuaded by my clients' stories of personal growth. They attributed their development to their time in prison and participation in Wisconsin DOC programming. Assembly Bill 845 provides a crucial pathway, albeit challenging and selective, for individuals like my clients to pursue release and redemption.

By supporting this bill, we acknowledge the inherent capacity for growth and goodness in every individual, especially young people. It signifies a crucial step towards recognizing the potential for rehabilitation and reintegration within our criminal legal system.

Thank you for considering my perspective on this important issue. Please feel free to reach out to me with any questions or further discussion at [dalnogare@wisc.edu](mailto:dalnogare@wisc.edu)

Sincerely,

Lydia Dal Nogare

Madison, WI 53703

February 7, 2024

Dear Members of the Assembly Committee on the Judiciary,

Thank you for providing us with an opportunity to share our thoughts and comments about AB 845. We are clinicians at the UW Law School's Frank J. Remington Center. In our capacity as clinicians and attorneys, we have had the opportunity to represent many people who were sentenced to life sentences as children. We have witnessed a remarkable transformation in many of our clients, most of whom are now middle-aged and have spent their lives working toward redemption. We write to express our strong support for AB 845, which would give our clients the opportunity to demonstrate their rehabilitation and growth. The views we express are solely our own, based on our own experiences, not those of the UW System, the University, the Law School, or any entities associated with them.

As lawyers, the Constitution is our guiding light. In a series of cases, the United States Supreme Court has recognized that children are constitutionally different from adults for purposes of sentencing. First, the Court barred life without parole sentences for juveniles convicted of non-homicide offenses, noting that such a sentence "alters the offender's life by a forfeiture that is irrevocable." Then, in *Miller v. Alabama*, the Court extended this logic to juveniles convicted of homicide offenses, relying on "children's diminished culpability and heightened capacity for change." And in *Montgomery v. Louisiana*, the Court reiterated that a life sentence without the possibility of parole must be reserved for the "rare" juvenile homicide offender who "exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified."

Critical to the Court's rationale in this line of case law is every child's inherent capacity for change. The review process in SB801/AB845 will give juvenile offenders the meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation required by the Constitution.

We work with many of the people who would be impacted by this bill. Our clients were convicted as children and irrevocably sentenced to die in prison. Like almost everyone who would see relief under this bill, they were sentenced decades ago at the height of the super-predator era. The "super-predator theory" is a now-debunked myth spread by criminologists in the 1990s that incorrectly predicted a dramatic rise in violent crimes committed by "brutally remorseless" children. In response, courts in every state across the country began imposing extreme sentences on children, including life without the possibility of parole. **Almost every child still serving a life sentence in Wisconsin was convicted during the super-predator era.**

The super-predator myth has since been debunked. The Supreme Court has been clear: advances in cognitive and social sciences have since demonstrated that children have diminished culpability and a heightened capacity for change. However, the children in Wisconsin who were convicted decades ago in the midst of this hysteria are still in prison with no hope for release.

When faced with the harshest sentence possible in Wisconsin—juvenile life without parole—many of our clients sentenced during the super-predator era were given life sentences as children without any consideration of the factors highlighted by the Supreme Court in *Graham* and *Miller*. Instead of presenting evidence of diminished culpability, their defense lawyers often spoke for mere minutes and failed to provide the sentencing court with relevant information about our clients' lives. Instead of being spoken of as children, our clients were called monsters and cold-blooded killers. This bill would provide them with an opportunity to demonstrate their rehabilitation in the context of current science instead of a disproven myth.

**Wisconsin is one of only six states where children sentenced during the super-predator era have never had another opportunity to appear in front of a judge.** As a result of the Supreme Court's juvenile decisions, many states have since held resentencing hearings for children who received unconstitutional mandatory life without parole sentences. Twenty-eight states have also passed bipartisan legislation that bans juvenile life without parole sentences. This includes states as diverse as Texas and New York, California and Arkansas, as well as our neighbors in Minnesota, Iowa, and Illinois. As a result of these mechanisms, children sentenced to life without parole sentences during the super-predator era have received resentencing hearings in forty-four states and D.C. However, Wisconsin's children have not received this second chance.

This bill would finally fix this problem that has already been addressed in almost every other state. In addition to banning juvenile life without parole—a sentence that has not been applied to a child in Wisconsin in almost fifteen years—it represents a second chance for children in Wisconsin who were convicted during the height of the super-predator era.

It's important to emphasize that this bill does not guarantee release. Instead, this bill would permit the children sentenced to life without parole an opportunity to present evidence of growth and rehabilitation to a court. The government would also have the opportunity to present their position through argument and evidence, including the position of the victims and next of kin. And the court would have to consider both mitigating and aggravating factors (including the gravity of the offense and positions of the victims), and ultimately decide if a sentence adjustment was warranted in the interest

of justice. This is a high bar that could only be met with a genuine demonstration of rehabilitation, remorse and redemption.

Ultimately, this bill would bring Wisconsin in line with the Constitution and a vast majority of the states. It would give people sentenced as children to life in prison without the possibility of release the opportunity to demonstrate their growth, rehabilitation, and value to our community, all without endangering public safety.

Thank you again for allowing us to offer our thoughts based on our experiences.

Sincerely,

Rachel Burg  
Clinical Assistant Professor<sup>1</sup>  
Frank J. Remington Center

Zoe Engberg  
Clinical Fellow  
Frank J. Remington Center

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<sup>1</sup> Titles included for identification purposes only.

7 February, 2024

Dear Committee Members,

I am a law student with plans to go into civil litigation after graduation. During my second year of law school, I worked with the Legal Assistance to Incarcerated People Clinic because I wanted to learn more about the issues incarcerated people face.

During my time with the clinic, I worked with a client who has been incarcerated for most of his life. He was convicted as a child and is still incarcerated today. When I first read about his case, before meeting him, I was horrified by what he had done. I didn't know what it would be like to work for someone who had committed such a terrible crime. However, upon working with him and getting to know him, I was struck by how different he is from the person he was at the time of the crime. He is now an incredible person who spends his time helping others. I saw his remorse, and all of the changes he's made to better himself, and to better the lives of those around him. My experience working with him, and the clinic, taught me a lot about how people can change. I was able to see firsthand how someone could do something terrible as a child yet grow into someone who has so much to offer society. I would love to see other people have the same opportunity to see the change and growth I've seen. This bill is an amazing opportunity.

Sincerely,

Frannie LaBudda

Thank you, Chairman Tusler and the Assembly Committee on the Judiciary, for your thoughtful consideration of Assembly Bill 845.

My name is Carl Lasker, and I am a law student writing on behalf of Anthony Sandifer, a Wisconsinite who has been imprisoned more than 26 years for a crime he committed as a child. Anthony embodies the rehabilitative ideal of the prison system. During his term in prison, he has taught himself to read and write using TV subtitles, earned a high school diploma, and grown into a kind and caring adult who does not pose a risk to his community. His story shows the importance of requiring the consideration of youthful offenders' brain development, family environment, past trauma, and level of involvement in their crime during parole proceedings.

Anthony was sentenced for attempted armed robbery and involvement in a first-degree reckless homicide, a crime that can only be understood in the context of his childhood circumstances and the fact that he had not yet reached developmental maturity. Anthony was raised by his mother in housing projects until he was 14 years old. He did not have a father figure in his life, and he describes the neighborhood he grew up in as impoverished, drug-infested, and home to a slew of rapes and murders. Anthony was never taught to read or write as a child because his mother did not know how. As a result, he frequently missed school as a child because he was embarrassed to be there, and his school did not step in to support him. Anthony thus looked to older kids on the streets to learn how to survive on his own and to find a sense of community.

Anthony's lack of resources and role models contributed to a growing sense of despair that made him very impressionable. The only adult men Anthony knew as a child were violent alcoholics who came home with his mother. The older kids he met in Wisconsin quickly convinced him to emulate these men's behavior and help them steal money and cars. When Anthony was 16, he was convinced by an older peer to help him carry out an armed robbery. Anthony urgently needed money to survive, and he agreed to help this peer rob two cab drivers. The older peer ended up shooting and killing one of the cab drivers while Anthony kept watch from a distance. Anthony did not find out that anybody died until the following day. While Anthony remains in prison, the peer who convinced him to participate has already been released on parole, despite being two years older at the time of the offense, receiving a decade longer sentence, and being the defendant that fired his weapon and killed the victim. One of the reasons Anthony remains in prison is because the parole board has not been directed to take full account of the youth and attendant circumstances surrounding his crime.

Anthony, operating with the mind of an adolescent, never anticipated anyone getting hurt because of his actions 26 years ago. Today, he recounts his crime with anguish in his voice, and he regrets his involvement more than anything in his life. Anthony has never intended to harm another person at any point, and he poses no risk to the public now as a 43-year-old. He has used his time in prison to learn, grow, develop, and mature, and he has become a compassionate and responsible adult. He writes me letters regularly to check in on my life and well-being, and he always ends his phone calls with me by reminding me to stay safe, consider my company carefully, and make positive choices outside of law school. If AB 845 had been passed before Anthony was sentenced, his life might look very different today, and he might be serving as a role model to me in person rather than my mail. Wisconsin would also be better off, having been able to reallocate the critical state resources it is currently spending on preventing Anthony from

rejoining society to other causes. Anthony and I hope that you will consider the good that he and those with similar stories can contribute to Wisconsin after maturing, serving their time, and completing their rehabilitation process.

We thank you again for considering this bill.



# Wisconsin Justice Initiative



February 8, 2024

Assembly Committee on Judiciary  
Rep. Ron Tusler  
Room 22 West, State Capitol  
PO Box 8953  
Madison, WI 53708

Dear Chairman Tusler and Committee Members,

Wisconsin Justice Initiative (WJI) advocates for policies and laws that improve access to justice and increase fair outcomes in the judicial system.

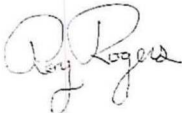
WJI supports the sentencing reforms in Assembly Bill 845. The bill will provide those who were sentenced to life or lengthy sentences as youths with a second chance and hope for their futures while still acknowledging the gravity of their actions.

We now know that during adolescence, the brain continues to mature, and the prefrontal cortex, which governs functions of reasoning and impulse control, is not fully developed. Further, adolescents generally seek greater risks for various social and emotional reasons. Juveniles differ significantly from adults in their maturity and decision-making. The U.S. Supreme Court has acknowledged in caselaw that juveniles are constitutionally different than adults regarding their culpability and should be treated differently than adults regarding sentencing.

AB 845 improves Wisconsin law by recognizing and addressing these differences, both for those individuals sentenced as youth and already in prison and those juveniles to be sentenced in the future. As I can attest, the teenager who goes into prison is not the same as the person he or she becomes over the next 20 years. This bill would allow those incarcerated as youth the hope that they will someday be able to return to the community, providing them with motivation to change.

WJI encourages the Committee members and Assembly to vote "yes" on AB 845.

Sincerely,



Roy Rogers  
Board Member

P.O. Box 100705  
Milwaukee, WI 53210