

NY Senate

Reference:

Joint Public Hearing: Solicit public opinion on bills S.15A and S.7514 (Parole Justice)

My name is, Theresa Bliss, I live on Long Island in Suffolk County and on March 24, 2021 my life, my husband's life, my remaining child's life and most of all my son's life was altered forever. David, my firstborn, was murdered at 3:30 in the afternoon, in broad daylight, in a popular well-known incorporated village on the water. Together, David with his younger brother visited the town to pick up pizza to bring home. He walked into the pizza place, ordered 2 pies and decided while he was waiting he was going to go smoke a cigarette and take a walk down by the water; instead he was met with pure innate evil. While walking down the busy main street there was a carload of 3 punks driving around, getting high, and harassing passerby including two young females. They were yelling racial slurs out the window and throwing up gang signs. A mere second's interaction occurred between, David and them as they were driving past him. David kept walking. They then decided to turn the car around and hunt my son down. They found him standing right in front of the pizza place. They pulled up, two of them got out and a brief verbal dispute ensued. A complete stranger then made the conscious intentional decision, with malice, to reach back into the vehicle to retrieve his illegal handgun and pull the trigger not once, but several times, the gun jammed after the first shot. A fatal bullet to, David's abdomen pierced the main abdominal artery where then over 40% of his blood spilled out onto the sidewalk where he left to die. This individual who chose to take my sons life in an instant is so void of any regard for human life, after shooting my son he made jokes, laughing about shooting my son, celebrating, high-fiving, rapping, and even mocking my son by holding his stomach, all reprehensible actions as if my sons life had no value. From beginning to end the entire homicide is on video. They then fled to a residence in Setauket, where there was also video surveillance. More laughing and joking took place, admissions to the shooting and plans to flee the jurisdiction to avoid arrest were all captured on audio and video. After a jury trial, the defendant was convicted and found guilty of Second Degree Murder, Criminal Possession of a weapon and Criminal Contempt. On May 9th, 2022, the defendant was sentenced to 40-life. He's right where he needs to be and the prospect that he could be released early is devastating to us.

Losing a loved one, especially a child is the top most stressful event a human can go through and when the death is the result of a murder the hurt and long-term consequences are even greater. Experts tell us that murder is the hardest way to lose a loved one. The emotional blow that ensues can result in a wide arrange of psychological and physical problems including anxiety, depression, cardiac issues, an increased risk for suicide, complicated grief disorder, PTSD, financial issues and marital issues. These symptoms include intense sadness and pain, the never ending yearning for our children, the inability to focus on other thoughts, feelings of extreme rage and anger, a lack of trust of others, fear of leaving our homes because in our reality my son walked out that door and never came back. These things are only supposed to happen to someone else, it's the "other" people you see and hear about on the news, until it is. The murder of my son plays in my mind over and over. I am tortured by these visions. I struggle tremendously with the thought that I, as his mother, wasn't there that day evil took over and killed him. I wasn't there to protect him; I wasn't there to save him by taking that bullet for him. There is a

well-known saying that is often shared throughout the Parents of Murdered Children national organization and community of bereaved parents *“Although the struggle with grief is part of every death, murder is darker than death, and so is the road to surviving and healing in the aftermath. Murder devours innocent lives with a cruelty that is absent of reason, absent of values, and absent of compassion. Murder breaks all the sacred rules, knows no fairness, and can never be undone or compensated. It provokes fear and rage, and temps us to battle it on its terms instead of ours. Murder drives even the most loving and compassionate people to the edge of that fine line that separates our respect for life from our violent potentials. The aftermath of murder takes us straight through hell where we stand eye-to-eye with the evil that hides behind human faces, and what we do in the face of that evil defines what lies behind our own face. The aftermath of murder is nothing less than a full-blown emotional and spiritual struggle.”* Carrie M. Freitag and Margaret J. Kerouac

One of the arguments made by proponents of bills S.15 A and S. 7514 is that everyone deserves second chances, regardless of the crime. I'd like to know where is my son's chance at life? What about his hopes and dreams? As a matter of fact, my son's murderer had an opportunity for a second chance, the chance to right his FIRST wrong. You see, he had stabbed an individual less than a year prior and was on probation at the time he intentionally killed my son. Instead, he was riding around with a loaded handgun, just waiting to use it on his next victim without any regard or remorse. As far as I'm concerned all these incarnated individuals have a second chance because they're alive and breathing. That's their second chance. No, we do not have the death penalty in NY any longer, so all these murderers and rapists' lives are spared, unlike my sons. They're in prison eating, laughing, watching TV, listening to music, visiting with family members, working out, playing basketball, reading, able to get an education, degree upon degree, learn a trade, such as plumbing, electrical and welding. Oh yes, welding, my son was accepted into welding school and was just about to start when he was taken from this Earth. Now my son's murderer has the opportunity my son should've had, that doesn't sound so horrible to me because the alternative is death. When you make a choice to commit a crime, the most serious of crimes- the taking of one's life, yes, there are consequences, and yes, sometimes that is decades in prison. This is the way our legal system is comprised all over the Country.

Where are my “visitations with my son? You know where they are? They're his ashes in his urn that sit on a memorial table. They're pictures and memories and stories shared about the loving, caring, protective, heroic, energetic boy that was my son. His absence from all our lives is profoundly palpable. I miss his amazing hugs that made me feel so loved, his laughter, and his smile that could light up a room. I miss everything about him. It's unfathomable that he's gone by 1 pull of a trigger at the hands of another. This is all I have now, memories. He's gone all because some selfish coward CHOSE to end his life. There is no expiration or end date on justice. These bills are essentially ending any form of justice the deceased and us as co-victims have and just knowing they could be paroled earlier or granted release upon their very first interview before the Board of Parole is re-victimizing and causing more traumas to families. We are already often neglected by the criminal justice system. It's about time our voices be heard and validated. Contrary to some opinions, no, not just the inmates lives should be taken into consideration. This “Death by incarnation” and the notion that no one should die in prison is absurd. Calling it “unfair” is highly offense. No one should be shot dead or stabbed to death in the streets- that's what's truly unfair. These inmates aren't being put to death; they are simply dying of old age or other ailments just like anyone else. So to think of it any other way is just illogical.

We no longer have Rockefeller laws on the books, so when drafting these bills and the rationale behind them makes me wonder; who are you gearing this towards, because some of the most violent individuals committing these violent heinous acts are the ones receiving 15+ sentences. Do you not recognize these are some of the worst people to walk the face of the Earth and have caused endless pain that has a ripple effect throughout our society and now entwined into the fabric of families that are left broken and hearts shattered for the rest of our lives? Speaking of society, what is the magical, discretionary determining factor that claims these people are now rehabilitated, fit to return to society and do not pose a safety risk? Just because an inmate has reached the age of 55 and has served at least 15 years is a valid enough reason? Age or any sort of positive changes or remorse the inmate has made while being incarcerated doesn't automatically wipe out the pain they've intentionally caused. You can provide all the stats you want about recidivism rates however just one life stolen is one too many. There is no guarantee a parolee will not re-offend. Are you proponents willing to take that risk? For the next victims could be a family member of yours. I can't help but wonder that's precisely the reason why it's so easy for some to agree with parole justice. It's often said to people like me, "Oh, I'm so sorry, I can't imagine". No, you truly cannot imagine what it's like to have your child shot to death, stabbed to death, strangled to death, beat to death. It's easy for legislators to draft these bills because, no, you don't walk in our shoes. You're humanly disconnected from what is our reality. WE are the ones living a life sentence. These pieces of legislation are so far removed from reality to think that murderers and rapists have somehow changed therefore release is appropriate. I'm no expert, but quite frankly, I'm sure most of us are indeed capable of murder; however it's that very distinct, morally sound differentiation from those evildoers who decide to make the conscious decision to commit vicious, repugnant acts of violence on the innocent. Evil shouldn't be awarded with freedom. I'll take it a step further, how many documentaries have we all watched where the experts opine on the fact that these murderers are incapable of change. There are instances where these killers admit this truth themselves.

At present, NY already has established statutes and sentencing guidelines used in the criminal justice system. Where would our legal system be without them? They're essential, with that said, one has to question that given the language in bills S. 15 A and S. 7514 what is the purpose of a Judge's role in determining and subsequently handing down an appropriate sentence they deem fit for the crime. What is the point in Judge's deciding on whom to give what we would call harsh sentencing? Life without parole- the point? If these bills were to ever be enacted in essence what they're doing is undermining a Judge's authority and responsibility of sentencing under the sentencing guidelines. You're changing the current guidelines is what you're doing and essentially removing indeterminate sentences. **Murder in the 2nd degree is a Class A-I felony crime that carries a minimum sentence of 25 years and a maximum sentence of life imprisonment. Penal code 125.25.** Under Elder Parole as long as they're 55 and have served 15 years they have a good chance of being released. This is undercutting our sentencing guidelines.

Given my testimony, and hopefully some compassion and understanding as to what co-victims endure on a daily basis, the agony we must face and the life-sentence we are subjected to. We didn't ask for this and certainly our loved ones who were stolen never asked for their lives to be taken. Future generations will never cease to exist now. What would have our loved ones become? Nevertheless, those that committed the crimes did know and they did ask for this life, they chose it when they decided to take a life. They knew the consequences and thus, shouldn't be spared their full term of imprisonment. In my opinion, prison is punishment, that's why we have them. Murder should unequivocally be the exception to these pieces of legislation. Please reconsider. The detrimental trauma passing these bills would induce would be immense.

Thank you,

Theresa Bliss- a bereaved mother advocating for her son