



Justice's Law

It Shouldn't Hurt to be a Child

Difficult Trials

Child abuse deaths rarely result in a murder conviction, but why?

Motive is often unclear when a caretaker kills a child. Unlike a fight between adults that escalates to a killing, there may be little evidence as to why a caretaker would kill a child. Even when a motive exists, the reason for the killing may be so trivial as to be nearly incomprehensible to most people. It is also difficult for a jury to determine whether the fatal act resulted from a one-time response from frustration and anger, or if it was the result of hatred and genuine ill-will toward the child.

Another difficulty with prosecuting child homicide is the frequent lack of external injuries. A gunshot or knife wound is readily understandable; evidence of a cerebral hematoma [brain injury] in an otherwise healthy child is not. Child homicide often is committed by a caretaker who is alone with a child for an extended period of time, almost never involves the type of deadly weapons commonly associated with homicides of adults, and results in injuries requiring careful observation by a medical examiner.

[Children also tend to lack signs of "defensive wounds" or forensic signs of a struggle; wounds that result from fighting back-which is often relied upon heavily by prosecutors to prove the intent or state of mind of the defendant]

Finally, many people simply cannot believe adults kill children in their care, leading some jurors and judges to resist verdicts that place a high degree of culpability on a caretaker. Additionally, even prosecutors, child protective service workers, police, and medical professionals may fail to recognize or pursue cases of child homicide.

Child homicide committed by a parent or other caretaker who suffocates or violently shakes an infant or young child is among the most difficult to discover and prosecute. Whether a child dies with many or few external signs of injury, a jury will rightly ask several questions. Can the death be explained as an accident? Was the caretaker merely negligent or was she or he provoked to commit a violent act in the heat of passion? Was the caretaker so reckless as to manifest an extreme indifference to human life? Did the caretaker know the child would die as a result of the conduct? Or, perhaps, did the caretaker intend to kill the child? **These are difficult questions for a [jury] to answer, with the result often being a relatively low level of punishment or no punishment at all for a caretaker who kills a child with his or her hands."**

Information found in 1999 Northwestern School of Law Journal of Criminal Law and Criminology

Walk to End Child Abuse

The inaugural Walk to End Child Abuse was held April 30, 2011 in Hancock, Maryland. Over 400 people from Maryland and surrounding states gathered to rally against child abuse in the small Western Maryland town. Donations exceeded \$14,000 and supported the Safe Place Child Advocacy Center in Hagerstown, Maryland. Safe Place is a member of the National Children's Alliance.

A 2012 Walk To End Child Abuse is planned for April in honor of National Child Abuse Awareness Month.

"Homicide is the cause of death among children seven times more frequently than meningitis and twenty times more often than AIDS."

- 1999 Northwestern School of Law Journal of Criminal Law and Criminology

"Prosecutors all over the country will tell you that the easiest murder to get away with is the killing of an infant or small child by a parent or caretaker."

-J. Tom Morgan, Member, U.S. Dep't of Health & Human Services, *A Nation's Shame: Fatal Child Abuse and Neglect in the United States 58 (1995).*

WHAT IS JUSTICE'S LAW?

Justice's Law is a bill before the Maryland Senate and House of Delegates requesting stricter penalties for those convicted of Child Abuse Resulting in Death.

This bill will increase the maximum penalty for murder of a child from 30 years to LIFE IN PRISON.

Unfortunately, in Maryland taking the life of a child is viewed differently than taking the life of an adult, and the MAXIMUM amount of time a convicted child killer can serve is 30 years. Additionally, inmates are only required to serve 50% of their sentence before they are eligible for parole, putting them back on the streets in 15 years or less. Most of those convicted of this crime are young, usually in their early 20's. This means these murderers can be walking the streets in their 30's. Not only does this pose a serious threat to society, it is a gross failure of justice. While there is not a sentence that is adequately proportionate to this type of crime, increasing the maximum penalty to LIFE IN PRISON, as opposed to 30 years, is a step we need to take for the safety of Maryland's children. In most states, child abuse that results in death is punishable by death or life in prison. Maryland has yet to address "loopholes" in the law that result in child killers receiving lenient

sentences. This is not the only area of law that fails to meet the needs of Maryland's children, but passing Justice's Law will be a step in the right direction.

Let Maryland's elected officials know: **WE WANT JUSTICE FOR CHILDREN**

Along the left of this newsletter is a list of Maryland elected officials belonging to the House and Senate Judiciary committees. They will be the ones deciding the fate of Justice's Law. Please take a minute to write a representative (or 2, or 3!) and let them know that YOU are a Maryland VOTER who supports Justice's Law and wants to see justice for children in 2012! A short and simple e-mail is sure to be read, but if you prefer to compose a longer letter, full addresses can be found at:

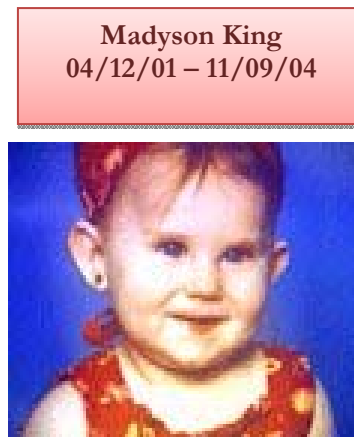
<http://www.msa.md.gov/msa/mdmanual/06hse/html/com/05jud.html>

and

<http://www.msa.md.gov/msa/mdmanual/05sen/html/com/05judp.html>



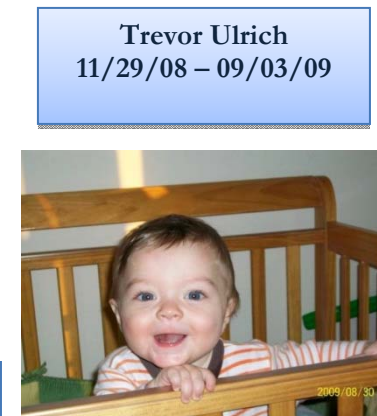
Logan Sellers
04/27/09 – 10/10/11



Madyson King
04/12/01 – 11/09/04



Justice Myers-Cannon
08/16/06 – 01/06/07



Trevor Ulrich
11/29/08 – 09/03/09



Bella Appel
11/27/09 - 01/09/10

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