

Chairman Sears, and members of the Judiciary Committee, I thank you for the opportunity to speak to you today. My name is Alex Sobel. I am the father of Lara Sobel, a State of Vermont DCF worker who was murdered 8/7/15. I would much rather speak to you in person, but I am currently in southern Florida, and unable to do so.

My daughter was stalked and brutally assassinated by Jody Herring, because she was doing her job, protecting Vermont's most vulnerable children. Lara had been doing this work, for the State, for 14 years. Lara had recently testified, in a court hearing, that resulted in the adjudication and sheltering of Herring's young daughter. In acts of planned vengeance, Herring first murdered three members of her own family, and then waited, with a high-powered rifle, in the parking lot for my daughter to leave work that ill-fated Friday evening. I will spare you the gruesome details of what followed. I'm sure you all know, as ALL the details were amply covered in the press during the arrest, the life without parole (LWOP) sentencing, and the recently denied appeal.

I cannot begin to even describe what our family has been through. It has been said that the single greatest loss that a human being can experience is the loss of a child. This is so true. It does not just change you, it demolishes you. Especially under these circumstances. But I did not just lose a daughter.

She was brutally murdered; stolen from me and my family by an act of UNPRECEDENTED EVIL. From her birth, through the years as she grew into a competent caring young woman, I was there for all the milestones; birthdays, family functions, graduations, her wedding, the birth of her children....and then I was there for her funeral.

My granddaughters, Lara's children; Julia, who was 14 and Elahna who was 11, when their mother was murdered, still cannot bring themselves to confront these issues. After more than four years, Elahna, now 16, cannot bring herself to visit her mother's grave, nor has ever seen her headstone. Both of my granddaughters will never have their mother there for graduations, Mother's Day, to walk them down the aisle at their wedding, or to be with them at the birth of their children.

Today, as I speak to you, I speak not of vengeance. I come to speak to you about justice. I speak to you on behalf of all the victims. I speak to you in opposition to S261 or any other bill to abolish LWOP sentencing.

When an individual commits murder, there are many more victims than the deceased, or direct family and friends of the deceased. Many more victims indeed. In the case of my daughter Lara, the entire community was the victim. All over the state of Vermont and beyond, DCF workers began to look over their shoulders. If it could happen once, why not again. One of their own was assassinated only because she was doing her job. The community suffered as the DCF experienced

documented difficulties performing their job. Additionally, a witness was murdered as a direct result of her testifying in open court. That alone made the entire justice system the victim. There are so many victims. Always!

In passing the LWOP sentence for Herring, judge Pact made the point that judges, prosecutors, witnesses, law enforcement, and DCF workers must feel safe and protected if society is to function. He plainly stated that the murder of Lara Sobel was system threatening, and it demanded no less a sentence than LWOP.

Here it is important to note that Herring was neither tried nor convicted of aggravated murder for my daughter Lara or the three members of Herring's family, yet the LWOP sentence was warranted on so many levels. Although the killing of a firefighter, EMT, or public safety officer performing his or her duty is clearly defined in Vermont criminal code as "aggravated murder," the murder of a DCF worker performing her duties is not considered aggravated under Vermont law.

Just moments before this phone call, I received the latest version of the proposed S261, and I have not had the opportunity to review the bill as it is now stands. However, as I have previously stated, I oppose any version of a bill to abolish LWOP sentencing, and I would now like to address some of the specific points that that have been discussed during the past few weeks.

The committee is considering carving out aggravated murder from the bill. On the surface that looks like a concession to the law and order argument. Although upon deeper analysis, that proves not to be the case. That exclusion would present its own inequity. Could a single murder that does not meet one of the eight specific aggravating requirements of The Vermont Criminal Code, be so egregious, that it cries out for LWOP sentencing?? More egregious than aggravated murder?? Why not! It happened in the case of the murder of my daughter. Although Herring murdered four people, in one of the most heinous crimes in the history of the State of Vermont, under this aspect of your proposed bill, Herring would be ineligible to receive a LWOP sentence. However serious and brutal as aggravated murder may be, unfortunately there can be some brutal murders that can actually exceed the aggravated threshold in brutality. Yet fall short of the exact definition in the Vermont Code.

Additionally, I have been told that your committee is considering compassionate release, applying to those serving LWOP sentences. Anyone serving a LWOP sentence is by definition supposed to serve the REMAINDER of their life in prison; not just until they become ill enough to meet a subjective and changing threshold for release. The rest of their life means the rest of their life. Remember the terrorist from the Lockerbie bombing and the results of his compassionate release? For those of you that may not recall, The terrorist, Ali al Megrahi was convicted in a Scottish court for placing the

bomb aboard Flight 103, and killing 270 people. After serving 8 years in a Scottish prison, he received a compassionate release, according to Scottish law, because he had been diagnosed with terminal prostate cancer. To the chagrin of the entire free world he returned home to Lybya, to receive a hero's welcome, and live another 3 years in a luxurious villa. How did that compassionate release work out?

I have also had discussion about whether S261 would apply to those previously convicted and presently serving LWOP sentences. Well, that's certainly an aspect that you undoubtedly know by now where I stand. However, I will remind you that many of those cases involved plea deals and would re-open many cases for re-trial. Bad idea for many reasons. Legal? Maybe, maybe not. Not for me to say, but most probably not.

In short, I feel strongly that limiting the Judicial discretion in criminal sentencing by legislation is a flawed idea to begin with. It becomes further weakened by trying to clarify where it applies and where it does not.

Statutory mandated sentencing has, time and time again, proven problematic in our society. Sentencing must be left to the judiciary and its inherent appeal system, and not removed by otherwise well-meaning legislation.

The LWOP sentence is never handed down lightly and not without appeal. If our society is to function there needs to be criminal sentencing that is proportional to the crime, and acts as a requisite deterrent. A deterrent vitally needed by all of Vermont law enforcement and judiciary.

Again, I speak not out of vengeance, but out of justice and the need to protect the victims. Not just the obvious friends and family, but the entire community. We were all the victims when Lara was murdered. There are so many victims.

While it is noble, and certainly fashionable today to pursue human rights at all levels, the rights of those convicted of murder must never supersede the rights of the victims. All the victims. There are always so many. So many.....

Thank you again for the opportunity to share my views with this committee.

Respectfully, Alex Sobel

