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News

Violent offender loophole closed

Thursday, November 12, 2009

By MICHAEL GORMLEY, The Associated Press

ALBANY — Murderers won't get a break in New York.

The Legislature and Gov. David Paterson have agreed to close a loophole affecting criminals convicted a second time for murder or child sexual assault. Under previous legislation, those violent offenders could get parole credit for time served for a previous conviction.

In one example, the loophole could have allowed a parolee convicted of a new offense to apply 10 years that he served for his original crime to his new 20-years-to-life sentence. That would make the offender eligible for parole after just 10 years in prison on the latest conviction.

Saratoga County District Attorney James A. Murphy III was among those pushing for the legislation.

"It made absolutely no sense. Why should murderers and two time child molesters, who have a prior violent felony conviction, get credit for time they served on their first felony and be able to apply that same time to the sentence on their second felony? It's absolutely contrary to a sensible public safety agenda," he said in a prepared release. "I am relieved to see that the legislature and the governor acted quickly and rationally to fix this problem. Thanks to a cooperative agenda between both houses and the governor's office and the New York State District Attorney's Association ... we have closed the loophole for good. Violent offenders will serve their entire sentence first and then begin to serve their entire sentence on the second felony consecutively. We are all safer thanks to these collaborative and sensible efforts."

State law already requires nearly all repeat felons to serve consecutive terms without credit for time previously served in prison. But murderers, others convicted of the highest level

A-1 felonies and second-time sexual assaults on children were inadvertently omitted. Some judges, however, knew of the loophole and specified that sentences had to be served consecutively.

"Judges have always had the power to order consecutive sentencing under such circumstances," said Assembly Speaker Sheldon Silver, a Manhattan Democrat. "By this legislation, we mandate this tougher sanction."

Janice Grieshaber Geddes, whose daughter, Jenna Grieshaber, was murdered by a felon who had been released from prison early, said: "I am grateful not only for the positive action but for the speed with which it was taken. Lives are saved and communities protected when politics don't interfere with common sense."

The new legislation adopted on Tuesday requires consecutive sentences. It also requires a prisoner to serve at least half their sentence before being eligible for medical parole, which is based on a grave illness. Prisoners will no longer be able to apply years served in prison for a prior offense toward getting a medical parole.

"This legislation will assure that those convicted will serve out their sentence intended by the court and also give piece of mind to the victims, their families and our communities," Paterson said of his bill, which he made part of Tuesday's extraordinary session of the Legislature.

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