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Rules Committee  
Judiciary A-POD  
580 Taylor Avenue  
Annapolis, MD 21401

RE: Amendments to Maryland Rule 4-345  
Sentencing – Revisory Power of Court - Opposition

This written position is sent to you in opposition of the proposed amendments to Maryland Rule 4-345. As a prosecutor and former defense attorney who has practiced for over 30 years, I am familiar with the effects that modifications have on the victims of heinous crimes.

One cannot escape the realization that every modification filing or hearing results in some degree of emotional harm to the victim and/or their family. Victims need some assurance that an appropriate sentence provides them with some closure.

The age of the defendant at the time of the crime, or their age after they have served a significant portion of their sentence, has little import when compared to the devastating lifelong impact of these type crimes. Parole already exists and, if appropriate, may be granted. To change Rule 4-345 in the manner suggested is to chip away at a victim's rights in the Criminal Justice System.

There is simply no compelling reason to go forward with these amendments, especially when the overwhelming impact on victims is considered. For these reasons, the Frederick County State's Attorney's Office is opposed to amendments to Maryland Rule 4-345, allowing violent criminal defendants yet another opportunity to have lengthy sentences modified, and cause revictimization of citizens of this County and this State.

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J. Charles Smith III  
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