

March 23, 2009

Chairman Stoker and Representatives of the House Judiciary Committee,

My name is Mike Thornton from Dillon and I would like to submit the following testimony in favor of SB236. I have personally been affected by the death penalty in another state and would like to share my story with you.

As you well know, the high cost of prosecuting and sustaining death penalty cases throughout the many appeals can be a heavy burden for both the state and the counties that prosecute these cases. In 1989, my grandmother was murdered in Cherry county Nebraska. When the case came to trial, the county attorney asked for the death penalty knowing the high cost that Cherry county would sustain. The defendant was found guilty and sentenced to death by a three judge panel. As always happens there was an appeal and the case was set for a retrial due to a technicality in the original trial. In 1993, faced with the cost of another trial and knowing the high cost of sustaining a death penalty case, the county attorney opted for a plea agreement. The defendant received a sentence of 20 years in the state penitentiary with the possibility for parole. Parole has been denied in all the hearings and the defendant will complete the full 20 year sentence in November of this year.

Although my family has had to relive the pain of that dark day when my grandmother was murdered every time the defendant came up for parole, we have found closure in the final sentence. I am sure that we would still be in limbo had the original sentence of death not been overturned. More importantly, had the original sentence been life without the possibility of parole, this closure would have come much sooner and the case would have held up on appeal and my family would not have had to endure parole hearings at all. Additionally, with an original sentence of life without parole, society would not be faced with the release of a dangerous criminal in a few months.

Please consider that many counties in Montana are very much like Cherry county Nebraska in having very limited budgets. It would be a great tragedy for a county attorney in Montana to face the same agonizing decision that the Cherry county attorney had to make in 1993 in Nebraska.

Thank you for your consideration on this matter.

Sincerely,



Michael P. Thornton

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