

The unfair practice of Truth in Sentencing in Virginia By: John L. Seay

To whom it may concern,

I'm writing this to hopefully inform those in society of the unfair practice (truth in sentencing) going on in Virginia court rooms. In 1995 Virginia abolished parole, making it mandatory that all "new law" offenders serve at a minimum 85% of whatever time imposed. They call this truth in sentencing; however the only thing true about this practice is the amount of time the "new law" offender will have to serve.

In 2005 I was sentenced to 48 years in prison for 1st degree murder. During the jury deliberations they came out with two questions for the Judge, their first question was, "what is life, is life 40 years?" the Judge answered by saying life means life he will die in prison if you give him life, the second question was "if we give him 40 years how much of that time will he have to serve" the Judge answered by saying do not concern yourself with that. Ultimately I ended up with a 48 year sentence at the age of 23, meaning I will not be released until 2046 at the age of 65 and doing 85% of that 48 year sentence. This is a virtual life sentence, one that my jury obviously did not want me to have. For they asked what life meant and was told life meant I would die in prison and they chose to give me years, not a life sentence. However, in essence they unknowingly gave me a life sentence. Had the Judge answered their question as to how much time I would have to serve on the recommended sentence then the jury would have been able to hand down a truthful sentence. When the jury asks questions concerning what the laws are, the Judge should always inform them of what the law actually is, then and only then will we have real "Truth in Sentencing".

Right now we have a one sided system that doesn't allow the people (jury) know what the law actually is. Therefore, how can the Commonwealth of Virginia stand on this truth in sentencing practice? The truth isn't being given to the decision makers, the juries. Especially, in cases where the juries themselves ask for guidance and understanding from the Judge and the Judge say "don't concern yourself with that", where's the truth in that? In order for all defendants' to have a fair and impartial trial, all juries must be told what the current law(s) are before recommending any sentence. Not just simply that parole has been abolished but that whatever sentence they recommend the offender will have to serve at least 85% of that time before his or her release.

There cannot be any truth in sentencing as long as juries are handing out sentences without having all the knowledge needed to make an informed decision. This ongoing practice is unfair and should not be allowed to continue. Many lives are being affected due to the lack of juries being educated on the amount of time that is actually being handed out verses what was intended. The system needs some serious reform and this is where I ask for all of those reading this to start putting forth some action. We need phone calls to be made, emails sent out, letters mailed, and petitions sent to these congressmen, delegates, senators, and the Governor.

WE THE PEOPLE needs to actually stand for something or we're all going to continue down this hopeless path. Faith without works is dead! It's time to start putting in the work necessary for some real change, hitting those phones, sending out those emails, showing up to the house and senate meetings and letting our voices be heard. Time is over for sitting around talking about all these issues and to start working towards a better criminal justice system for all involved. Thank you for your time and hopefully your help in this journey, for it will not happen overnight but in time things can and will change if we put forth the effort collectively.

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