

## **Aiding and Abetting Felony Murder Task Force**

Wednesday, September 15, 2021

10:00 am – 12:00 pm

Via Webex

**Members Present (10 of 12):** Gregory Egan (chair), KiloMarie Granda (vice-chair), Nick Kimball, Pat Mc Dermott, William Ward, Brian Mueller, Nate Reitz, Perry Moriearty, Toni Cater, Clare Diegel (newest task force member, Staff Attorney with ACLU, civil rights representative of task force)

**Absent Members:** Kathleen Keena, Kenneth Sass

**DOC Staff:** Amy Lauricella, Safia Khan, Tavia Osgood

**Guest Presenters:** Katie Madland, Minnesota Sentencing Guidelines Commission staff, Kate Chatfeld, Sr. Director of Legislation and Policy, San Francisco District Attorney's Office, Krystal (Sade) Shelton, impacted person

- I. Approval of August minutes
  - Motion to approve August minutes – unanimous approval
  
- II. Discussion of scope
  - Data being pulled by MSGC went back to 2010 – ten years of data – taking quite a while to pull what is being requested
  - Two Tier Approach –
    - Submit an initial report, limited in scope to the data and statutory information from the specifically enumerated felony murder subdivision
    - When doing outreach, include people sentenced more generally and include those stories under the other provisions of the murder statutes through aiding and abetting
    - When submitting report, recommend a subsequent task force be formed to address the broader aiding and abetting murder issues

### III. Subcommittee Updates

- Engagement and Outreach subcommittee – Toni Cater
  - Engagement will be some in person, some virtual
    - In person will be impacted by COVID variable
    - Hoping for a panel at MCF-Shakopee in early November
- Two meetings in Oct, Nov, Dec each – some days, some evenings, some outstate – dates coming
- Extensive deployment of materials to solicit input
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- Case Law and Statutes subcommittee – Perry Moriearty
- Reviewed 50 state survey from 2017
  - Difficult as:
    - Some states have aiding, and abetting embedded in felony murder
    - Some states have abolished felony murder through case law or modified it through case law
    - Some states have carved out exceptions as reform
  - Agreed on basic research parameters
  - Memo being drafted for researchers from task force (will be approved by task force prior to submission) to ensure assignment is clear and results are neutral and objective
  
- Data subcommittee – Nate Reitz
- Kate Chatfield presented data from California – CA changed their law in 2018 effective 2019
  - Had limited data so sent out survey to all individuals in California state prisons – received 600 surveys with demographic and impact info of legislation
  - 50 state survey completed
- Katie Madland – presented from Minnesota Sentencing Guidelines Commission about kinds of data they might have
  - Created a spreadsheet – reviewed 40 cases so far
  - Reviewing felony murder cases, noting if they’re aiding and abetting, including sentencing worksheets, plea documents, what count is filed as, if count added, and other counts listed and outcomes (dismissed, convicted, etc.)
  - Plans to review the events to group them to better analyze
  - General information to be distributed, but breakdown is as follows:
    - Felony Murder: 262 cases
      - a. Aid & Abet: 84 cases (34%)
  - Next step of committee is to review 34% of the aiding and abetting felony murder cases (once review is completed)

**IV.** Presentation from Kate Chatfield, Sr. Director of Legislation and Policy · San Francisco District Attorney's Office

- Foundation for the California law reform was [Senate Concurrent Resolution No. 48](#)
- When [Senate Bill 1437](#) was being passed in CA, the resentencing provision was of the most concern and there was a lot of pressure to pull it out, but the chief author was committed to it
- Focused on the natural and probable consequences doctrine
- Did not apply on its face to people who were convicted of attempted murder and plead to manslaughter (a common occurrence)
  - i. Expansion bill just passed the legislature – [Senate Bill 775](#) – and is on Gov's desk - The bill proposes to expand SB 1437's application to manslaughter charges, and includes attempted murders as well.
- Did not limit felony murder death sentences and life without the possibility in parole
  - i. This requires a 2/3 vote of both legislative houses and didn't occur this year
- Did not have great data – submitted survey to incarcerated individuals
  - i. Stark result was that less than 1% of folks convicted of felony murder knew that the doctrine existed prior to conviction – discounting the idea that having felony murder as a crime has a deterrent effect on committing felonies
  - ii. Real data problems at the county level – [CDCR Table 1.12](#) only had murder first conviction data (no differentiation about whether the person was the principal actor or what type of murder)
- Had to do a lot of educating around felony murder and how it was NOT scary or enhanced murder
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**V.** Testimony from Krystal (Sade) Shelton

- Krystal Shelton –
  - Released from MCF-Shakopee 3 years ago
  - Testified before the MN House in 2020
  - Charged with aiding and abetting aggravated robbery with a firearm and then added 2<sup>nd</sup> degree felony murder onto it
    - Originally tried to charge her with 1<sup>st</sup> degree murder to give her 30 years
    - Felt like she had to take a plea to murder
    - She was part of the robbery, not the murder (outside the building when another individual committed the murder) – her lawyer kept trying to get them to drop charges only to this
  - Confusing to her and her family since she didn't do it, didn't understand why they wanted to charge her with murder if she didn't physically do it
  - Pled to sentence of 15 years, did 10 inside

- At first, she wasn't sure what to do with her time and struggled because she couldn't see the light at the end of the tunnel – she was 18 years old when convicted
- Eventually got connected with programs and working with other kids going through similar things and getting in trouble and the prison fellowship academy program
  - Became a source of support for individuals with similar sentences
- Working at a salon currently – attempting a career change but finding it difficult with criminal record that involves murder conviction
- Difficult to find housing – after her halfway house she wasn't sure where she would live

**Next meeting: Wednesday, October 20<sup>th</sup> 10am-12pm**