

TESTIMONY OF
RALPH HUBBARD
BOARD MEMBER AND STATE COORDINATOR
PARENTS OF MURDERED CHILDREN
OF NEW YORK STATE, INC.
ON THE VICTIMS BILL OF RIGHTS AMENDMENT

April 23, 1996

Thank you for giving me the opportunity to testify.

I want to begin by giving a little bit of background about me. I am a husband of forty-three years, the father of four exceptional individuals and the grandfather of four wonderful young men and women. I am a veteran of the Korean conflict, a retiree of twenty-five years of Civil Service with the New York City Police Department (Motor Transport Division), a Board Member & State Coordinator of Parents of Murdered Children of New York State, Inc., Vice President of Justice for All, a Board Member of New Yorkers Against Gun Violence, a former member of the Advisory Council of the New York State Crime Victims Board, a member of the Advisory Council of New York State Higher Education (Safety In Schools) Committee, a member of the Advisory Committee of the American Alliance for Rights and Responsibilities (AARR), and a board member of the National Organization for Victim Assistance (NOVA).

It is not only equitable that a constitutional amendment insuring rights for victims finally be effected -- it is simply the mandatory and moral thing to do. I want to tell you about what happened to me and my family when a vicious and senseless act of violence catapulted us into "the system." We went through not only the most devastating act a parent could experience, we also found that there was no justice in the judicial system on which to buff ourselves.

At the trial of the two people accused of murdering our only son, in an argument over a video tape, we saw first hand the perversion of a system which gives less than a damn about grieving parents, parents who are in search of only two things -- justice and a voice with which to achieve this.

Our first realization that we were in trouble was demonstrated when the A.D.A. used our daughter to do the bulk of his investigatory work, i.e., rounding up witnesses, taking rebuttal photographs of the murder scene, reminding him of the names of these witnesses, etc.

Our second indication was made quite clear on day one of the trial. During opening statements the assistant district attorney continuously referred to my deceased son **by my name** (which is Ralph) instead of his own (which was Brett). Throughout this perversion known as a trial, **we--the family of the victim**, were barred from the courtroom when the sister of the defendant initiated an altercation with my daughter. She, the sister of the defendant was allowed to remain in the courtroom throughout the remainder of the trial, further giving proof to the claims that defendants have more rights than victims.

When we asked the judge if he would allow a victim's advocate in the courtroom in our stead, we were denied even that. We were forced to seek the assistance of the chief judge, who finally allowed our advocates back into the courtroom.

We lost our child in the midst of victimization number one--the act of violence. But we lost our dignity and hope in the midst of victimization number two--**the judicial process!**

Over the years, as a victim's advocate myself, I have witnessed many other senseless acts of indignity and abuse administered to victims and their families. I have seen a judge send a jury out of the courtroom simply so that he could come down off the bench, walk over to the mother of the murder victim, tell her that his courtroom was not the place for her tears and emotions and expel her from the courtroom. **The mother of the murder victim!**

I've seen a case where the step-mother of the murder victim, (who raised the child, I might add), upon wishing to address the court during impact statement time was told by a woman judge, and I quote "Oh you're not the mother, so what's the big deal!" Can you imagine how she was made to feel?

In another case, the defendant's lawyer actually had the temerity to request to the presiding judge that the parents of the victim be forbidden to sit together as their "**united front of grief**" would be prejudicial to his defendant and invoke sympathy for the victim. Can you imagine how they were made to feel? Yet victims have no right to challenge the seating arrangements of the defendant's family, even when they present a "united front" of support for the defendant. Where is the equality in our system? Why have we forgotten the victim and the victims' family? Ladies and Gentlemen, I challenge you to use your power here to help amend the Constitution which could not foresee the need at hand. The Constitution is the highest law of the land. As such, an amendment protecting crime victims rights will have a profound impact, not only on the criminal justice system, but on the way we all think about crime and justice as a country. You must assist us in our elevation from second class citizenship brought on by means completely out of our control. You must give us equal treatment with criminals. Justice **for all** must include the victim.

We urge you, no--we beseech you to do all that you can possibly do to ensure that the victim and their family be treated with the fairness, dignity and respect that common decency and basic humanity should award them. The Victims Bill of Rights would have made a real difference in the way my family and I were treated during the trial of my son's murderers. The judge could not have forced us out of the courtroom. We would have had a constitutional right to remain there. Imagine, the trial is open to entire public and the press. Yet we, **the victim's family**, had no right at all to be there. Our Constitution must be changed to correct this.

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Thank you for your indulgence. Please do everything in your power to pass this amendment.