

Statement of Duane Lynn

8 April 2003

U.S. Senate Committee on the Judiciary

My name is Duane Lynn. Three years ago, Wednesday, April 19th, 2000 started out like any ordinary day. But my plans were interrupted and the events of that afternoon changed my life and that of my family's forever.

In the middle of the afternoon, an angry, bitter man name Richard Glassel came into our Homeowners Association meeting in the Ventana Lakes community where my wife and I lived, and I resided on the board. He simply walked in, announced to everyone in the room, "I'm going to kill you all!" And he started shooting. He had three handguns, one automatic rifle, over 700 bullets, and a suicide note in his pocket. He had one purpose in mind: to kill everyone in the room. He was mad about the way the Homeowners association trimmed the bushes in his yard months before. And he was going to have the last word.

Ultimately, he wounded several and killed two before his gun jammed and he was tackled to the ground. One of the two killed was my wife. I made it out alive. We had been married 49 years and 9 months. We almost made it to 50. We have 6 kids and they had been secretly saving up money to give us a big 50th wedding anniversary party in July. . .but the money ended up paying for her casket instead. She died in my arms on the floor. It all lasted only seconds. Twenty-three seconds of one man's rage that changed my life forever. She was everything to me. But unfortunately, our story doesn't stop there. As a result of this violent crime, we became victims and faces in our judicial system. Something brand new to us.

We were told from the very beginning, that we could give an impact statement at the sentencing phase of the trial. At the time, we didn't really understand what that meant. All we knew was that it was our time to have a voice in this horrible ordeal. "Our day in court." It took almost 3 years for this to happen. Just this past January, I gave my impact statement to the jury before they sentenced the shooter, Richard Glassel. He'd already been found guilty. This was after that--at the sentencing phase.

The courts told me that I could talk about my wife in my impact statement. I could talk about

how this has all made an impact on my life. But I was also told that I had to stop short of talking about how I felt this murderer should be sentenced. I could give no comment on that. I even had to hand over my impact statement to be pre-read by the defense attorney, the prosecuting attorney, and the judge.

Certain parts were ultimately censored and I had to make the changes. Then, right before I read my statement in the courtroom, the defense lawyer, in his closing argument, made reference to what the jury would be hearing from me as a victim and began disclosing my very words and thoughts in a light hearted manner. One can only assume that he wanted to lessen the impact of my statement. I couldn't believe it!

I never realized, until having gone through this, that there are a handful of players involved in what happens in a courtroom--the legal system calls that "being a party involved."

- The prosecuting attorney is considered "party" to what happens in the courtroom,
- the defense attorney is considered "party" to what happens in the courtroom,
- the defendant is considered "party" to what takes place here.

All of those "parties" can give a recommendation as to what should happen to Mr. Glassel--what kind of sentence he should have. The jury can hear even the murderer's family, as to what they would recommend his sentence should be.

Land of the free and home of the brave? Mr. Glassel dealt with his problems in a cowardly way, and in this land of the free, we as the family of the victim--which was my wife, my love, the person that I still expect to see walk through our front door, like she did for almost 50 years--a real person, not just some name and number on a document, we could say nothing about the consequences for the man who took all that away. -My wife is not considered a "party" in all this. She can't make a recommendation She has no say, she's gone.

We're her voice now. And even though we were there every step of the way over the 2 years and 8 months that this process took, over 60 courtroom hearings, we, by law had to remain silent on this issue. We just helplessly sat there on the front row and watched as all the other "parties" gave comment concerning his sentencing. You have no idea what that feels like.

The evil done by a murderer inflicts tragedy and is bad enough, but injuries inflicted by friends, our legal system, are even harder to take. More betrayal. More disbelief that this was unfolding as it was.

I felt kicked around and ignored by the very system this government has in place to protect law-abiding citizens. I was a Highway Patrolman for 18 years. I lived by the rules, and I enforced the laws of the state of Arizona. Now I had to remain silent. The jury never heard that I wanted to recommend a life sentence. They gave him the death penalty. I had my reasons.

The system has failed the victim regarding capitol punishment cases. We understand that our judicial system is there to protect the innocent, but in doing so, we err on the side of a defendant and not the family of the victims. There's something wrong when a prisoner, convicted of two 1st degree murders has more rights in the courtroom than the families of the victims he's murdered. How imbalanced do we want that judicial scale.

I am here today to ask you to be on the same side as the victim of the crime. Allow us as victims to make a recommendation as to the sentencing of the defendant. Give me a voice and a party in the courtroom. It is our case that is before the Arizona Supreme Court right now on this very issue.

I support this amendment and my hope is that in the future, victims won't have to go through the betrayal that we felt by the courts. Thank you.