

Testimony of Joseph Elia
House Judiciary Committee
Public Hearing on Probation and Parole of Repeat Violent Offenders
March 19, 2009
MaST Community Charter School

My name is Joseph Elia. My mother's name is Marie Ott. She was a widowed, 81-year-old handicapped mother of four, grandmother of seven and great-grandmother of six, whose life was brutally taken on October 27, 2008, in her home where she lived alone.

Her alleged assailant is Jermaine Burgess, 37 years old. He is currently awaiting trial for her murder and other related charges.

He is also facing charges relating to the vicious attack on Mr. Hoa Pham, 60, and his wife, 58, in Upper Darby on November 10, 2008.

They were savagely attacked and beaten in their home. This resulted in the death of Mr. Pham, also the sexual assault and attempted murder of his wife. If not for the heroic courage of Mr. Pham, his wife would have met with the same fate as him.

When the police found Mr. Burgess, he was incarcerated in a Philadelphia jail on charges that dealt with the December 17, 2008, car-jacking of a woman at knife point, and the assault of two arresting Philadelphia police officers. He is awaiting trial for these charges as well.

The pain and suffering caused by the brutal attack on my mother, has left my wife and daughter afraid to sleep or be alone in our own homes. It has filled my son's heart with vengeance, and me with the constant images of the fear and terror that my loving mother had to endure in the final moments of her precious life.

These thoughts and feelings will haunt us for the rest of our lives.

This has led me to be here in front of you, the State House Judiciary Committee, to try and get some answers as to why this career criminal was released from prison on parole **again**, prior to serving his full sentence.

He has an extensive history of violent offenses since 1989, when he was 20 years old. He has been on parole at least two other times, only to violate it within three months of each time by committing more violent offenses, and then being placed back in prison.

I understand that after spending the minimum time of a three-to-six year sentence, he was paroled in the middle of 2008.

Just like the prior times on parole, in the months following, he resumed his criminal activities. Only this time, his thirst for violence had escalated to murder and rape of the innocent and defenseless.

I was utterly shocked to find out that a convicted violent offender like this can receive parole with only two votes from a panel of nine members. Yet it required a unanimous verdict by a jury of twelve to convict and incarcerate him.

This is unacceptable - to consistently release these types of predators back into our communities with little or no supervision, giving them the opportunity to continue to prey on our loved ones and innocent law-abiding citizens.

I believe a majority vote of the nine members of the parole board should be the minimum requirement for any possible parole of a violent offender, and then only with strict follow-up supervision until the completion of the maximum term of their sentence.

Also, any current violent offenders on parole, who violate their parole, should be incarcerated without possibility of any future parole for the maximum term of their sentences. Only in this way, will the citizens and the police officers of our communities be served.

Now it is this committee's time to do their duty, by putting an end to the current revolving doors of our Pennsylvania prisons. This can only be done by revising the current inept parole regulation guidelines.

Please show the brave men and women of our police departments, who put their lives on the line every time they adorn their uniforms to go out to protect the people in this room; our love ones, friends, and fellow law-abiding citizens throughout Pennsylvania, that with unending dedication, violent offenders who live in or visit our state will be put on notice. a

Let all those, who intend to continue their criminal activities in the commonwealth, be warned. They will feel the full weight and measure of our justice system. This can be accomplished by this committee submitting the needed stricter parole-regulation guidelines to Governor Rendell for his signature.

We must get these violent offenders off the streets and keep them off the streets, so that our citizens can go about their everyday life activities without fear of becoming victims to these scourges of society.

As I begin to conclude my testimony today, I would like to take this opportunity to thank Detective Sergeant Scott Willoughby, Ridley Township, Detective William Gordon, Delaware County. C.I.D., and all the officers involved for their relentless commitment in solving my mother's case. They have performed their duties admirably and professionally.

Finally, I want you all to remember the following names as you deliberate on the subject before this committee: Police Sergeant Stephen Liczbinski, Officer Patrick McDonald, Officer John Pawlowski, Mr. Hoa Pham and, my mother, Mrs. Marie Ott.

All of them are no longer with us. Their lives ended at the hands of paroled, repeated violent offenders.

We have all shared in the pain and suffering with their families, and mourned the loss of these fallen brave officers – the loss of even one is too many. Let us put an end to this now.

Thank you.