

**Pennsylvania House of Representatives
Judiciary Committee
Public Hearing
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Official Testimony

**Rep. Mario J. Civera, Jr.
164th Legislative District**

Good afternoon Mr. Chairman, and thank you for allowing me to speak before the committee today.

While I greatly appreciate this opportunity, I must admit, I wish my presence and this testimony were not needed. Unfortunately, a brutally violent attack has ripped through the heart of the community I represent in Upper Darby, and this heinous act must be addressed in hopes of preventing future occurrences.

Sadly, like many neighborhoods throughout Pennsylvania, Upper Darby has seen criminal activity increase in recent years. We have become victim to an alarming rise in assaults, robberies and drug trafficking, and many families are being forced to live in fear.

Never was this fear more evident than in the days following November 10, 2008, after our community was left stunned by a vicious attack on a local couple in their township home.

Hoa Pham and his wife were sleeping in their home when they were awoken by an intruder. The intruder was later identified as Jermaine Burgess – a 37-year-old career criminal with a long history of violent behavior.

Burgess, who initially broke into the Pham's home thinking it was unoccupied in an attempt to burglarize it, stumbled upon the couple and proceeded to savagely attack them. Mr. Pham was eventually killed after suffering vicious blows to the head and stab wounds. His wife was also attacked and assaulted, but was able to escape with her life.

This act was deliberate, and it exhibited a sense of heartless violence that any normal human being would find unfathomable.

Hoa Pham was a stand-up citizen and a hard-working family man who was deeply committed to his church. Following his death, the local media revealed that he was also a Vietnam War veteran who survived seven years in captivity.

Here was a man who lived through the brutality of the Vietnam War, only to be murdered in cold blood in his own home while working to fulfill the American Dream.

After a police investigation linked Jermaine Burgess to the Pham murder following an arrest on car-jacking charges in Philadelphia, it was learned that Burgess also brutally murdered 81-year-old Marie Ott in her Ridley Township home last October.

These stories are gut-wrenchingly tragic. But to know that they may have been preventable only makes matters worse.

As I already stated, Jermaine Burgess was a career criminal who spent most of his adult life in and out of prison. It was even reported in the press that he has the words “Lawless Hoodlum” tattooed on his arm. Nonetheless, he was walking our streets – the streets of Upper Darby and Ridley Township – and nobody was aware of his history.

Burgess’s history of violence dates back to 1989. Yet despite repeated violent offenses, he was still released on parole again and again.

When we hear this we have to ask: Why wasn’t he behind bars?

Couple these murders with the fatal shootings of Philadelphia police officers by repeat violent offenders, and it is beyond evident that something needs to be done.

This should not be viewed as a criticism of the state’s correctional and probation and parole officials – they have one of the most difficult jobs in government. However, it is clear that there are some major issues with the system itself.

There are 49,000 inmates populating our prison system. However, only a small group can be classified repeat violent offenders. With this in mind, Pennsylvania needs to take aim at these individuals and keep them in our prison system for as long as possible.

Although it will certainly not be easy, we need to reevaluate the current system and determine what should be done to best protect the people of Pennsylvania. It seems nonsensical to have men like Jermaine Burgess walking the streets while a non-violent offender occupies a prison cell.

Certainly, nobody should be given a free pass for committing a non-violent crime. But if I were asked to choose between paroling a man like Jermaine Burgess or an individual serving time for a non-violent offense, my choice would clearly be to do whatever is needed to keep Burgess in jail.

I believe the time has come to rethink our sentencing guidelines and the way we punish individuals convicted of non-violent offenses. This and similar ideas need to be thoroughly vetted until we find a way to keep other “lawless hoodlums” off our streets.

We must also find a way to better notify our communities if or when a previously violent offender is released from prison. Police and residents need to be aware of who is living in their neighborhoods.

I know Rep. Bryan Lentz is introducing legislation to combat some of these problems. Whether his plan is the answer is yet to be seen. Regardless, as an experienced former prosecutor, his effort is symbolic of the need for new thinking.

If ever there was an issue that demanded a bipartisan partnership, this is it. I only hope we can together develop a new approach that will allow our communities to once again move out from beneath the shadows of violence and crime.

Again, I thank you for allowing me to speak here today and offer you my support and cooperation as we all work to better protect the people of Pennsylvania.

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