

Victims of violent crimes in Utah file to motion to block release of prisoners because of COVID-19

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The Washington Times

Thursday, April 9, 2020

<https://www.washingtontimes.com/news/2020/apr/9/victims-violent-crimes-utah-file-motion-block-rele/>

A coalition of crime victims and their families filed a motion this week to block the potential release of hundreds of prisoners from Utah's jails and prisons, including a convicted child molester and an inmate facing capital murder charges.

The filing opposes the American Civil Liberties Union of Utah's push for the state to significantly reduce its prison population to limit the spread of the coronavirus.

Crime victims and their families say the ACLU's plan violates Utah's constitution, which grants them the right to weigh in on a defendant's release ahead of trial or before the completion of a prison sentence.

"Before this court undertakes any such precipitous and potentially dangerous action, the victims have (among other things) a state constitutional right to be heard," wrote [Paul G. Cassell](#), a former federal judge who is representing the victims.

Mr. [Cassell](#) and the Utah Crime Victims Legal Clinic filed the motion in the Utah Supreme Court. The ACLU has until Monday to file a response.

Utah has released hundreds of prisoners amid the coronavirus pandemic. But the ACLU says even more should be sprung.

In its petition last week, the ACLU asked for the release of pretrial detainees, post-conviction detainees with less than six months left on their sentence and all individuals who are at high-risk for serious coronavirus complications.

Several potentially violent defendants could return to the streets if the ACLU gets its way, the victims argue.

"The ACLU petition was written with such broad strokes, it seems to include anyone who is in pretrial custody, especially vulnerable to COVID-19 or at the end of their sentence, including some very, very dangerous people," Mr. [Cassell](#) told The Washington Times.

A representative for the ACLU of Utah did not respond to phone and email requests for comment.

Francis Herber Fuller, a former bishop in the Church of Jesus Christ of Latter-day Saints who pleaded guilty to sexually abusing two children, would be among those eligible for release under the ACLU's plan, according to the victims.

Fuller's sentence is set to expire in August 2021, but he is 79, putting him at greater risk for coronavirus-related health problems. Also under consideration for release is Jerrod William Baum, 42, who is charged with beating and murdering two teenagers in 2017.

Mr. Baum is awaiting trial on two charges of aggravated murder and two counts of aggravated kidnapping. Utah prosecutors are seeking the death penalty.

He would be let go under the ACLU's proposal because he has not been convicted and is awaiting trial, according to the victims' filing.

"Victims are concerned about the possible danger some of these people pose if they are released,"

Mr. [Cassell](#) said. "No one wants someone to suffer an injury while in custody, but there are concerns you need to balance with who is in jail because they may be a risk to the public."

The ACLU in its court filing requested the appointment of a special master to determine which inmates should be released early. But Mr. [Cassell](#) said the position is too broadly defined and would shut victims and their families out of the process.

“Nothing in the petition indicates the victims would get any notice,” he said.

States and municipalities across the country have been releasing elderly and other vulnerable inmates to mitigate the risk of the virus’ spread in detention facilities.

Utah has already had at least one problem with an inmate released early because of concerns over the spread of the coronavirus.

Joshua J. Haskell, who was released from a halfway house, has been charged with breaking into a random home, tying up a woman and threatening to kill her with a knife.

Mr. Haskell is accused of tying the woman’s wrists and ankles with her shoelaces and demanding her car, cash, bank cards and PIN codes. He threatened to kill her if she gave him the wrong numbers, according to court filings.

Officers arrested Mr. Haskell at the scene, prosecutors said.