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Sent by Facsimile: (310) 615-3520

Assembly Member Ted Lieu
El Segundo, California

Dear Assembly Member Lieu:

On October 15, 2005, El Segundo resident Mario Vitale's mother, was murdered by a young man, one week shy of 17 years of age. The victim, Pamela Vitale was my wife. The killer had studied serial killers and covered in a hood and wearing gloves, he waited until I left for work and surprised Pamela in our home.

He beat her senseless with a rock during a five minute struggle as she fought valiantly for her life. He later discussed with friends how many blows to the head it would take to snuff the life out of a person. She suffered over 28 blows to the head, her fingers were broken and the room where I found her was covered in blood.

As she lay dying he carved a satanic symbol into her back and then he rolled her over and started to carve out her liver so that he could see what would happen when you amputated an organ from a living being.

Under Senator Yee's bill, SB 399, this killer, Scott Dyleski, would undoubtedly qualify for a hearing on his revised sentence. The way the bill is written, the same standards that gave him the hearing, would require the judge to alter his sentence. (I am an attorney and criminal defense specialist, certified by the State of California.) When parole review time came, this killer would likely qualify for parole if he simply renounced his past "poor choice" and showed rehabilitation.

However, he was twisted at age 17, how will he change over the next 15-20 years to improve? Most serial killers act normally when they want to. That is why they succeed. BTK in Kansas survived years as a public servant. He never would have been caught had he not provided the clues leading to his capture. A recent study shows that people are rather fully formed by the First Grade. Changes at that point are incremental.

We can focus on young people in gangs, poverty, language problems that separate immigrant families from the mainstream culture. That is where our money should go. SB 399 will cost millions in litigation fees, appeals, expert witness fees and lawyer fees.

If there are some cases where juveniles have been wrongly sentenced, there are many ways to address their cases. We should not free the horrific serial killers and sociopaths in order to free those who were treated harshly. Sen. Yee's SB 399 is a sledgehammer when we need a surgeon's scalpel.

I am enclosing a summary of Mario Vitale's statement at the sentencing of his mother's killer.

Thank you.

Daniel Horowitz