

Statement of Ms. Lynette Duncan  
Before the United States Sentencing Commission  
Hearing on 2023-2024 Proposed Amendments,  
March 6-7, 2024  
Proposed Amendment on Youthful Individuals  
Panel VI – Victims’ Perspective

I shouldn't be functional. I struggled for years because two juvenile assailants, both with long criminal records, decided to go on a violent murderous rampage. I do not think it is fair for a violent offender to get an automatic do-over just because of their age. I understand they were juveniles, and their brains were not completely formed, but their violent crimes did occur, and their victims were still victimized. I feel strongly that the sentencing judge should be able to look at the violent offender's history. The judge is very capable of taking the offenders' age into consideration. For many offenders, the crimes are minor and should not play a role in a later sentence. But there are some crimes that are so violent and senseless, the victims never recover. It's those crimes that the judge needs to consider protecting the rest of society from their possible future crimes. In my offender's case, their crimes continued to escalate and only stopped because they were finally apprehended. Juveniles in their teens should know that murder is wrong, and the dead do not come back to life. Anyone who doesn't understand this needs mental health assistance and should also not be in society.

I was just 17 the night two juvenile assailants willfully and violently murdered my family. They were 17 and 18 at the time, one of them was even an escapee from the juvenile correction system. They both had long criminal records escalating in seriousness. They had spent many months robbing and burglarizing numerous homes and businesses. One of the assailants shot a police officer in San Diego who interrupted the robbery in progress he was committing. During another home invasion, they grabbed a child from her bed, dragged her into the parent's room demanding money. During numerous other crimes, they rang the doorbell, when the resident answered the door, they were met with a gun in their face demanding money.

Nine days before my family's murder, their crimes escalated to murder. That's when they were burglarizing a home, and the family's 22-year-old daughter came home from her late-night waitressing job and interrupted them. They abducted her, drove around with her in the trunk of their stolen car for a couple hours before raping her and shooting her in her face. When her body was found, she was clutching a crucifix so hard, it left her hand scarred. 3 days later, they were robbing a drive thru dairy, instead of asking for the money they shot and killed the business owner. He died leaving behind a wife and 3 young children. My family was attacked less than a week later.

My dad owned a family billiards center. The two assailants followed him home after he closed for the night. My dad arrived home around 4AM. He was unlocking the front door when the assailants ambushed him and shot him in the back of the head. They never asked for the money which he would have given them. My dad died instantly. My mom and 18-year-old sister Denise got up to check out the noise. By then, the assailants were on our front porch searching my dad's body for the night's deposit. My mom opened the front door, and the assailants immediately began shooting. She was shot 3 times, one bullet barely missed her heart, spine, and lungs. She fell back and my sister was then shot, only once—but in her heart. The assailants ran back to their car, but before leaving, used a shotgun and sprayed pellets at the house and my family. Mom had 187 pellets up and down her legs. Once she heard the car leave, she crawled into the house and somehow stood up to call the police on our wall phone. I've included a crime scene photo from that night so you can see just how violent the crime scene was—this was not just a crime where the gun went off accidentally. It was willful and evil.

My 11-year-old sister Donna overheard my mom talking to the police and came out of her room. When she saw Denise, she knelt by her side and tried to wake her up. My mom told her to get me and run to the neighbors. Where I was in my room, I was awoken by the gunshot, but I couldn't hear my mom on the phone. I tried to pass the gunshot off as just a car backfiring, but something deep inside knew something awful was happening. Donna flung my bedroom door open and yelled, "Lynette, Lynette, get up, mom, dad and Denise have all been shot!" Donna then ran across the street to the neighbor's house. I raced out of my room. I first saw my mom lying on the floor. Mom asked me to get her some towels to stop the bleeding; then go across the street to check on Donna. When I went to grab the towels, I ran past the entrance way and saw both Dad and Denise. I just remember screaming. I then grabbed the towels and ran to the neighbors to check on Donna. In order to get out of the house, I had to run around my older sister's body, then jump over my dad's body, as it was blocking the steps to get out of the house. I remember hoping not to miss and land in his blood.

By the time I arrived at the neighbors, they were also awake. They first awoke to the sound of gunshots, then to Donna banging on their front door. After finding out Donna was safe, I ran back to the middle of the street and began screaming. It was a low guttural sound that I never want to hear coming out of my body ever again. I could hear sirens coming toward me from every direction. It seemed like forever, the sirens got louder and louder as they got closer to our street. It would be years before I could hear another siren and not have a panic attack. I also have another sister, Yvonne, who was 14 at the time. She was at a sleepover at a friend's house that night. She and her friends also awoke to the sound of the sirens. She still has a PTSD panic moment whenever she hears a siren.

Eventually I was sitting alone in the neighbor's living room. They had two daughters close to Donna's age and were good friends of hers. Donna was with them in their bedroom. I was just trying to cope with the shock, still trying to convince myself it would be ok. "There's lots of places you can be shot and still live", I told myself. Of course, anyone who saw my dad's body knew he was dead. I remember walking into the neighbor's kitchen, it had become the temporary police command post. All I could see was a sea of police uniforms. One of the officers then set me aside and told me "Your dad and sister died, but your mom's going to be ok." I remember thinking I was handling this better than I thought I would. The next thing the officer said shook me to my core; "Now go to the back bedroom and tell you little sister " I almost said, "I can't" but I knew I had to, as I didn't want her to hear it from him. When I went to the back bedroom, I found Donna lying in a fetal position in the bedroom closet. I had to scoop her up and tell her they were gone. We both just held each other and screamed. Telling Donna they had died was the hardest thing I have ever done in my life. I have done some hard things, but I know when I'm on my deathbed and I look back on my life, that will still be the hardest. Many years later, Donna would begin her victim impact statement saying, "that was the night I learned that monsters were real, and daddies don't always kill them.

Later that morning, I was responsible for notifying relatives and friends, this included telling my grandmother her son had been murdered and telling Denise's fiancé his life had also been changed forever. Our friends living locally learned from the News Media. That Monday was spent planning a funeral, including purchasing cemetery plots, caskets, headstones, and embalming's. Most teens dream of someday making their first big purchase, perhaps a "new to them" used car-- mine was a funeral.

In 1977, there weren't companies who cleaned crime scenes. Men from our church took care of that and patched the walls from the many gunshot holes. I'm so grateful for the service they offered. My Bishop helped me plan the funeral. I had never even been to a funeral before.

Life became very hard after that, my mom checked out emotionally and spent most of her time either working at the billiard center or being alone in her bedroom sobbing (she never wanted to cry in front of us.) We all fell apart, both individually and as a family. I worked at many different jobs, most of them terrified me as I was so afraid of being robbed. When you don't feel safe in your own home, you don't feel safe anywhere. PTSD was not a diagnosis at the time, and therapy was not done.

I just struggled and tried to find a man to rescue me—that didn't work. I became divorced caring for two small children (with no child support) and a month from being homeless. I discovered the field of Prosthetics and immediately knew that was what I was supposed to do with my life. I had to make many difficult life changes. I drove my daughters who were ages 1 and 3, across the country in a U-Haul to go to one of the 5 schools that taught prosthetics at that time. Since I couldn't be a full-time student, full-time mom, and full-time employee; I became a full-time student, full-time mom, and a part-time employee. I lived on welfare for 8 years while getting my education. One of the prerequisites for the prosthetics program was psychology. It was now the mid 1990's and PTSD was a diagnosis. I read about it in my textbook and yelled out loud "I've got that!" I began therapy. Life slowly began to improve. I got my education and got on my feet. Just two years after graduating and getting off welfare, I bought my daughters and I a house. I currently work as an Orthotist/Prosthetist at a VA Hospital. It's hard to feel sorry for myself when I work with veterans missing limbs. My PTSD also helps me relate to many of my patients who also have PTSD. I will always have PTSD. It's been 47 years and not a day has gone by that the homicide doesn't cross my mind. I have had some healing moments, and the thoughts aren't so invasive, but they are still there. Victims never truly get over it. I have spoken in public at three Victim Memorial services and have faced down one of the assailants at his parole hearing numerous times. (the other one died two weeks prior to my speaking at his scheduled parole hearing). I have done many difficult things that make people think "I'm really strong?" In many ways I am, but because of my PTSD, I'm still too frightened to ride a city bus alone. I will never get in an Uber alone. I'm not nervous about speaking to you here at the commission, but I began having panic attacks thinking of riding the Metro alone. The fear never really goes away.

There are evil people in this world. When sentencing someone, you can't just ignore those who are truly evil. It must be taken into consideration. I know your decision will not affect my life. But if truly evil assailants get released ...What about the next family they attack...and the next family...and the family after that.

Thank you,

Lynette Duncan