

November 6, 2012

To The Juvenile Sentencing Review Committee,

On May 24, 1993 I returned home from work and found my wife of 25 years, Elaine Cluny, French and Spanish teacher, and my 14 year old son, David, shot to death in his bedroom.

Michael Bernier had skipped school that day. He rode his bike down to my house and broke in to it. He sat around my house all day, going through drawers in dressers in the bedroom and found the keys (over 100, including copies of keys I had for apartments I own and spare keys to my own house). Along with those keys were the keys that unlocked the trigger locks on a series of pistols that I owned. He proceeded to go through each key to try to unlock the trigger lock on a 357 Western-type revolver. This type of revolver cannot be fired without pulling the hammer back with your thumb and then pulling the trigger. It is impossible to just pull the trigger and have it fire. This is called a single action revolver. This required a conscious mental decision by him that he made twice. He proceeded to shoot in my back yard, my canoe, my van, a television console within the house and he shot my dog in the neck, found in the back bedroom with his head nearly severed. Then he waited all day for my son to come home from school. My son gets off the bus, comes across the front lawn, opens the house door, goes up to his room and puts his books on his bed. Michael Bernier is hiding in the closet. He walks up behind him and pulls the trigger, 10 inches from his head. He is dead before he hits the floor. Then he pushes his body up under his desk, which was located as entering the room on the left side of the doorway, next to his bed. David's head was against the wall, his back against the side of the desk by the door and his feet sticking out in a fetal position.

My wife, Elaine, returned from school approximately a half hour later and thought our son is in the bedroom sleeping. She walks down the hallway and pushes open the door, which was ajar. She sees our son on the floor in a pool of blood. She must have had a few moments of horror, then bent down to help him. Michael was behind the bedroom door. He put a bullet behind her left ear, 4 inches behind her head. It blew her right eye out and it was hanging by an artery and her head was slumped against the desk and her legs were on top of his. Then Michael stayed around the premises for another 15 to 20 minutes waiting for me. However, he decided to leave because of phone calls that he couldn't answer (Elaine had a meeting with the Norwich Parking Commission and they were looking for her because she was late). He takes her car keys to our Lincoln Town Car. He didn't have a driver's license and could barely see over the dashboard. Michael drives to his home to leave something or get something – possibly the gun (only a mile and a half down the road from mine). He leaves his house, comes back down the road past my house, nearly runs a woman off the road and goes into the back entrance of the Norwich Industrial Park while I was going up the road. I missed him by 3-4 minutes. He was later picked up approximately 1:00 AM the following day, driving her car. He had blood spattered on his pants and shoes. At this point, this was a beginning of a long nightmare for me that has never ended.

My wife had Michael in Cub Scouts when he was 7 years old. He slept over our house on a Friday night, 3 days before he murdered them. He was supposedly a friend of David's.

Michael was incarcerated in a juvenile detention facility for 2 years prior to admitting guilt.

The consequences to me had been a total loss of my family, my wife and son, and I will have no grandchildren. I am also the last male member of our family, so there will be no one to carry on the Cluny name.

Michael Bernier admitted guilt and was sentenced to 60 years in prison with no paroles and no appeals. I was informed by the corrections department at that time that he was eligible for good time under the criminal law as written in 1993. Good time on a sliding scale over a 60-year period amounted to 18 years off of the 60-year sentence. In reality, he gets 42 years or 21 years for each murder.

It is a travesty of justice to think that this sentence could be even shortened further and renders the criminal justice system incompetent and a disgrace.

At present, Michael has served 19 years of his sentence. Good time is calculated by taking it off of the top at the time of the sentencing. If he misbehaves in prison, they add a month's time back on his sentence for each offense, which they are extremely reluctant to do. He has earned good time for 19 years served, not 60 years served. To modify this sentence is an outrage and a disgrace to the justice system and the victim.

The mental, emotional and financial consequences to me is life long and there is no justification for the reduction of sentence or even the good time he is given for what he has done.

The justice system is in need of consideration of the financial and emotional devastation to the victim, other than just telling them to "get on with your life".

The magnitude of this loss does not even begin to describe the ramifications financially. To lose half of our income overnight and be able to pay the mortgage, credit cards, car payments, etc. is a nightmare and no one is willing to help. It eventually pushed me into bankruptcy and bad credit for a decade. I had to remortgage my house 3 times and I now have a 30-year mortgage that will be paid off when I am 98 years old. That means that I have had mortgages on my house for a total of 65 years.

I joined Survivors for Homicide and I lobbied for disaster loans for crime victims who lose a spouse, a major income earner, be it male or female. It passed the legislature and was voted on in the mid 90's but they never intended to hand it out because they never created an application and never funded it. At that time, they had half a billion dollars of budget surplus. Four years after this there still was no application created and no funding available for the loans, even though it was passed and had a surplus. What does that tell you about the effectiveness of the law (a joke) but they expect me to work till I am 70 years of age and pay taxes, another fine example of American justice at work.

If there was some type of disaster assistance available for victims, similar to a natural disaster loan, then I wouldn't have a mortgage for 65 years, until I am 98 years old.

I am now 69 years old and have worked 51 years and I am still working. I had plans of retiring at age 55. This is the consequence of leaving victims hanging with no assistance while focus is on reducing the criminal's sentencing. This is an utter outrage and a cause of total disgust with the criminal justice system. Who actually gets the life sentence, the victim or the perpetrator?

Sincerely,

A handwritten signature in black ink, appearing to read "John Cluny". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

John Cluny  
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Norwich, CT 06360