

FROM PRISON TO FREEDOM

SEPTEMBER 2021

COALITION TO ABOLISH DEATH BY INCARCERATION – WEST •
NEWSLETTER

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ARTWORK BY: Grass Rootz

Fighting together to end death-by-incarceration

Our goals:

1. Parole eligibility for everyone
2. Presumptive parole: people are paroled at their eligibility date, unless prison administration can prove serious, unresolved disciplinary infractions
3. Maximum sentencing that prevents the state from incarcerating people indefinitely

Contact us
CADBI West, PO Box 8654, Pittsburgh, PA 15221 • cadbiwest@gmail.com
facebook: [cadbi pittsburgh west](https://www.facebook.com/cadbi.pittsburgh.west) • [cadbiwest.org](https://www.cadbiwest.org)

WELCOME BACK!

CADBI West was formed in the fall of 2017, following in the footsteps of the Coalition to Abolish Death by Incarceration formed a few years earlier in Philadelphia.

We are one of several chapters across Pennsylvania fighting to end life-without-parole, which we refer to as death-by-incarceration (DBI).

We hope that this newsletter will serve as a useful source of information, inspiration, and hope in this struggle. In this newsletter, we will share updates on political news, movement building, and hope to feature writings and artwork from people involved in the movement.

If you have family or friends who would also like to receive a copy of the newsletter, or if they would like to get involved in CADBI, please see the contact information on the back cover!



CADBI West in Harrisburg, 2017

2017 was the first year that CADBI West joined about 200 others from CADBI for the annual rally at the state capitol

ACKNOWLEDGEMENTS

We want to acknowledge the work and sacrifices of everyone who has worked toward our collective goals of ending death-by-incarceration and our system of mass incarceration, in particular those of us who are incarcerated and family members of people who are incarcerated.

We will continue to struggle together until everyone has the opportunity to return home to their families and communities.



ANNOUNCEMENTS

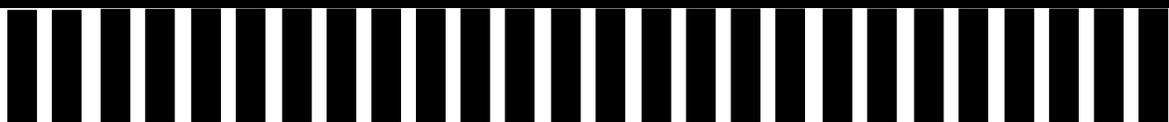


- CADBI West holds meetings on the **2nd Wednesday** of every month at 6:30 pm. Please contact for location.
- **September 25:** CADBI West 4-Year Anniversary celebration – details TBD – please contact for more information
- CADBI West is proud to announce our **new Community Organizer** for Western PA, **Nadia Narnor!** Nadia graduated from the University of Pittsburgh in May 2021 with an Administration of Justice degree. She is passionate about ending death by incarceration, and other abolitionist work. She also recently got hired by Swipe Out Hunger as their new Student Organizer for Western PA. Nadia is honored to be working for CADBI West, and hopes to serve anyone hurting due to Death By Incarceration sentences. She is here for you, and is excited to be here!

COVID-19 UPDATES

We want to acknowledge all of our loved ones who have lost their lives, fallen ill, and struggled during the ongoing COVID-19 pandemic. All of us have been affected.

Although the pandemic has limited some of our abilities at CADBI West, we have continued work and are looking forward to gearing up more over the coming months.



LEGISLATIVE UPDATE

BACKGROUND



In the past several years, two Pennsylvania state legislators introduced bills intended to end death-by-incarceration sentences in Pennsylvania.

Representative Jason Dawkins from Philadelphia first introduced a bill (HB-135) to allow parole eligibility for everyone serving a life sentence after 15 years.

In 2018, Senator Sharif Street from Philadelphia introduced a bill in the state senate (SB-942) that was identical to Rep. Dawkins' bill.

WHERE IT STANDS

After building momentum in support of the bills for several years, both Sen. Street and Rep. Dawkins changed their bills in 2019, hoping to get more support in the legislature to get them passed.

SB-942 in its current form has the following sentencing structure for people who were 18 or older at the time of their offense:

<i>Offense</i>	<i>Minimum Sentence</i>	<i>Sentence If Victim is Law Enforcement</i>
1 st deg. Murder	35 years to Life	Life without parole
2 nd deg. Murder	25 years to Life	25 years to Life

The minimum prison sentence under the new bills has increased and still allows DBI in cases where law enforcement was a victim. Advocates are still fighting to get support from legislators, and we hope this bill is a first step to totally ending death-by-incarceration and reducing sentences overall.

Sen. Street's bill also sets up a fund to be used for reentry support services and victim services.



COMMUTATION UPDATE

2020-21 RECAP

In 2020 and through August of 2021, 17 people were recommended for commutation to Governor Wolf. Congratulations to all of those who received a recommendation and to those who have already returned home!

While we are elated for those that might come home to their communities upon receiving the Governor's signature, we are deeply disturbed by the Board's denial of so many exemplary candidates for commutation. CADBI and many others are continuing to fight to make sure that more people can return home and attempt to restore the Board of Pardons to a meaningful mechanism for release from DBI sentences.

The progress shown by the increasing commutations is no accident. Movements across Pennsylvania have been fighting for a fair commutation process for years. After decades of a commutation system that provided no hope, we are taking some small steps in the right direction. While we recognize that commutation alone will not be enough to end death by incarceration sentences, our movement continues to grow and will not stop until DBI is abolished.

LEGAL UPDATE

Lawsuit challenges death-by-incarceration for people convicted of felony-murder

In July of 2020, six people serving death-by-incarceration sentences in Pennsylvania filed a lawsuit against the Pennsylvania Board of Parole, challenging the denial of consideration for parole for people convicted of felony-murder, or second-degree murder.

The lawsuit was filed in the Commonwealth Court by plaintiffs Marie Scott, Normita Jackson, Marsha Scaggs, Reid Evans, Wyatt Evans, and Tyreem Rivers. If successful, the lawsuit would strike down the statute that prevents the parole board from considering people sentenced to life for parole if they did not take a life or intend to take a life.

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The lawsuit argues that prohibiting people convicted of felony-murder from being considered for parole violates the Eighth Amendment. Pennsylvania's Constitution prevents mandatory life-without-parole for felony-murder due to factors unique to Pennsylvania, such as Pennsylvania's status as an extreme outlier in the country and the world in forcing people to die in prison.

The Commonwealth Court recently dismissed the lawsuit by accepting the Attorney General office's argument that it does not have jurisdiction. The case is currently being appealed to the Supreme Court of Pennsylvania.

This case is one way to chip away at the death-by-incarceration machinery in Pennsylvania. In addition to other advocacy work and trying to push legislation to end DBI, lawsuits like this can help educate the courts and the public about the injustice of DBI, as well as serve as a vehicle for positive media stories and further advocacy efforts from supporters. If the lawsuit is successful, as many as 1,100 people sentenced to DBI for felony-murder could be eligible for parole. While we will not stop fighting until EVERYONE has an opportunity to return home, this would be an important step in ending death-by-incarceration in Pennsylvania, and could serve as a model for similar efforts in other states.

VOICES FROM THE INSIDE

Parole for Lifers

A message from Rob Pezzeca at SCI-Forest

Parole for lifers is a dream that we lifers ache for--we strive for. We fight day in and day out not to die in prison. But I'm here to tell my fellow lifers that parole for lifers is not around the corner. We are at a critical point in this movement. As Martin Luther King Jr. said, "The true inspiration of a man is not how he behaves in moments of comfort and convenience, but how he stands at times of controversy and challenge." My fellow lifers: **NOW is the time of controversy and challenge.** We have an army fighting for us but now is not the time for us to give up. We must remain diligent in this fight, and not grow complacent. A true fact is that Republican State Representative Bob Kauffman does not support parole for those sentenced to life in prison. He is the chairman of the House Judiciary Committee, and without his support, parole for lifers is a dead issue in the House. Even Representative Dawkins has recognized this. If you need help getting involved, reach out to CADBI. The men and women of CADBI are the ones who love us most. They support us, they fight for us, most people don't even know us, but they show so much love and support for us. I believe in this movement, I am passionate about it, and I will help anyone get involved. We need to work together, and we need to look past race, religion, and sexuality. None of these things

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matter. What matters most is making a difference and getting a parole for lifers bill passed in PA. This is an uphill battle. "Tragedy is not the acts of our oppressors, it's the silence of the good people," as MLK Jr. said. We must use our voice together, because only **unified** will we will be heard. We must change the narrative about lifers and show the Republicans in charge that we deserve a second chance. **Unity is the key to our freedom.** My heartfelt thanks go out to the soldiers fighting for us, all CADBI chapters, Right 2 Redemption, Decarcerate PA, Mama Patt & the HRC, Let's Get Free, Amistad Law, A.L.C., Straight Ahead, Fight 4 Lifers, Liberation & everyone else. Especially to **my big sister Jen**. I wouldn't be who I am today without her. She helped me change into a better man and mold me into the outspoken voice that I have become. I thank **my brothers, Bobby Harris, Jamar Marbles Sowell, and Yusef Jones**, who helped keep the fight alive in me. **The elderly lifers who made me fight even harder for them.** This fight is not over. **We are far from free.**

Look at the option for our next Governor. Attorney General Josh Shapiro or a Republican. We go with the lesser of two evils, Shapiro. But if it weren't for John Fetterman, Shapiro would probably vote no to every lifer. On a positive note, I have an upcoming meeting with a Republican state rep on the possibility of a Republican sponsored version of HB135. When I got to SCI Dallas, I went there because my mom was dying of cancer. When my parents died, my new family supported me. I had just helped cofound the lifers organization in SCI Smithfield, and I went to Dallas--where I was immediately approached by the President, **Bobby Harris**. Bobby put me to work immediately. I had heard of former president Michael Redding, who had been released on a **compassionate release** in order to die at home. Stories of him were such an inspiration to me, and it made me fight for us harder. **My recommendation to all lifers is pick up the pen. Write To the Republicans.** Send a letter every week if you must to get a meeting. We must change their minds. Pick up that pen, and let's get to work. Put their office on your phone list and schedule calls. **Freedom for 1 means freedom for all.** Unity is our key, and every strategy must have a point of focus, for us it must be unity. I wish you luck and we will prosper.

Sincerely, Rob Pezzeca #DX1148 SCI Forest.

FROM THE INSIDE OUT

A conversation with Jermaine Palmer at SCI-Somerset and George Trudel, current Commutation Specialist for the Board of Pardons

In April 2019, George received commutation after serving 31 years on a sentence of Death By Incarceration. He is now free and works for Lt. Gov. John Fetterman as a Commutation Specialist for the Board of Pardons. Following the December 2019 public hearings, where all but 2 of the 19 applicants sentenced to DBI were denied commutation, I asked him a few questions:

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[Jermaine] If the Pennsylvania Department of Correction's (DOC) recommendations aren't binding on the Board of Pardons (BOP) (which presumably considers the conduct of the applicants while in prison) what other facts are given weight in denying commutation?

[George] For lifers, time in. For all, misconduct history and assaults.

[Jermaine] Does the Board evaluate applications for reconsideration under different standards than the initial review process? Is it a 5-0 voting process?

[George] No. Secretary Flood determines if your reconsideration has merit. If it does not, it does not go before the Board, as it would be an exercise in futility.

[Jermaine] For prospective applicants, are the odds for being commuted greater than they were prior to December 19th?

[George] In short. Yes.

[Jermaine] Shapiro's denials are seen as unfair and arbitrary by many. What do you say to those who may now be skeptical, less hopeful and worried about filing?

[George] ATTENTION ALL LIFERS AND THEIR LOVE D ONES ... DO YOU WANT TO SEE CHANGE OCCUR IN THE BOARD OF PARDONS? THEN SUPPORT SEN. CAMERA BARTOLOTTA AND HER SB 884 BILL! SHARE THIS POST EVERYDAY AND NIGHT. SHARE IT WITH EVERYONE YOU KNOW! WE WILL SUCCEED. YOU KEEP FIGHTING, YOU KEEP PUSHING, YOU KEEP BELIEVING AND SPREADING HOPE! USE YOUR VOICE AND MAKE SURE YOU ARE HEARD!

[Jermaine] What does it mean for an applicant's case to be held under advisement indefinitely?

[George] They are being monitored indefinitely until something comes about either through the courts or which the Board can act on in their favor.

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[Jermaine] Is there anything being done (legislatively) to set clear guidelines for the prerogatives of Board members and to make public their reasons for denial?

[George] Support Sen. Camera Bartolotta SB 884! After what transpired on December 20, 2019, during the public hearings for clemency, something must change with the Board of Pardons. SB884 changes the Board of Pardon's vote from a unanimous 5 vote to a majority 4 vote. So deserving men and women can come home.

[Jermaine] Thanks for taking the time. I'll be sure to share your responses with other potential applicants as well.

[George] My pleasure. People out here are fighting hard for y'all!

Following my conversation with George there have been several developments. Rep. McClinton introduced House Bill 2262, which would amend the PA constitution to a 3/2 vote of the BOP instead of need for a unanimous 5 vote. Also, in September 2020, the BOP held hearings for 21 applicants serving DBI sentences (including six applicants up for reconsideration after being denied by the Board at the December 2019 public hearings) and granted 9 applications. Since Gov. Tom Wolf has taken office, 20 of the nearly 5,500 people serving DBI sentences in PA had their sentences commuted to lifetime parole.



FAMILY FEATURE

JERMAINE PALMER + ANTOINETTE OSEI



Antoinette Osei is a CADBI West member and her son, Jermaine Palmer is a passionate organizer, mentor, comrade, and visionary of just futures! Jermaine is a member of and point person for Coalition Against Death By Incarceration (CADBI), serving as a crucial conduit for information between CADBI's inside and outside members. He is President of the Lifer's Program and member of the Manformation membership collective at SCI-Somerset. Jermaine is a scholar of the law and advisor to others in the struggle for justice through the legal system. During his time on inside, Jermaine has helped his community members use the law to regain their appellate rights and access to evidentiary hearings, and continues to fight for review in his own case. Recently, he began a course to gain formal paralegal training with Blackstone Career Institute. Jermaine is an enthusiastic EPA-Certified HVAC technician, aerobics class instructor, and coach, and apprentice in a small business organization. He is a talented artist but still learning how to color inside the

lines! Finally, Jermaine is an abolitionist and is dedicated to building new structures that support human life, joy, accountability, and potential. Along the way, like water, Jermaine works to support and nurture those around him and to inspire growth, community, and possibility!

COMMUTATION TIPS

The following tips and advice are based on a guide from Let's Get Free Women and Trans Prisoner Defense Committee

Application Stage

- It is very important to have someone proofread your application before submission.
- As of January 2020 you need to use the newly revised application. People in prison can get a copy of the application by going through a counselor or at the Law Library. People on the outside can also send an application by downloading it through the [Board of Pardons website](#). As of 2019 there are no longer fees associated with this application.
- Supporters can now email letters of recommendation to the board of pardons. Contact Brandon Flood – Bflood@pa.gov He will distribute the letter to the board and put it in the

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applicants packet. It's always important to send a paper copy to your person filing the application.

- Take a look at the DOC policy on commutation at your law library: 11.4.1

Tips for writing a commutation application

Updated January 2020 - Ellen Melchiondo, The Women's Lifer Resume Project

The new commutation application is free and there is no filing fee. The application is available on the BOP website and in the prison library. The application includes supplemental pages and you must use them. Do not write "see attachment" in spaces where information continues. There is a box at the end of each section where you indicate if you will be including supplemental information. Information that you want to provide such as resume or published work should just be sent along with the application.

Here's a rundown on each section for people with life sentences:

Section 1 Type of Clemency: Check "Commute Life Sentence to Life on Parole" and do your best to remember each time you previously applied.

Section 2 Applicant Information: Just the facts. If using the DOC-Parole for representation click the box, the address is below. If using someone else, give that information.

Section 3 Convictions for Which Clemency is Requested: Less information is asked here: "place, role and caught." Use a supplemental page if needed. Do not minimize role. Don't add dialogue. Don't make excuses. Minimize details, you're not writing a memoir or screenplay.

Section 4 Additional Criminal Information: Fill out Section 4 to the best of your ability because parole provides the rap sheet to the DOC commutation office. No one is expected to pay for their criminal history report.

Section 5 Optional Personal Statement: is totally optional. No more checking boxes to address reasons for applying. One page is usually enough.

I think now, less is more in Section 5. An explanation about your life circumstances before and during serving time is good. Accomplishments in list form. Home plan if you have one. You can list your supporters and how they will help you. Be sincere, humble and realistic about your goals.

Section 6: Sign and date. Mail your application to: Pardons Case Specialist/Parole Manager Bureau of Standards and Accreditation Pennsylvania Board of Probation and Parole 1920 Technology Parkway Mechanicsburg, PA 17050 Keep a copy for yourself!

Tips for writing about your crime

One of the most challenging aspects for those who are pursuing commutation is to explain the role they played in the crime. Again, **it is very important to have someone proofread your application before submission.** When writing about the details of your crime, it is important to be both detailed and concise. Do not leave any information out, but also try to be straight to the point. One challenge is knowing how much to share about what led up to the crime. For women in general, this cannot be omitted or separated. Since the Board of Pardons doesn't tell us what swayed them to vote for or against an applicant, a 360 degree perspective is owed to the process. It really is up to women lifers to educate the board of the unique crimes that they find themselves convicted of. It's a balancing act. You want to provide context for your situation without excusing or diminishing your role.

You no longer have to admit to things you didn't do as was the thought under the old commutation process. Before, your story had to match that of the State. Now you can tell your truth but it is important to take responsibility for your role. If you are wrongfully convicted – you are still convicted in the eyes of the state. So it is basically a plea for mercy. Because this isn't re-litigation it's not a retrial – the most you might do is point out some evidence that they could see. This process isn't set up for the wrongfully convicted – write Lt. Gov John Fetterman about this.



Staffing Stage

After you submit your application each applicant gets “staffed” by their prison. This “staffing” is also called The Special Review Committee and is generally one or two deputy superintendents, a Major of Unit Management, or a Corrections Classification Program Manager or whoever is designated by the superintendent. A person can also request a supportive staff person to be included too.

Current staff may not write letters of support. They may submit an email to the respective Unit Manager to be included in the staffing packet.

Merit Review Stage

For updates on merit review contact Brandon Flood Bflood@pa.gov 717-480-0793 – Let it be known that there is most often incorrect information about who is going up for Merit Review – even if one of the BOP people tell us who is going up. Several times they have listed peoples names and several times they were not on the list. Try to call the week before the scheduled merit review to obtain the most accurate info. You can also try John Johnson.

Before your merit review you will be interviewed by Wetzel: Secretary Wetzel instituted the policy of interviewing applicants before the merit review. There is nothing in policy mandating the Secretary to conduct video interviews with people in prison. This is his policy and this could be discontinued by the next secretary one day. The secretary makes the ultimate decision by the Department of Corrections to recommend or not recommend an applicant for commutation. Your application will not get to the merit review until this interview happens.

You can now appeal a negative outcome during the Merit Review phase. You have 30 days to submit a Letter of Reconsideration along with a form you can find on DOC website, this letter of reconsideration is attached below. George Trudell, Naomi Blount and Farouq Wideman were denied at merit review stage, filed the reconsideration letter and are now released!

Hearing Phase

After a person passes the merit review, they are moved to SCI Camp Hill for an in-person interview a few days before the hearings. One last noted change is that the prison staff person who supports the applicant at the public hearing will be attending the in-person interview at Camp Hill.

A recent change in the process is that the DOC Office of Pardons Specialists will not be representing lifers at public hearings. This job falls to a staff person at the prison and was Wetzel’s idea. The idea is that Staff here at Central Office will never know the people as well as the institutional staff. Applicants are not permitted to select the designated facility staff person. This is the decision of the superintendent. They are still free to appoint someone else to represent you such as an attorney, friend or family member however, Mr. Johnson would not recommend since the representatives don’t have to speak as much and prepare long presentations as was the case in the past. But the representative must know the case inside and out and now how to prep the supporters in presentation.

For more resources from Let’s Get Free, your loved ones on the outside can visit:
<https://letsgetfree.info/restore-commutation/>



CONTACT INFORMATION

CADBI WEST IS THE CADBI CHAPTER REPRESENTING WESTERN PENNSYLVANIA. IF YOU OR YOUR FAMILY/LOVED ONES ARE LOCATED IN OR NEAR PHILADELPHIA, PLEASE GET IN TOUCH WITH CADBI AT:

Email: CADBIphilly@gmail.com • Phone: 267-606-0324

Mail: CADBI c/o Decarcerate PA, PO Box 40764, Philadelphia, PA 19107.

FOR INSIDE MEMBERS

TO CONTACT CADBI WEST OR TO SUBMIT MATERIALS FOR US TO CONSIDER PLACING IN FUTURE NEWSLETTERS, PLEASE WRITE TO:

**CADBI WEST
P.O. BOX 8654
PITTSBURGH, PA 15221**

**** Please note: We cannot mail original artwork back to you. We recommend sending us a copy of your artwork if you want to keep the original, or sending contact info for a loved one that can keep your originals. ****

FOR OUTSIDE FAMILY/FRIENDS

PHONE

412-447-8050

EMAIL

CADBIWest@gmail.com

FACEBOOK

[CADBI Pittsburgh West](#)

OUTSIDE FAMILY AND FRIENDS CAN ALSO STAY UP-TO-DATE WITH CADBI WEST EVENTS AND ACTIVITIES BY VISITING OUR FACEBOOK PAGE OR WEBSITE AT CADBIWEST.ORG

