



September 15, 2022

To Special Rapporteur E. Tendayi Achiume, Special Rapporteur Dr. Alice Jill Edwards, Independent Expert Claudia Mahler, Special Rapporteur Morris Tidball-Binz, Special Rapporteur Fernand de Varennes, Chairperson of the Working Group of Experts on People of African Descent Catherine S. Namakula, and Chair-Rapporteur of the Working Group on Arbitrary Detention Dr. Miriam Estrada-Castillo:

The signatory organizations respectfully submit this letter alleging that the United States' extreme prison sentencing policies and practices of life without parole (LWOP), life with parole (LWP), "virtual life,"¹ and other term-of-years sentences that exceed life expectancy and thus effectively condemn individuals to death by incarceration (DBI), violate the prohibition against racial discrimination; violate individuals' right to life; violate the prohibition against torture, and cruel, inhuman, and degrading treatment; and are an arbitrary deprivation of liberty.

The 44 statements attached in the appendix to this letter reflect the experience of individuals serving DBI sentences and their family members. All of these individuals are connected to signatories through their involvement in the nationwide movement to abolish DBI, and they have all consented for their testimonies to be included in this submission.² These testimonies reveal the devastating impacts of this cruel, racially discriminatory, and lethal sentence.

The signatories urge the Special Procedures to conduct an investigation into the serious human rights violations described in this submission, raise them with the U.S. government, and find that:

1. All death by incarceration sentences in the United States, including LWOP sentences, are cruel in violation of the international prohibition on torture; racially discriminatory; an arbitrary deprivation of liberty; and violate incarcerated individuals' right to life, family life, dignity, and liberty disproportionately on the basis of race;

¹ A note on terminology: While LWOP sentences are the most extreme type of DBI sentence, the signatories also consider life-with-parole (LWP), "virtual life" (such as 50-plus years), and other lengthy term-of-years sentences that exceed life expectancy to be DBI sentences. Even under those sentences, individuals often have to serve lengthy minimum prison terms before they may be eligible for parole, and once they are, they face an arbitrary and inadequate parole system that also denies them a true opportunity for review and release. Where this letter refers to "LWOP," "LWP," or "life" sentences instead of "DBI" sentences, it is to reflect differences in data or policy between those different types of DBI sentences.

² Some of these letters were collected for the purpose of this submission between February and April 2022. Others were collected for other advocacy purposes in April 2021. All of the individuals who wrote letters in April 2021 have also consented to having their letters included in this submission.

2. The United States should abolish all DBI sentences, including LWOP sentences;
3. The United States should adopt maximum sentencing laws to end the imposition of “virtual life” and other lengthy or indeterminate sentences;
4. All prison sentences must include parole eligibility within a determined number of years;
5. All those eligible for parole should be released at their eligibility date, unless there is an evidence-based determination, through a process that meets international human rights standards, that the individual poses a current and real threat to public safety based on recent conduct in prison.

Table of Contents

I. Introduction	4
II. Background	5
A. The Increasing Reliance on Death by Incarceration in the United States.....	5
B. Policy Trends That Have Led to the Expansion of DBI Sentences.....	6
C. Impact of DBI on Vulnerable and Marginalized Populations.....	8
III. Death by Incarceration Sentences as a Violation of the Prohibition Against Racial Discrimination	11
A. The International Prohibition on Racial Discrimination.....	11
B. The United States’ Disproportionate Sentencing of Racial and Ethnic Minorities to DBI.....	13
C. DBI Sentencing as the Result of Racially Discriminatory Criminal Legal System.....	15
IV. Death by Incarceration as a Violation of the Right to Life	16
V. Death By Incarceration as a Violation of the Prohibition on Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment	18
A. How DBI Sentences Deprive Individuals of their Human Right to Dignity, Hope, and Redemption.....	19
B. The Cruel Impact of DBI Sentences on Incarcerated Individuals’ Right to Family Lives.....	21
C. Minimum Standards to Ensure Meaningful Review of Prison Sentences and a True Opportunity for Release.....	23
D. The Failures of Clemency and Parole in the United States.....	24
VI. Death by Incarceration as an Arbitrary Deprivation of Liberty for its Failure to Serve any Legitimate Purpose	28
VII. Conclusion	31
Additional Signatories	32
APPENDIX.....	33
Statements from people impacted by DBI in California	
Statements from people impacted by DBI in Pennsylvania	
Statement from a person impacted by DBI in New York	

I. Introduction

Isn't part of the human experience learning from mistakes and becoming better? What distinguishes people from other animals is our capacity to transform and atone. We transgress, we're held accountable, we transform, and then we make amends. DBI strips people of this experience. To be human is to have the ability to live fully within that human experience to be better, it is to exercise that latent capacity that we all have to redeem ourselves.
– Right to Redemption Committee Members Robert Labar, Vernon Robinson, Charles Bassett, and Terrell Carter (sentenced to LWOP in Pennsylvania)³

The United States is a global outlier in condemning people to die in prison. Through life without parole (LWOP), life with parole (LWP), “virtual life,” and other term-of-years sentences that exceed life expectancy and thus condemn individuals to death in prison, the United States deprives individuals of their human right to hope for a future outside of prison. Incarcerated people, their loved ones, and advocates in the United States refer to this as “death by incarceration” (DBI) or “the other death penalty.”⁴ Death by incarceration is the devastating consequence of a cruel and racially discriminatory criminal legal system that is designed not to address harm, violence, and its root causes, but to satisfy the political pressure to be tough on crime.⁵ The impacts of DBI sentences are felt not only by the individual serving the sentence: DBI also has devastating ripple effects across the individual’s community.

The United States’ use of DBI sentences violates a range of international human rights. First, the disproportionate imposition of DBI sentences on racial minorities, in particular Black and Latinx people, violates the prohibition against racial discrimination. Second, by arbitrarily and permanently sentencing individuals to prison terms that result in their premature death, DBI sentences violate individuals’ right to life. Third, as recognized by numerous international human rights bodies,⁶ by depriving individuals of their right to hope and to rehabilitation, DBI sentences violate the international prohibition against torture and cruel, inhuman, and degrading treatment. The devastating consequences on an individual’s right to family life further exacerbate the cruelty of DBI sentences. Finally, the failure of DBI sentences to serve any legitimate purpose further demonstrates that such sentences are an impermissibly arbitrary deprivation of liberty. To comply with international human rights standards, the United States must abolish DBI and restore incarcerated individuals’ right to hope.

³ Appendix at 37. Terrell Carter received a commutation of his prison sentence on July 14th, 2022, and today is free for the first time in decades.

⁴ Terrell Carter, Rachel López, Kempis Songster, *Redeeming Justice*, 116 Nw. U. L. Rev. 315, 328 (2021) (describing how the Right to Redemption Committee, a group of individuals incarcerated in Pennsylvania, chose to call LWOP sentences “death by incarceration.”); Statement from Felix Rosado, Appendix at 62 (describing the development of the Coalition to Abolish Death By Incarceration). Felix Rosado received a commutation of his prison sentence on July 14th, 2022, and today is free for the first time in decades.

⁵ See, e.g., Working Grp. on Arbitrary Detention, Rep. of Visit to the US, ¶ 61, U.N. Doc. A/HRC/36/37/ADD.2 (July 17, 2017) (describing testimony received that shows that heavy-handed sentences in the United States “are imposed in response to demands for law and order...”).

⁶ See section V(A).

II. Background

A. The Increasing Reliance on Death by Incarceration in the United States

At the time of my arrest in 1995, I had no idea this country was at the height of a highly politicized and racist tough-on-crime movement that was swallowing up poor people of color by the thousands and decimating entire communities.
– Felix Rosado (sentenced to LWOP in Pennsylvania)⁷

[LWOP] is an arbitrary and inhumane sentence and it's achieved at great cost to the taxpayer, especially in light of the aging prison population.
– Amber Bray (sentenced to LWOP in California)⁸

The United States is unique in terms of the number of people it sentences to DBI. In 2020, 15 percent of the total prison population, or 203,865 people,⁹ were serving life or virtual life sentences¹⁰ nationwide, including 6,252 people in the federal system (4 percent of the prison population); 40,878 in California (33 percent of the prison population); 15,116 in Florida (16 percent of the prison population); 5,997 in Louisiana (19 percent of the prison population); 8,242 in Pennsylvania (18 percent of the prison population).¹¹ The United States is also a global outlier in its use of DBI: one study concluded that more people are serving DBI sentences in the United States than in the other 113 surveyed countries combined, and that individuals serving LWOP in the United States made up more than 80 percent of those serving the sentence worldwide.¹² In 2020, a total of 55,945 people were serving LWOP sentences nationwide, including 3,536 in the federal system; 5,134 in California; 10,438 in Florida; 5,375 in Pennsylvania; 4,377 in Louisiana.¹³

The United States' reliance on DBI has increased exponentially since the 1970s and has played a major role in driving mass incarceration.¹⁴ For example, prior to the 1970s, only seven states had LWOP statutes, and those statutes were seldom used.¹⁵ That all started to change after the Supreme Court struck down the death penalty in 1972,¹⁶ at which point several states enacted or strengthened their statutes for all life sentences, particularly those concerning LWOP.¹⁷ While

⁷ Appendix at 62. Felix Rosado received a commutation of his prison sentence on July 14th, 2022, and today is free for the first time in decades.

⁸ Amber Bray, quote solicited for Drop LWOP Coalition meeting (Sept. 14-15, 2019).

⁹ Ashley Nellis, The Sent'g Project, No End in Sight: America's Enduring Reliance on Life Imprisonment 10 (2021), <https://www.sentencingproject.org/wp-content/uploads/2021/02/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf> [hereinafter Nellis, No End in Sight]

¹⁰ "Life" is defined here as both life with parole and life without parole. "Virtual life" is defined here as a sentence of 50 years or more. We used 50 years to comport with relevant census data. *See id.* at 37.

¹¹ *Id.* at 10. These states reflect high numbers of DBI sentences and the highest number of LWOP sentences in the country.

¹² Dirk van Zyl Smit & Catherine Appleton, Life Imprisonment: A Global Human Rights Analysis 88, 94 (2019).

¹³ Nellis, No End in Sight, *supra* note 9, at 10.

¹⁴ American Civil Liberties Union (ACLU), A Living Death: Life without Parole for Nonviolent Offenses 11 (2013), https://www.aclu.org/sites/default/files/field_document/111813-lwop-complete-report.pdf [hereinafter ACLU, A Living Death] There are more people serving life sentences today than there were people in prison in the 1970s. Nellis, No End in Sight, *supra* note 9, at 4. Runglux Kuba, Pa. Dept. of Corr., Annual Statistical Report (2019), <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Reports/2019%20Annual%20Statistical%20Report.pdf>.

¹⁵ Ashley Nellis, The Sent'g Project, Life Goes On: The Historic Rise in Life Sentences in America 3 (2013), <https://www.sentencingproject.org/wp-content/uploads/2015/12/Life-Goes-On.pdf> [hereinafter Nellis, Life Goes On]

¹⁶ *Furman v. Georgia*, 408 U.S. 238 (1972).

¹⁷ Nellis, Life Goes On, *supra* note 15, at 3–4.

the Court reaffirmed the constitutionality of the death penalty four years later,¹⁸ the application of LWOP sentences only continued to grow.¹⁹ In particular, the number of people sentenced to DBI started to increase rapidly in the 1980s with the birth of the “tough on crime” era.²⁰ Since then, punitive policy choices have been driven not by increases in crime,²¹ but by the belief that retribution and incapacitation, rather than rehabilitation, should be the primary response to crime and the primary purpose of incarceration.²² As a result, the growth of the life-sentenced population since 1984 has outpaced the growth of the overall prison population.²³

This increase in the DBI-sentenced population is further compounded by a decrease in clemency and the declining possibilities for parole. For those serving LWOP sentences, clemency is often the only way out of prison; yet over the last three decades, presidents and governors have all but stopped granting it.²⁴ Similarly, those who are eligible for parole have, in theory, a more accessible opportunity for release, but the rates of parole grants vary dramatically between states, with some states granting parole to only a handful of people and ever fewer granting it to those serving sentences for serious offenses.²⁵ Additionally, the concept of “life means life” has infiltrated discussions and practices of parole boards in states where parole has remained available.²⁶ This has led inexorably to the refusal to release long-incarcerated individuals who pose no safety risk but whose original offense was considered violent.

The exponential rise in DBI sentences results in an increasing number of people—and a disproportionate number of racial and ethnic minorities—who are condemned to conditions inside of prison that lead to a premature death.²⁷

B. Policy Trends That Have Led to the Expansion of DBI Sentences

Several policy trends have resulted in the exponential growth in the number of people serving DBI sentences. In some jurisdictions, life sentences are mandatory for certain offenses.²⁸ Additionally, some jurisdictions, for example, Florida,²⁹ Pennsylvania,³⁰ and the federal

¹⁸ *Gregg v. Georgia*, 428 U.S. 153 (1976).

¹⁹ Nellis, *Life Goes On*, *supra* note 15, at 3–4.

²⁰ *Id.* at 4.

²¹ The Sentencing Project, *Virtual Life Sentences 2* (2019), <https://www.sentencingproject.org/wp-content/uploads/2019/08/Virtual-Life-Sentences.pdf> (“The number of people serving life sentences continues to grow even while serious, violent crime has been declining for the past 25 years.”); ACLU, *A Living Death*, *supra* note 14, at 11.

²² Nellis, *Life Goes On*, *supra* note 15, at 4.

²³ Ashley Nellis, *The Sent’g Project, Still Life: America’s Increasing Use of Life and Long-Term Sentences* 5, 7 (2017), <https://www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf>.

²⁴ Molly M. Gill, *Clemency for Lifers: The Only Road out is the Road Not Taken*, 23 Fed. Sent’g Rep. 21, 21 (2010); Nellis, *Life Goes On*, *supra* note 15, at 19; Terrell Carter et al., *supra* note 4, at 354–367 (describing the clemency policy and practices of several US states).

²⁵ American Civil Liberties Union (ACLU), *False Hope: How Parole Systems Fail Youth Serving Extreme Sentences* 45–47 (2016), https://www.aclu.org/sites/default/files/field_document/121416-aclu-parolereportonlineingle.pdf.

²⁶ Nellis, *Life Goes On*, *supra* note 15, at 3, 14.

²⁷ See section IV below.

²⁸ See, e.g., 18 Pa. Cons. Stat. § 1102(b) (2022); Fla. Stat. § 782.04(1)(b) (2022) (either life or death sentence mandatory).

²⁹ *Release Types: Parole*, Fla. Comm’n on Offender Rev., <https://www.fcor.state.fl.us/release-types.shtml> (last visited May 7, 2022).

³⁰ 61 Pa. Cons. Stat. § 6137(a)(1) (2022).

system,³¹ do not allow those sentenced to life to apply for parole. With the number of commutations being vanishingly small in these jurisdictions,³² individuals sentenced to life today have virtually no chance of ever stepping foot outside the prison gates.

A number of jurisdictions impose DBI sentences, including LWOP, for felony-murder and other non-homicide offenses.³³ Felony-murder statutes allow prosecutors to charge an individual with murder if they attempted or participated in the commission of a felony in which a death occurred—the individual does not need to cause the death, have intent to kill, or even anticipate that a death might occur.³⁴ The rule has received widespread criticism,³⁵ and has a particularly pernicious effect on women, people of color, and young people.³⁶ For example, in 2018, of 1,000 women serving life sentences for felony-murder in California, 72 percent did not kill anyone.³⁷ Though data is lacking on this, anecdotal evidence suggests that psychological or financial coercion and/or abuse may play a significant role in the experience of women convicted under the felony-murder rule.³⁸

Many people are also serving DBI sentences because of the so-called two- and three-strikes rules, which permit or mandate harsher sentences, including life sentences, for repeat offenses.³⁹ More than half the states and the federal government have enacted these laws.⁴⁰ For example, in California,⁴¹ Pennsylvania,⁴² and New York,⁴³ people can receive LWP or LWOP sentences for a third offense, and in Florida, an individual can receive an LWOP sentence for only two strikes.⁴⁴ Separately, almost 4,000 people nationwide were serving life sentences for drug-related offenses in 2021.⁴⁵

³¹ US Sent'g Comm'n, Life Sentences in the Federal System 20 n.1 (2015), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/20150226_Life_Sentences.pdf (citing Pub. L. No. 98-473, 98 Stat. 1987 (codified as amended in scattered sections of 18 U.S.C. and 28 U.S.C. (2012))).

³² Jing Cao, Commuting Life Without Parole Sentences: The Need for Reason and Justice over Politics, 25 (May 1, 2015) (S.J.D. dissertation, Fordham Law School) (federal criminal system); *Commutation of Life Sentences (1971 – Present)*, Pa. Board of Pardons (Feb. 16, 2022), <https://www.bop.pa.gov/Statistics/Pages/Commutation-of-Life-Sentences.aspx> (Pennsylvania); Fla. Comm'n on Offender Rev., Commutation of Sentence Cases Granted 1980 through January 1, 2018 (n.d.), <https://www.fc.or.state.fl.us/docs/clemency/CommutationofSentences.pdf> (Florida).

³³ See, e.g., Cal. Penal Code §§ 189(a), 190.2 (Deering 2022); 18 Pa. Cons. Stat. §2502(b) (2022); 18 Pa. Cons. Stat. § 1102(b) (2022); Fla. Stat. § 782.04 (2022).

³⁴ Nazgol Ghandnoosh et al., The Sent'g Project, Felony Murder: An On-Ramp for Extreme Sentencing 1 (2022), <https://www.sentencingproject.org/wp-content/uploads/2022/03/Felony-Murder-An-On-Ramp-for-Extreme-Sentencing.pdf>.

³⁵ Nelson E. Roth & Scott E. Sundby, *Felony-Murder Rule: A Doctrine at Constitutional Crossroads*, 70 Cornell L. Rev. 446, 466 (1985).

³⁶ Ghandnoosh et al., *supra* note 34, at 2; Abbie VanSickle, *If He Didn't Kill Anyone, Why Is It Murder?*, N.Y. Times, June 27, 2018, <https://www.nytimes.com/2018/06/27/us/california-felony-murder.html>; Shobha L. Mahadev & Steven Drizin, *Felony Murder, Explained*, The Appeal, Mar. 4, 2021, <https://theappeal.org/the-lab/explainers/felony-murder-explained/>.

³⁷ VanSickle, *supra* note 36.

³⁸ Mahadev & Drizin, *supra* note 36. And more generally, data shows that the overwhelming majority of women serving DBI sentences are survivors of abuse. See section II(C) below.

³⁹ *Three Strikes*, Legal Information Inst., Cornell Law, https://www.law.cornell.edu/wex/three_strikes (last visited May 7, 2022).

⁴⁰ 'Three Strikes' Sentencing Laws, FindLaw, <https://www.findlaw.com/criminal/criminal-procedure/three-strikes-sentencing-laws.html> (last updated Jan. 29, 2019).

⁴¹ *California's Three Strikes Sentencing Law*, California Courts, <https://www.courts.ca.gov/20142.htm> (last visited June 24, 2022).

⁴² 42 Pa. Cons. Stat. §9714(a)(2).

⁴³ N.Y. Penal Law § 70.10 (Consol. 2022).

⁴⁴ Cary Aspinwall et al., *Two Strikes and You're In Prison Forever*, The Marshall Project, Nov. 11, 2021, <https://www.themarshallproject.org/2021/11/11/two-strikes-and-you-re-in-prison-forever>.

⁴⁵ Nellis, *No End in Sight*, *supra* note 9, at 4.

C. Impact of DBI on Vulnerable and Marginalized Populations

I am a fifty-three-year-old African American woman who has been serving a DBI sentence since October of 2004. Before my incarceration the full extent of my existence was cloaked by secret childhood abuses, mental health traumas and every form of addictions that had become my abnormal 'norm' as I transitioned into adulthood.

– Sarita Miller (sentenced to LWOP in Pennsylvania)⁴⁶

For me, as time passes, it gets scarier & scarier. Scary because the older I get in this system the more they tend not to care about our safety, our health, our wellbeing - it's "Hurry up and get old" then it becomes "Hurry up and die."

– Lori Lassiter (sentenced to LWOP in Pennsylvania)⁴⁷

Like mass incarceration generally, DBI sentences have the most severe impact on vulnerable populations, including racial and ethnic minorities, women, youth, the elderly, and people with disabilities.

Race and ethnicity: Black and Latinx people are disproportionately represented in the total population of those sentenced to DBI nationwide.⁴⁸ As discussed in greater detail below, this is not only the result of racial bias at sentencing, parole, and clemency, but at multiple stages of the criminal legal system, including arrest, pre-trial detention, and trial.⁴⁹

Gender: Although women comprise only a small fraction of the total life-sentenced population nationwide (approximately three percent), the number of women serving life sentences has increased 32 percent faster than the number of men over the past decade.⁵⁰ In both 2016 and 2020, one in every 15 women in prisons nationwide was serving a life sentence, and in 2016 one third of those women had no opportunity for parole.⁵¹ In California, a staggering one in every four women in prison is serving a life sentence.⁵²

The majority of women serving DBI sentences are survivors of abuse.⁵³ A national study of individuals serving LWOP sentences for offenses committed as youth found that prior to incarceration, 80 percent of female respondents had experienced physical abuse, 77 percent had experienced sexual abuse, and 84 percent had witnessed violence at home.⁵⁴

⁴⁶ Appendix at 113.

⁴⁷ Appendix at 75.

⁴⁸ Nellis, No End in Sight, *supra* note 9, at 18.

⁴⁹ See section III below.

⁵⁰ Nellis, No End in Sight, *supra* note 9, at 18.

⁵¹ *Id.*; The Sent'g Project, Women and Girls Serving Life Sentences 1 (2019), <https://www.sentencingproject.org/wp-content/uploads/2019/07/Women-and-Girls-Serving-Life-Sentences.pdf> [hereinafter Sent'g Project, Women and Girls]

⁵² Nellis, No End in Sight, *supra* note 9, at 18.

⁵³ See Margaret E. Leigey & Katie L. Reed, *A Woman's Life Before Serving Life: Examining the Negative Pre-Incarceration Life Events of Female Life-Sentenced Inmates*, 20 Women & Crim. Just. 302, 306 (2010).

⁵⁴ Sent'g Project, Women and Girls, *supra* note 51, at 2.

Youth: The United States is the only country in the world to sentence children under 18 to LWOP.⁵⁵ In the last two decades, the Supreme Court has started to provide some protections for youth, though those protections have been incomplete. In *Graham v. Florida* (2010), the Court invalidated LWOP sentences for people under 18 convicted of non-homicide crimes;⁵⁶ in *Miller v. Alabama* (2012), it held mandatory LWOP sentences for juveniles convicted of homicide to be unconstitutional;⁵⁷ and in *Montgomery v. Louisiana* (2016), it clarified that *Miller* applied retroactively.⁵⁸ However, in 2021, the Court signaled a deviation from this trend in *Jones v. Mississippi*, which held that a child can be sentenced to LWOP without a specific finding in the record of “permanent incorrigibility,” and that the sentencing court is also not required to consider youth on the record—if the court had the discretion to consider youth, then it should be assumed that it did.⁵⁹

Recent data demonstrates that many, and in some states most, of the individuals serving DBI sentences were convicted when they were 25 or younger.⁶⁰ In fact, in 2016, nearly 12,000 people were serving life or virtual life sentences nationwide for a crime they committed when they were below the age of 18.⁶¹ These issues are particularly troubling in light of widespread understanding that youths’ brains continue to develop through their mid-twenties, and that the criminal legal system should reflect their diminished level of culpability.⁶²

Older Adults: The age of the prison population is increasing as a natural consequence of the rise in long sentences and draconian policies.⁶³ Human Rights Watch calculated that the number of individuals ages 65 and older in state and federal prisons in the United States grew 94 times faster than the total population of incarcerated people between 2007 and 2010.⁶⁴ The Sentencing

⁵⁵ Josh Rovner, The Sent’g Project, *Juvenile Life Without Parole: An Overview* (2021), <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>.

⁵⁶ *Graham v. Florida*, 560 U.S. 48 (2010).

⁵⁷ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁵⁸ *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

⁵⁹ *Jones v. Mississippi*, 141 S. Ct. 1307, 1311, 1319 (2021).

⁶⁰ See Quinn Cozzens & Bret Grote, Abolitionist L. Ctr., *A Way Out: Abolishing Death by Incarceration in Pennsylvania* 18, 33 (2018), https://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC_AWayOut_27August_Full1.pdf (Pennsylvania); Comm. on Revision of the Penal Code, *Annual Report and Recommendations* 53 (2021), http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf (California); Ashley Nellis, The Sent’g Project, *In The Extreme: Women Serving Life Without Parole and Death Sentences in the United States* 7 (2021), <https://www.sentencingproject.org/publications/in-the-extreme-women-serving-life-without-parole-and-death-sentences-in-the-united-states/>; *Incarceration affects some people and communities more than others, and these patterns are often more pronounced among those who spend the most time in prison*, Urban Institute, <https://apps.urban.org/features/long-prison-terms/demographics.html> (last visited June 24, 2022) (United States).

⁶¹ The Sent’g Project, *Youth Sentenced to Life Imprisonment I* (2019), <https://www.sentencingproject.org/wp-content/uploads/2019/10/Youth-Sentenced-to-Life-Imprisonment.pdf>.

⁶² See Laurence Steinberg et al., *Around the world, adolescence is a time of heightened sensation seeking and immature self-regulation*, 21 *Dev. Sci.* e21532 (2018); Ramin Skibba, *Age-Based Justice System Approach Overlooks That Adolescence Extends Beyond Age 18, Scientists Say*, *Inside Science*, Nov. 15, 2018,, <https://www.insidescience.org/news/age-based-justice-system-approach-overlooks-adolescence-extends-beyond-age-18-scientists-say>.

⁶³ Frank R. Baumgartner et al., *Throwing Away the Key: The Unintended Consequences of “Tough-on-Crime” Laws*, 19 *Persp. on Pol.* 1233, 1234 (2021).

⁶⁴ *Old Behind Bars: The Aging Prison Population in the United States*, Human Rights Watch, Jan. 27, 2012, <https://www.hrw.org/report/2012/01/27/old-behind-bars/aging-prison-population-united-states>; see also E. Ann Carson & William J. Sabol, Bureau of Just. Statistics, *Aging of the State Prison Population, 1993-2013* 1 (2016), <https://bjs.ojp.gov/content/pub/pdf/aspp9313.pdf> (stating that “the number of state prisoners age 55 or older increased 400%, from 3% of the total state prison population in 1993 to 10% in 2013.”).

Project estimated in 2020 that people aged 55 or older accounted for 30 percent of those serving life sentences.⁶⁵

Aging prison populations persist and grow even in the presence of reforms. In New York for example, reforms to the “Rockefeller Drug Laws”⁶⁶ resulted in a 23% decrease in the overall prison population between 2000 and 2013, while during the same time span the population of incarcerated people aged 50 and older increased by 81%.⁶⁷ This has contributed to the aging crisis in the New York prison system, and the impact particularly on Black and brown individuals and families is immeasurable. Advocates have described the abusive nature of the continued incarceration of elders throughout the COVID-19 pandemic in institutions notorious for unhealthful conditions and inadequate nutrition and medical care.⁶⁸

Disability: People with disabilities are drastically overrepresented in jails and prisons.⁶⁹ According to 2016 data, nearly 40 percent of people in state and federal prisons had at least one disability.⁷⁰ Notably, individuals incarcerated in the state and federal systems (38 percent) were about two and a half times more likely than nonincarcerated individuals (15 percent) to report a disability in 2016.⁷¹ While recent data on the prevalence of disabilities among individuals serving DBI sentences is lacking, earlier reports confirm that disabilities are more common among those serving life sentences than among the overall prison population.⁷²

Experts have also found that DBI sentences can contribute to the development of a specific cluster of mental health symptoms, including posttraumatic stress disorder, institutionalized

⁶⁵ Nellis, No End in Sight, *supra* note 9, at 20.

⁶⁶ The Rockefeller drug laws were a series of laws enacted in 1973 introducing lengthy prison sentences for felony drug offenses. Jim Parsons et al., Inst. of Just., End of An Era?: The Impact of Drug Law Reform in New York City 4 (2015), <https://www.vera.org/downloads/publications/drug-law-reform-new-york-city-summary-01.pdf>.

⁶⁷ Ctr for Just. Columbia Univ., Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety XII (2015), https://drive.google.com/file/d/1WzWe07NbZp7dhIvZIL2csTyPSn1CKo8_/view.

⁶⁸ UCLA Law COVID Behind Bars Project, Letter to New York Legislators: Pass the Elder Parole and Fair And Timely Parole Bills to Protect Public Health (Feb. 25, 2022), <https://uclacovidbehindbars.org/letter-to-nys-legislature>; Release Aging People in Prison, Testimony by Theresa Grady, Jeannie Colon, Lisette Nieves and Nawanna Tucker Community Leaders with the Release Aging People in Prison (RAPP) Campaign Before the FY 2022-23 Joint Legislative Hearing on the Executive Public Protection Budget Proposal (Jan. 25, 2022), https://www.nysenate.gov/sites/default/files/2022_rapp_testimony_-_public_protection_budget_1.pdf.

⁶⁹ Rebecca Vallas, Center for American Progress, Disabled Behind Bars: The Mass Incarceration of People With Disabilities in America’s Jails and Prisons 1 (2016), <https://americanprogress.org/wp-content/uploads/2016/07/SummaryCriminalJusticeDisability-report.pdf>.

⁷⁰ Laura M. Maruschak et al., Bureau of Just. Statistics, Survey of Prison Inmates, 2016: Disabilities Reported by Prisoners 1 (2021), <https://bjs.ojp.gov/content/pub/pdf/drpspi16st.pdf>.

⁷¹ *Id.* at 2.

⁷² Marc Mauer et al., The Sent’g Project, The Meaning of “Life”: Long Prison Sentences in Context 15 (2004), <https://www.sentencingproject.org/wp-content/uploads/2016/01/The-Meaning-of-Life-Long-Prison-Sentences-in-Context.pdf>. See also Combalbert et al., *Cognitive Impairment, Self-Perceived Health and Quality of Life in Older Prisoners*, 28 *Crim. Behav. and Mental Health* 36, 37 (2018) (noting that 40 percent of older prisoners had been diagnosed with cognitive impairment—a statistic that far exceeds the rate among non-incarcerated community-dwelling individuals of a similar age). Scholars argue that disabilities such as dementia and other neurocognitive disorders are themselves their own punishment, and that imprisoning these individuals until they die is torturous. Rachel Lopez, *The Unusual Cruelty of Nursing Homes Behind Bars*, 32 *Fed. Sent’g Rep.* 264, 264–65 (2020).

personality traits, social-sensory disorientation, and alienation.⁷³ Reports further suggest that the increase in LWOP sentences has led to self-harm and suicides.⁷⁴

III. Death by Incarceration Sentences as a Violation of the Prohibition Against Racial Discrimination

[DBI] condemns men, women and children to die in prison. In doing this, the state is making the argument that it has the moral right to strip a human being of all hope and dignity until they die. This rationale is a byproduct of a historic cycle of violence that the United States was founded upon—slavery, racism, classism, misogyny, the genocide of Native Americans and the theft of their ancestral lands. The total lack of compassion and the dehumanization of DBI sentences has its roots in this historical legacy. Since its inception DBI has been disproportionately imposed upon poor people of color.
— *Right to Redemption Committee members Robert Labar, Vernon Robinson, Charles Bassett, and Terrell Carter (sentenced to LWOP in Pennsylvania)*⁷⁵

The United States disproportionately sentences racial and ethnic minorities, in particular Black and Latinx people, to DBI: an inevitable consequence of a racially discriminatory criminal legal system. Consistent with U.N. treaty bodies' previous pronouncements calling for the abolition of policies that disproportionately subject racial and ethnic minorities to some of the worst consequences of the criminal legal system, such as the death penalty and juvenile life without parole,⁷⁶ we are asking the Special Procedures to call for the abolition of all DBI sentences in the United States.

A. The International Prohibition on Racial Discrimination

Non-discrimination is a fundamental principle embedded in the rights enshrined in all international human rights treaties. These treaties recognize that all persons are equal before the law and are entitled to equal protection of the law,⁷⁷ and that no person should be discriminated

⁷³ Marieke Liem & Maarten Kunst, *Is There a Recognizable Post-Incarceration Syndrome among Released "Lifers"?*, 36 Int'l J. L. & Psychiatry 333, 334 (2013).

⁷⁴ Tomris Atabay, UN Off. on Drugs and Crime, Handbook on Prisoners with Special Needs 133 (2009), https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Special_Needs.pdf.

⁷⁵ Appendix at 37. Terrell Carter received a commutation of his prison sentence on July 14th, 2022, and today is free for the first time in decades.

⁷⁶ Comm. on the Elimination of Racial Discrimination, *Concluding Observations of the Comm.: United States*, ¶ 27(d), (g), U.N. Doc. CERD/C/USA/CO/10-12 (Aug. 22, 2022); Comm. on the Elimination of Racial Discrimination, *Concluding Observations of the Comm.: United States*, ¶¶ 21, 23, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008) [hereinafter CERD, *US Concluding Observations 2008*]; Comm. on the Elimination of Racial Discrimination, *Concluding Observations on the combined seventh to ninth periodic reports of the United States of America*, ¶¶ 20–21, U.N. Doc. CERD/C/USA/CO/7-9 (Sept. 25, 2014) [hereinafter CERD, *US Concluding Observations 2014*]; Hum. Rts. Comm., *Concluding Observations on the fourth periodic report of the United States of America*, ¶¶ 8, 23, U.N. Doc. CCPR/C/USA/CO/4 (Apr. 23, 2014); Comm. against Torture, *Concluding Observations on the combined third to fifth periodic reports of the United States of America*, ¶ 24, U.N. Doc. CAT/C/USA/CO/3-5 (Dec. 19, 2014) [hereinafter CAT, *US Concluding Observations 2014*]; Comm. against Torture, *Concluding Observations on the second periodic report of South Africa*, ¶¶ 18–19, U.N. Doc. CAT/C/ZAF/CO/2 (June 7, 2019).

⁷⁷ G.A. Res. 217 (III) A, art. 2, Universal Declaration of Human Rights (Dec. 10, 1948); International Covenant on Civil and Political Rights art. 26, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171; International Convention on the Elimination of All Forms of Racial Discrimination pmb. and art. 1, *opened for signature* December 21, 1965, 660 U.N.T.S. 195; American Convention on Human Rights art. 24, *opened for signature* Nov. 22, 1969, 1144 U.N.T.S. 123; European Convention for the Protection of Human Rights and Fundamental Freedoms art. 14, *opened for signature* Nov. 4, 1950, 213 U.N.T.S. 222.

on a non-exhaustive list of grounds.⁷⁸ Among those grounds of discrimination, the international community has considered racial discrimination, in all its contemporary forms, a matter of urgent concern and utmost priority.⁷⁹

The International Covenant on the Elimination of all Forms of Racial Discrimination (ICERD) recognizes both direct and indirect discrimination. Direct discrimination refers to policies that explicitly provide differential treatment based on a classification.⁸⁰ Indirect discrimination refers to facially neutral policies that do not distinguish between different groups of people, but nonetheless have an adverse disparate impact on a particular group of people.⁸¹ Global and regional human rights bodies have also recognized and condemned structural discrimination, particularly against people of African descent.⁸² To demonstrate racial discrimination under ICERD and other human rights treaties, one needs to only show differential treatment between similarly situated persons.⁸³

As expressed in Article 2(1)(c) of ICERD, the prohibition against racial discrimination includes an obligation to “review governmental policies, and to amend, rescind, or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”⁸⁴ The scope of this review is broad and can extend from specific provisions in a law to a general regime of policies in any policy area.⁸⁵ For States with federal systems of government, like the United States, the UN Committee on the Elimination of Racial Discrimination (CERD

⁷⁸ International Covenant on Civil and Political Rights, *supra* note 77, at art. 26; International Convention on the Elimination of All Forms of Racial Discrimination, *supra* note 77, at pmb. and art. 1; American Declaration of the Rights and Duties of Man art. II, 1948, <https://www.cidh.oas.org/basicos/english/basic2.american%20declaration.htm>; American Convention on Human Rights, *supra* note 77, at art. 24; European Convention for the Protection of Human Rights and Fundamental Freedoms, *supra* note 77, at art. 14.

⁷⁹ World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Durban Declaration and Programme of Action*, ¶ 3, (2001); G.A. Res. 1904 (XVIII), ¶¶ 1–2 (1963).

⁸⁰ See Hum. Rts. Comm., General Comment No. 18: Nondiscrimination, ¶ 7, U.N. Doc. CCPR/C/21/Rev.1/Add.1 (Nov. 10, 1989) [hereinafter HRC, *General Comment No. 18*]; see also Comm. on Econ., Soc., and Cultural Rts., General Comment No. 20: Non-discrimination in Economic, Social, and Cultural Rights, ¶ 10(a), U.N. Doc. E/C.12/GC/20 (July 2, 2009) [hereinafter CESCR, *General Comment No. 20*].

⁸¹ See HRC, *General Comment No. 18*, *supra* note 80, at ¶ 7; see also CESCR, *General Comment No. 20*, *supra* note 80, at ¶ 10(b).

⁸² Comm. on the Elimination of Racial Discrimination, General Recommendation No. 34: Racial Discrimination against People of African Descent, ¶ 6, U.N. Doc. CERD/C/GC/34 (Oct. 3, 2011); Working Grp. of Experts on People of African Descent et al., letter dated Feb. 3, 2018 from the Working Group of experts on people of African descent et al. to the Office of the High Commissioner for Human Rights, 5–6, U.N. Doc. COL/5/2015 (Feb. 3, 2015) (in the context of Colombia); Inter-Am. Comm’n H.R., Report on the Situation of Human Rights in the Dominican Republic, ¶¶ 366–68, OEA/Ser.L/V/II., Doc. 45/15 (Dec. 31, 2015).

⁸³ Comm. on the Elimination of Racial Discrimination, General Recommendation No. 32: The Meaning and Scope of Special Measures in the International Convention on the Elimination of All Forms Racial Discrimination, ¶ 8, U.N. Doc. CERD/C/GC/32 (Sep. 24, 2009). In several of its concluding observations, the Committee has repeatedly requested for statistical data for determining the existence of disparate impact. See, e.g., Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Comm.: Portugal, ¶ 8, U.N. Doc. CERD/C/65/CO/6 (Dec. 10, 2004); Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Comm.: Australia, ¶¶ 22–24, U.N. Doc. CERD/C/AUS/CO/14 (Apr. 14, 2005).

⁸⁴ International Convention on the Elimination of All Forms of Racial Discrimination, *supra* note 77, at 2(1)(c).

⁸⁵ See, e.g., Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Comm.: Zambia, ¶ 12, U.N. Doc. CERD/C/ZMB/CO/16 (Mar. 27, 2007) (recommending a review of a constitutional amendment that required a presidential candidate to be a second-generation Zambian); Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Comm.: Lao People’s Democratic Republic, ¶ 16, U.N. Doc. CERD/C/LAO/CO/16-18 (Apr. 13, 2012) (calling Laos to review its land regime with a view towards recognizing the cultural significance of the land to particular ethnic groups); Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Comm.: Botswana, ¶ 9, U.N. Doc. CERD/C/BWA/CO/16 (Apr. 4, 2006) (recommending that Botswana review its specific policy towards indigenous people to provide them the autonomy to protect and define their cultural identities).

Committee) has noted that the positive obligation to eliminate discrimination extends vertically through all levels of governance.⁸⁶

B. The United States' Disproportionate Sentencing of Racial and Ethnic Minorities to DBI

International human rights bodies have emphasized that States must not use race or ethnicity as a factor in determining criminal sentences.⁸⁷ But first in 2014, and most recently in 2022, the CERD Committee expressed particular concern over the racism that pervades the United States' criminal legal system. Most recently, it noted that “persons belonging to racial and ethnic minorities, including women, are overrepresented in the criminal justice system; disproportionately arrested, incarcerated, held in solitary confinement for very long periods; subjected to the use of chemical agents as pepper spray; and subjected to harsher sentences, including life imprisonment without parole...” and described the “disproportionate rate at which youths from racial and ethnic minorities are prosecuted as adults and sentenced to life imprisonment without parole...”⁸⁸

Yet since that time, the racially disparate rates of harsh sentences, including DBI sentences, have persisted in the United States. While in 2020 only 12.4 percent of the US population was Black, 46 percent of all of those serving life sentences nationwide, and 59 percent in the federal penal system, were Black.⁸⁹ Similar racial disparities amongst Black and white people exist in virtually every other state, including Pennsylvania,⁹⁰ California,⁹¹ New York,⁹² and Florida.⁹³ Disparities

⁸⁶ See, e.g., CERD, *US Concluding Observations 2008*, *supra*, note 76, at ¶ 13 (recommending that the United States establish a “coordinated approach towards the implementation of the Convention at the federal, state, and local levels.”).

⁸⁷ Comm. on the Elimination of Racial Discrimination, *General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system*, in Report of the Committee on the Elimination of Racial Discrimination, ¶¶ 34–37, U.N. Doc. A/60/18(SUPP) (Aug. 17, 2005); see also Mutuma Ruteere (Special Rapporteur on contemporary forms of racism), Report on Racial and Ethnic Profiling in Law Enforcement Agencies, ¶¶ 23–24, U.N. Doc. A/HRC/29/46 (Apr. 20, 2015) (expressing concern at the extensive racial profiling in one North American state and the harsher criminal sentences and disproportionate representation in detention facilities that results from this profiling); Working Grp. of Experts on People of African Descent, Rep. on its twenty-first and twenty-second sessions, ¶ 55, U.N. Doc. A/HRC/39/69 (Aug. 15, 2018).

⁸⁸ Comm. on the Elimination of Racial Discrimination, *Concluding Observations of the Comm.: United States*, ¶¶ 26, 27, U.N. Doc. CERD/C/USA/CO/10-12 (Aug. 22, 2022). See also CERD, *US Concluding Observations 2014*, *supra* note 76, at ¶¶ 20–21.

⁸⁹ US sentencing data comes from Nellis, No End in Sight, *supra* note 9, at 19 (2021). Population data comes from *Race and Ethnicity in the United States: 2010 and 2020 Census*, US Census Bureau (Aug. 12, 2021), <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html> [hereinafter 2020 US Census Data]. To arrive at this statistic, click on the “Group” drop-down menu and select “Black or African American alone.”

⁹⁰ In Pennsylvania, Black people represent 62 percent of all those serving life sentences in its state prison system, but they only represent 10.9 percent of the total Pennsylvania population. Nellis, No End in Sight, *supra* note 9, at 19; 2020 US Census Data, *supra* note 89.

⁹¹ In California, Black people represent 33 percent of all those serving life sentences in its state prison system, but they only represent 5.7 percent of the total California population. Nellis, No End in Sight, *supra* note 9, at 19; 2020 US Census Data, *supra* note 89.

⁹² In New York, Black people represent 56 percent of all those serving life sentences in its state prison system, but they only represent 14.8 percent of the total New York population. Nellis, No End in Sight, *supra* note 9, at 19; 2020 US Census Data, *supra* note 89.

⁹³ In Florida, Black people represent 54 percent of all those serving life sentences in its state prison system, but they only represent 15.1 percent of the total Florida population. Nellis, No End in Sight, *supra* note 9, at 19; 2020 US Census Data, *supra* note 89.

in DBI sentencing also exist between Latinx people and non-Latinx white people.⁹⁴

Evidence of racially disparate rates of release further traps racial and ethnic minorities into their DBI sentence. Unless they are resentenced, these individuals can generally only be released through parole, if they are eligible, or clemency – both of which are largely discretionary.⁹⁵ A 2021 study found significant racial disparities in parole grants between Black and white applicants in New York.⁹⁶ Among all parole decisions reviewed by the New York Parole Board from October 2017 to October 2019, white applicants had a parole grant rate of 45 percent, while Black applicants had a rate of 38 percent.⁹⁷ Other studies have found similar disparities in New York.⁹⁸ Another study found significant racial disparities in parole outcomes for those sentenced to DBI in California.⁹⁹

Other empirical studies suggest that similar racial disparities may also exist in the clemency context, which includes commutations and pardons.¹⁰⁰ Using data on federal pardon grants from the Bush and Obama administrations, one study published in 2011 found that white applicants had a 12 percent chance of receiving a pardon, while Black applicants only had a 2 to 4 percent chance.¹⁰¹ In Michigan, another study found that among commutation and executive pardon decisions granted to women from 2008 to 2010, a significant majority of these grants (72 percent) were awarded to white women.¹⁰² In Kentucky, while one study of commutation decisions from 1901 – 2019 found that the severity of the crime was the main determinant of commutation decisions, the author still expressed concern for the racial disparity that existed in the state’s historical and contemporary record of commutation decisions.¹⁰³

⁹⁴ See, e.g., Cozzens & Grote, *supra* note 60, at 17 (“Latinx Pennsylvanians are serving [LWOP] sentences at a rate 5-times higher than White Pennsylvanians.”); ACLU, *A Living Death*, *supra* note 14, at 31 (“Latin[x] are serving life without parole for nonviolent crimes at a rate that is almost 8 times (7.8) the rate of whites in Illinois and almost twice (1.9) the rate of whites in Louisiana.”).

⁹⁵ Terrell Carter et al., *supra* note 4, at 362–65 (highlighting the unfettered (and often politically motivated) discretion of the executive branch in granting clemency in numerous states, which leads to very few clemency grants).

⁹⁶ Parole Preparation Project, *The Problem with Parole: New York State’s Failing System of Release* 4, 13 (2021), <https://drive.google.com/file/d/1BstOpE8BufZ2HiqqJ2fNL1E2ieaJ7Nfr/view>.

⁹⁷ *Id.* at 13.

⁹⁸ *Id.* at 14. Michael Winerip et al., *For Blacks Facing Parole, Signs of Broken System in New York*, N.Y. Times, Dec. 4, 2016, <https://www.nytimes.com/2016/12/04/nyregion/new-york-prisons-inmates-parole-race.html>.

⁹⁹ Kathryn M. Young & Jessica Perlman, *Racial Disparities in Lifer Parole Outcomes: The Hidden Role of Professional Evaluations*, L. & Soc’y Inquiry 1, 19 (2021) (finding that Black parole candidates were more likely to be denied parole over white candidates).

¹⁰⁰ Studies suggest that racial discrimination and embedded ideas of racism have adversely affected Black applicants in commutation decisions for decades. See, e.g., Marvin Wolfgang et al., *Comparison of the Executed and the Commuted Among Admissions to Death Row*, 53 J. Crim. L. & Criminology 301, 311 (1962) (examining individuals awaiting death row in Pennsylvania from 1914 to 1958, and finding a statistically significant difference between Black and white individuals, in both commutations and executions); Margaret Vandiver, *The Quality of Mercy: Race and Clemency in Florida Death Penalty Cases*, 27 U. Rich. L. Rev. 315, 331 (1993) (examining Florida commutation decisions from 1924 to 1966, and finding that Black defendants had a 43 percent chance of receiving commutation if their murder victim was Black, but only a 5 percent chance of commutation if their murder victim was white).

¹⁰¹ Dafna Linzer & Jennifer LaFleur, *Presidential Pardons Heavily Favor Whites*, ProPublica, Dec. 3, 2011, <https://www.propublica.org/article/shades-of-mercy-presidential-forgiveness-heavily-favors-whites>.

¹⁰² Carol Jacobsen & Lora B. Lampert, *Institutional Disparities: Consideration of Gender in the Commutation Process for Incarcerated Women*, 39 Signs: J. Women Culture and Soc’y 265, 270 (2013).

¹⁰³ Ed Monahan et al., *A Comparison of Executions and Death to Life Commutations in Kentucky, 1901–2019*, 101 Prison J. 591, 603 (2021). The authors of this study acknowledged the fact that “Whites (58.3%) accounted for the majority of death penalty commutations while Black offenders were most likely to be executed” “remains troubling.” *Id.* This racial disparity for Black defendants in commutation has continued even with the most recent administration of Governor Matt Bevin, in which “less than 5% of the remaining Bevin clemencies were granted to Black offenders (16 out of 336) . . .” *Id.* at 604.

C. DBI Sentencing as the Result of Racially Discriminatory Criminal Legal System

Racially disparate rates of those serving DBI sentences are not only a result of the racial bias that those individuals face at sentencing and release. They are the inevitable result of a structure of discrimination, including a racially discriminatory criminal legal system which, at every step of the way, discriminates against racial and ethnic minorities, particularly Black Americans, and ultimately leads to racially disparate rates of DBI. UN bodies have expressed concern about the disproportionate rates of arrest and pre-trial detention of racial and ethnic minorities, particularly of Black and Latinx individuals, in the United States.¹⁰⁴ Several studies also show that Black and Native American individuals are subject to higher arrest rates relative to the rest of the population,¹⁰⁵ and that Black defendants are subject to higher rates of pre-trial detention.¹⁰⁶ Pre-trial detention is particularly important in the context of racially disparate sentencing as studies show that remaining in detention significantly increases the probability of a defendant's conviction, primarily through pressure to enter into guilty pleas.¹⁰⁷

Studies have also shown considerable racial disparities at the stages of charging and at trial, which also have an impact on sentencing. Prosecutors have wide discretion in determining the initial charges for the arrested individual, which in most cases ends up becoming the final sentence.¹⁰⁸ One study found that federal prosecutors exercise considerable racial bias against Black defendants in the severity of initial charges, and that this bias is further amplified when it comes to charging offenses that carry mandatory minimum sentences.¹⁰⁹ Additionally, Black and Latinx defendants experience racially disparate treatment at trial, including as a result of the lack of racial diversity in juries.¹¹⁰

Ultimately, the punitive power of the US criminal justice system is disproportionately imposed on communities of color that are subjected to poverty, housing insecurity, and violence at home. This systemic deprivation of resources, including education, healthcare, and other social support

¹⁰⁴ Working Grp. on Arbitrary Detention, *supra* note 5, at ¶¶ 57–59; CERD, *US Concluding Observations 2014*, *supra* note 76, at ¶ 20.

¹⁰⁵ Arrests Rates by Offense and Race, 2018 (All Ages), Off. of Juv. Just. and Delinq. Prevention (2018), https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=2&selYrs=2018&rdoGroups=1&rdoData=r.

¹⁰⁶ Will Dobbie & Crystal Yang, The Hamilton Project, Proposals for Improving the U.S. Pretrial System 6 (2019), https://www.hamiltonproject.org/assets/files/DobbieYang_PP_20190319.pdf. Part of the reason for racially disparate pre-trial detention rates involves the high cash bail requirement on which pre-trial release is conditioned on. The Prison Policy Initiative found that Black men, Black women, and Latinx women have the lowest pre-incarceration incomes relative to defendants of other races. This increases the likelihood of remaining in detention prior to their trial due to their inability to pay bail. Bernadette Rabuy & Daniel Kopf, Prison Pol'y Initiative, Detaining the Poor: How Money Bail Perpetuates an Endless Cycle of Poverty and Jail Time 2–3 (2016), <https://www.prisonpolicy.org/reports/DetainingThePoor.pdf>.

¹⁰⁷ Will Dobbie, *The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, 108 Am. Econ. Rev. 201, 225 (2018).

¹⁰⁸ Sonja B. Starr & M. Marit Rehavi, *Mandatory Sentencing and Racial Disparity: Assessing the Role of Prosecutors and the Effects of Booker*, 123 Yale L.J. 2, 27 (2013) (“In most federal cases, the initial charge is the final charge; charge-bargaining is the exception, not the rule.”).

¹⁰⁹ *Id.* at 29.

¹¹⁰ A 2021 report by the Prison Policy Initiative has shown that all states have jury exclusion policies, which in some form, bar people with criminal convictions from serving on juries. These policies have the disproportionate effect of excluding Black and Hispanic individuals, who are disproportionately likely to have felony convictions. Ginger Jackson-Gleich, Rigging the Jury: How Each State Reduces Jury Diversity by Excluding People with Criminal Records, Prison Pol'y Initiative (Feb. 18, 2021), <https://www.prisonpolicy.org/reports/juryexclusion.html>.

and services, is coupled with the entry of more police and prisons in these communities and exposure to the criminal legal system.¹¹¹ In its country visit to the United States in 2016, the UN Working Group of Experts on People of African Descent affirmed these findings, and ultimately concluded:

Geographic location and zip code can determine to some extent the future of young African Americans. People from poor black neighbourhoods are more likely to face lower educational attainment, more exposure to violence and crime, a tense interaction with the police, fewer employment opportunities, environmental degradation and also low life expectancy rates.¹¹²

IV. Death by Incarceration as a Violation of the Right to Life

Language matters. It not only shapes our reality but it also gives us the power to shape the reality around us. Too many death penalty “abolitionists” advocate for death in prison precisely because we call it life. Truth is, both versions begin and end the same way: bodies vertical, bodies horizontal.
– Felix Rosado (sentenced to LWOP in Pennsylvania)¹¹³

While fighting the Death Penalty, I was given an LWOP sentence instead, to me both were the same, as it meant “Die in Prison One Way or Another.”
– Alvin Ronnel Ross (sentenced to LWOP in California)¹¹⁴

Advocates have coined the term “death by incarceration” to reveal the reality that those serving prison sentences that exceed life expectancy are condemned to die, often prematurely, in prison.¹¹⁵ Article 6 of the ICCPR protects the right to life.¹¹⁶ The Human Rights Committee (HRC) has interpreted this right broadly, and considers it not only a prohibition on direct killings, but also the “entitlement of individuals to be free from acts and omissions that are

¹¹¹ Ruth Wilson Gilmore has examined California as a case study of how decades-long policies of organized, state-sponsored divestment of resources from education, healthcare, and other social services has facilitated growing police presence, mass incarceration, and the establishment of new prisons, in poor Black communities in California. See Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis and Opposition in Globalizing California* (2007). The punitive criminal justice policies imposed on these communities have emerged in part due to racialized perceptions of crime. Several studies have found that white Americans who more strongly associate crime with people of color are more likely to support punitive criminal justice policies. See Nazgol Ghandnoosh, *The Sent’g Project, Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies* 18–19 (2014), <https://www.sentencingproject.org/wp-content/uploads/2015/11/Race-and-Punishment.pdf>.

¹¹² Working Grp. of Experts on People of African Descent, *Rep. on Mission to the US*, ¶ 82, U.N. Doc. A/HRC/33/61/Add.2 (Aug. 18, 2016); see also CERD, *US Concluding Observations 2014*, *supra* note 76, at ¶ 13 (expressing concern at the discrimination in housing access, poor housing conditions, limited employment opportunities, inadequate access to healthcare, under resourced schools, high exposure to crime, and discriminatory lending practices Black Americans experience in their communities); Raquel Rolnik (Special Rapporteur on the right to adequate housing), *Rep. on Mission to the US*, ¶ 64–65, U.N. Doc. A/HRC/13/20/Add.4 (Feb. 12, 2010) (expressing concern at the predatory loan practices, substandard housing conditions and de facto racial segregation in public schools Black Americans face in poor communities).

¹¹³ Appendix at 62 (emphasis in original). Felix Rosado received a commutation of his prison sentence on July 14th, 2022, and today is free for the first time in decades.

¹¹⁴ Appendix at 2.

¹¹⁵ Terrell Carter et al., *supra* note 4, at 328 (describing how the Right to Redemption Committee, a group of individuals incarcerated in Pennsylvania, chose to call LWOP sentences “death by incarceration.”); Statement of Felix Rosado, Appendix at 62 (describing the development of the Coalition to Abolish Death By Incarceration). Felix Rosado received a commutation of his prison sentence on July 14th, 2022, and today is free for the first time in decades.

¹¹⁶ International Covenant on Civil and Political Rights, *supra* note 77, at art. 6.

intended or may be expected to cause their unnatural or premature death.”¹¹⁷ Under international law, any deprivation of life must not be “arbitrary,” with arbitrary taken to mean unlawful under international law, or inappropriate, unjust, unpredictable, unreasonable, unnecessary, disproportionate, or lacking in due process.¹¹⁸ The HRC has also stated that when States deprive individuals of their liberty, such as through imprisonment, they have a “heightened duty of care to take any necessary measures to protect the lives” of these individuals. But United States prisons are “death-making institutions”¹¹⁹ that create several risks of fatal harm. By permanently placing people in these environments, imposing upon them conditions that lead to premature death, and doing so in violation of international law for the reasons described throughout this letter, DBI sentences in the United States are an arbitrary deprivation of the right to life.

Several empirical studies have found a clear and consistent relationship between rates of incarceration and adverse health outcomes for incarcerated people.¹²⁰ These outcomes emerge as a result of a variety of conditions that commonly exist in US prison, such as overcrowding,¹²¹ inadequate sanitation procedures,¹²² and a lack of access to adequate physical and mental healthcare services for vulnerable populations.¹²³

¹¹⁷ Hum. Rts. Comm. (HRC), General Comment No. 36, ¶ 3, U.N. Doc. CCPR/C/GC/36 (Sep. 3, 2018) (emphasis added) [hereinafter HRC, *General Comment No. 36*]. The HRC has repeatedly found violations of the right to life in situations where the State has failed to address conditions that lead to the premature death of detainees. *See, e.g.*, Hum. Rts. Comm., *Views: Communication No. 763/1997*, ¶ 9.2, U.N. Doc. CCPR/C/74/D/763/1997 (Apr. 15, 2002) (finding a violation of Article 6 when the conditions of detainment led to detainee’s fatal illness, and prison authorities refused to provide medical care until only a few minutes before detainee’s death); Hum. Rts. Comm., *Communication No. 1303/2004*, ¶ 12.2, U.N. Doc. CCPR/C/105/D/1303/2004 (Aug. 28, 2012) (finding a violation of the right to life when prison authorities denied an HIV-positive man with cancer the necessary drugs, diet, and sanitary conditions in prison to mitigate the progression of his sickness).

¹¹⁸ HRC, General Comment No. 36, *supra* note 117, at ¶¶ 18, 21; Christof Heyns (Special Rapporteur on extrajudicial, summary or arbitrary executions), *Rep. on Protection of the Right to Life during Law Enforcement*, ¶ 55, U.N. Doc. A/HRC/26/36 (Apr. 1, 2014).

¹¹⁹ Keeanga-Yamahitta Taylor, The Emerging Movement for Police and Prison Abolition, *New Yorker*, May 7, 2021, <https://www.newyorker.com/news/our-columnists/the-emerging-movement-for-police-and-prison-abolition>. The American Public Health Association has also called for the abolition of prisons, due to longstanding chronic and acute health problems incarceration brings to incarcerated people and their families and communities. Advancing Public Health Interventions to Address Harms of the Carceral System, *Am. Pub. Health Ass’n* (Oct. 26, 2021), <https://www.apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Advancing-Public-Health-Interventions-to-Address-the-Harms-of-the-Carceral-System>.

¹²⁰ *See, e.g.*, Kathryn M. Nowotny et al, *Racial Disparities in Health Conditions among Prisoners Compared with the General Population*, 3 *Population Health* 487, 493 (2017) (describing connection between incarceration and a range of health impacts). For systematic reviews on the negative health effects of incarceration for US prisoners, see Christopher Wildeman & Emily A. Wang, *Mass Incarceration, Public Health, and Widening Inequality in the USA*, 389 *Lancet* 1464, 1467–68 (2017), and Michael Massoglia & William Alex Pridemore, *Incarceration and Health*, 41 *Ann. Rev. Socio.*, 291, 291, 295–96 (2015).

¹²¹ *See, e.g.*, Paul S. Appelbaum, *Lost in the Crowd: Prison Mental Healthcare, Overcrowding, and the Courts*, 62 *Psychiatric Servs.* 1121, 1121–22 (2011). The HRC has also suggested that prison overcrowding, when it leads to the spread of communicable diseases, may implicate violations of the right to life. *See* Hum. Rts. Comm., *Views: Communication No. 1020/2001*, ¶ 7.7, U.N. Doc. CCPR/C/78/D/1020/2001 (Sep. 19, 2003).

¹²² *See, e.g.*, Sharon Bernstein, California Prison Inspection Uncovers Unsanitary Conditions, *Reuters*, May 13, 2015, <https://www.reuters.com/article/us-usa-california-prisons/california-prison-inspection-uncovers-unsanitary-conditions-idUSKBN0NZ07D20150514> (detailing the unsanitary conditions of a California prison); Shannon Heffernan, The Way Prisoners Flag Guard Abuse, Inadequate Health Care, and Unsanitary Conditions Is Broken, *ProPublica*, Dec. 2, 2020, <https://www.propublica.org/article/the-way-prisoners-flag-guard-abuse-inadequate-health-care-and-unsanitary-conditions-is-broken> (discussing incidents of unsanitary conditions in Illinois prisons and the inadequacy of complaints procedures for addressing them).

¹²³ *See, e.g.*, Tina Maschi et al, *Palliative and End-of-Life Care in Prisons: A Content Analysis of the Literature*, 10 *Int’l J. Prisoner Health* 172, 188 (2014) (highlighting obstacles for providing meaningful care for elderly prisoners, such as mistrust, potential abuse of medication, and negative public attitudes towards elderly, terminally ill prisoners); Steve Belenko et al, *Treating Substance Use Disorders in the Criminal Justice System*, 15 *Current Psychiatry Reps.* 414, 416 (2013) (finding that

The negative health impacts of being incarcerated ultimately lead to a higher probability of premature death: the longer one spends in prison, the shorter one's life expectancy becomes. One study published in 2013 found that spending a year in prison can lead to a two year decline in an incarcerated individual's life expectancy.¹²⁴ According to the latest Bureau of Justice Statistics (BJS) report, the number of deaths (3,853 prisoners) and mortality rate in US state prisons (330 deaths per 100,000 prisoners) in 2019 was at one of the highest levels since BJS started collecting data in 2001.¹²⁵ This has only worsened since the start of the COVID-19 pandemic, where COVID-19 case and death rates of those incarcerated have well-exceeded those of the general population in the US.¹²⁶

V. Death By Incarceration as a Violation of the Prohibition on Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment

The worst days are when the isolation and senseless restrictions cause your brain to froth and seize. When one more second feels like death and you want to cease existing. The only thing to do is to dive for a scrap of purpose and promise yourself that the time will not destroy you. You tear apart your existence to piece together a resolve that's close to your idea of "enough." [...] Still, even in times of resolve, you wonder what "enough" means. How battered do you need to be? How low must your dignity stoop? How many pieces will you crumble into before you deserve relief? Who will tell you when you're altered enough to be free? [...] For the women sentenced to die in this hellish exile, the answers to their questions, those questions that slip into prayers, are never a guarantee. Instead, "lifers" find a murky purgatory that will reveal nothing, where every direction is an eternity of gray and black. What route do they take? What lengths must they travel to meet another soul who will resurrect their dignity?"

– Elena House (sentenced to 20-40 years in Pennsylvania)¹²⁷

most new prisoners with substance use disorders do not receive any drug treatment); Keri Blakinger, Prisons Have a Health Care Issue – And It Starts at the Top, Critics Say, The Marshall Project, July 1, 2021,

<https://www.themarshallproject.org/2021/07/01/prisons-have-a-health-care-issue-and-it-starts-at-the-top-critics-say> (reporting on the prevalence of underqualified medical professionals across the US prison system); Tiana Herring, COVID Looks Like It May Stay. That Means Prison Medical Copays Must Go, Prison Pol'y Initiative, Feb. 1, 2022,

https://www.prisonpolicy.org/blog/2022/02/01/pandemic_copays/ (critiquing the medical copay requirement that remains in place for most prisoners, which effectively prevents them from accessing healthcare, in spite of the current COVID pandemic).

¹²⁴ Evelyn J. Patterson, *The Dose–Response Time Served in Prison on Mortality: New York State, 1989–2003*, 103 Am. J. Pub. Health 523, 526 (2013); see also Sebastian Daza et al, *The Consequences of Incarceration for Mortality in the United States*, 57 Demography 577, 595 (2020) (finding a significant association between incarceration and excess mortality, which translates to losses of life expectancy at age 45 of about four to five years).

¹²⁵ E. Ann Carson, Bureau of Just. Statistics, *Mortality in State and Federal Prisons, 2001-2019 – Statistical Tables 1* (2021), <https://bjs.ojp.gov/content/pub/pdf/msfp0119st.pdf>.

¹²⁶ In a recent study published by the American Medical Association, it found that in terms of COVID-19 incidence rate, for the first year of the pandemic, US prisoners (30,780 per 100,000 people) experienced a rate 3.3 times higher than the general population (9,351 per 100,000 people). In terms of mortality rate, US prisoners (199.6 per 100,000) similarly experienced a 2.5 times higher rate than the general population (80.9 per 100,000). Neal Marquez et al, *COVID-19 Incidence and Mortality in Federal and State Prisons Compared with the US Population, April 5, 2020 to April 3, 2021*, 326 J. Am. Med. Assoc. 1865, 1866 (2021). As of February 2022, 72 percent of US state and federal prisons are currently experiencing an outbreak of COVID-19 in their facilities. Amanda Klonsky & Hope Johnson, *As Omicron Surges in State and Federal Prisons, Incarcerated People Remain Vulnerable*, UCLA L. COVID Behind Bars Data Project (Feb. 3, 2022), <https://uclacovidbehindbars.org/omicron-surge>.

¹²⁷ Appendix at 59.

*When did we as humans start to give up on each other and throw people away
like trash?*

– Shawndra Boode (sentenced to LWOP in California)¹²⁸

*The sentence of LWOP has taken all hope from me, just waking up and
knowing that you're never getting out of prison is devastating, it slowly drains
the hope and life out of us. It's like being buried alive.*

– Bee Vue (sentenced to LWOP in California)¹²⁹

A DBI sentence, and in particular an LWOP sentence, condemns an individual to spend the remainder of their life in prison with virtually no hope of release.¹³⁰ There is widespread international consensus that a system of incarceration that fails to provide meaningful opportunities for individuals to demonstrate rehabilitation, to hope for release, and to be released violates the right to dignity and the prohibition against torture, and cruel, inhuman and degrading punishment.¹³¹ This development in international human rights law finds significant parallels in the work of those who are advocating—many from inside prison—for the recognition of a “right to redemption.”¹³² To comply with these human rights obligations, the United States must abolish DBI.

A. How DBI Sentences Deprive Individuals of their Human Right to Dignity, Hope, and Redemption¹³³

Several treaties that are binding on the United States protect individuals’ rights to dignity and prohibit torture, and cruel, inhuman, and degrading punishment including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹³⁴ In the context of incarcerated individuals, these protections require that the aim of incarceration should be rehabilitation. ICCPR Article 10 “complements . . . the ban on torture or other cruel, inhuman or degrading treatment or punishment” with regard to incarcerated people,¹³⁵ and mandates that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”¹³⁶ ICCPR Article 10(3) further requires that the essential aim of any penitentiary system must be “reformation and social rehabilitation.”¹³⁷

¹²⁸ Quote solicited for DROP LWOP Coalition meeting, September 14-15, 2019.

¹²⁹ Appendix at 4.

¹³⁰ See Terrell Carter et al., *supra* note 4, at 318 (explaining the Right to Redemption Committee’s process of developing the understanding of LWOP amounting to DBI).

¹³¹ See *id.* at 337–343 (describing the principle of rehabilitation under international human rights law).

¹³² *Id.* at 337 (describing the parallels between the development of the work of the Right to Redemption Committee in Pennsylvania and international human rights law).

¹³³ *Id.* at 318-319 (describing the idea of the right to redemption).

¹³⁴ International Covenant on Civil and Political Rights, *supra* note 77, at art. 7, 10; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature* Dec. 10, 1984, 1465 U.N.T.S. 85. See also Universal Declaration of Human Rights, *supra* note 77, at prml., art. 5.

¹³⁵ Hum. Rts. Comm., *General Comment 21*, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, ¶ 3, U.N. Doc. HRI/GEN/1/Rev.1 (Apr. 10, 1992) [hereinafter HRC, *General Comment No. 21*].

¹³⁶ International Covenant on Civil and Political Rights, *supra* note 77, at art. 10.

¹³⁷ *Id.* at art. 10(3).

Human rights bodies tasked with interpreting and applying these treaties have also emphasized the importance of the principle of rehabilitation in protecting the right to dignity and the prohibition against torture. The UN HRC has emphasized in interpreting Article 10(3) that “[n]o penitentiary system should be only retributory; it should essentially seek the reformation and social rehabilitation of the prisoner.”¹³⁸ The UN Standard Minimum Rules for the Treatment of Prisoners recalled “that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system,” and recommend that “[t]he treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it,” and that “from the beginning of a prisoner’s sentence, consideration shall be given to his or her future after release.”¹³⁹ Similarly, the UN Principles for Older Persons emphasize that “[o]lder persons should benefit from family and community care and protection,” they “should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment,” and they “should be able to live in dignity and security and be free of exploitation and physical or mental abuse.”¹⁴⁰ The UN Working Group on Arbitrary Detention has also expressed concern that in the United States “heavy-handed sentencing [were] imposed in response to demands for law and order rather than [to] ensur[e] the reintegration of offenders back into society.”¹⁴¹

Death by incarceration sentences fail to provide incarcerated individuals with an opportunity to demonstrate rehabilitation and to hope for a future after release, thereby violating the prohibition on torture and other cruel, inhuman and degrading punishment. The Committee against Torture has repeatedly recommended that States abolish irreducible life sentences, including LWOP sentences, precisely because of this.¹⁴² The Committee has stated that there should be “no blanket prohibition for life-sentenced prisoners to apply for release on parole for good reasons”¹⁴³ and that states should “guarantee the periodic review of life sentences with a view to their commutation.”¹⁴⁴ The Committee has noted that these requirements are crucial to protecting an individual’s “right to hope,”¹⁴⁵ and without them a prison sentence may “hinder respect for the principle of human dignity and of a humanitarian approach to the treatment and rehabilitation of prisoners.”¹⁴⁶ Both the Committee against the Torture and the UN Special Rapporteur on

¹³⁸ HRC, *General Comment No. 21*, *supra* note 135, at ¶ 10.

¹³⁹ G.A. Res 70/175, at prmb., rules 88, 107 (Jan. 8, 2016). Similarly, in 1996, the UN’s Crime Prevention and Criminal Justice Branch recommended that states “provide for the possibility of release in life sentence cases.” UN Crime Prevention and Criminal Justice, *Life Imprisonment*, at 16, U.N. Doc. ST/CSDHA/24 (1994).

¹⁴⁰ G.A. Res. 46/91, ¶¶ 10, 13, 17, United Nations Principles for Older Persons (Dec. 16, 1991).

¹⁴¹ Working Grp. on Arbitrary Detention, *supra* note 5, at ¶ 61.

¹⁴² Comm. Against Torture, *Concluding Observations on the Seventh Periodic Report of the Netherlands*, ¶ 35, U.N. Doc. CAT/C/NLD/CO/7 (Dec. 18, 2018) [hereinafter CAT, *Concluding Observations on Netherlands*]; Comm. Against Torture, *Concluding Observations on the second periodic report of South Africa*, ¶ 19, U.N. Doc. CAT/C/ZAF/CO/2 (June 7, 2019); Comm. Against Torture, *Concluding Observations on the Third Periodic Report of Lithuania*, ¶ 12, U.N. Doc. CAT/C/LTU/CO/3 (June 17, 2014) [hereinafter CAT, *Concluding Observations on Lithuania*]; Comm. Against Torture, *Concluding Observations on the seventh periodic report of Greece*, ¶ 37(d), U.N. Doc. CAT/C/GRC/CO/7 (Sep. 3, 2019) [hereinafter CAT, *Concluding Observations on Greece*]; Comm. Against Torture, *Concluding Observations on the seventh periodic report of Poland*, ¶ 14, U.N. Doc. CAT/C/POL/CO/7 (Aug. 29, 2019) [hereinafter CAT, *Concluding Observations on Poland*].

¹⁴³ CAT, *Concluding Observations on Lithuania*, *supra* note 142, at ¶ 12.

¹⁴⁴ CAT, *Concluding Observations on Greece*, *supra* note 142, at ¶ 37(d).

¹⁴⁵ CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶ 35.

¹⁴⁶ CAT, *Concluding Observations on Poland*, *supra* note 142, at ¶ 14.

Torture have also recommended the abolition of LWOP for juveniles, including in the United States.¹⁴⁷

In arriving at the recommendations to abolish irreducible life sentences, the Committee against Torture relied on European case law,¹⁴⁸ which recognizes that such sentences are incompatible with the right to human dignity and the prohibition against torture contained in Article 3 of the European Convention on Human Rights. According to the European Court in *Vinter v. United Kingdom*, “it would be incompatible with . . . human dignity . . . to deprive a person of his freedom without at least providing him with the chance to someday regain that freedom.”¹⁴⁹ The Court emphasized that “there is also now clear support in European and international law for the principle that all prisoners, including those serving life sentences, be offered the possibility of rehabilitation and the prospect of release if that rehabilitation is achieved,”¹⁵⁰ and that “it would be capricious to expect the prisoner to work towards his own rehabilitation without knowing whether, at an unspecified, future date, a mechanism might be introduced which would allow him, on the basis of that rehabilitation, to be considered for release.”¹⁵¹ In several cases since, the European Court has repeated its holding that any life sentence that is either *de jure* or *de facto* irreducible, or, in other words, any DBI sentence with no meaningful possibility of review or prospect of release, is contrary to the prohibition of torture and other cruel, inhuman, and degrading treatment.¹⁵²

The European Court also noted “it is axiomatic that a prisoner cannot be detained unless there are legitimate penological grounds for that detention,” and the justification for incarceration may change over the course of a sentence.¹⁵³ Review is necessary to ensure that the changes in justifications “can be properly evaluated.”¹⁵⁴

B. The Cruel Impact of DBI Sentences on Incarcerated Individuals’ Right to Family Lives

The cruelty of DBI sentences is further exacerbated by the impact that they have on an individual’s right to family life, which is protected by a number of international human rights treaties.¹⁵⁵ The Human Rights Committee has interpreted this right, in conjunction with the requirement under Article 10 of the ICCPR that incarcerated people be treated with dignity, to require that incarcerated people have the ability to maintain relationships with loved ones,

¹⁴⁷ Juan E. Méndez (Special Rapporteur on torture), *Rep. on Children Deprived of Liberty*, ¶¶ 37, 74, U.N. Doc. A/HRC/28/68 (Mar. 5, 2015); CAT, *US Concluding Observations 2014*, *supra* note 76, at ¶ 24.

¹⁴⁸ See, e.g., CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶ 34.

¹⁴⁹ *Vinter v. United Kingdom*, App. Nos. 66069/09, 130/10 & 3896/10, ¶ 113 (July 9, 2013), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-122664%22%5D%7D>.

¹⁵⁰ *Id.* at ¶ 114.

¹⁵¹ *Id.* at ¶ 122.

¹⁵² *Hutchinson v. United Kingdom*, App. No. 57592/08, ¶¶ 42-45 (Jan. 17, 2017), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-150778%22%5D%7D> (examining a presidential clemency process); *Murray v. Netherlands*, App. No. 10511/10, ¶ 99 (Apr. 26, 2016), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-9358%22%5D%7D>; *Matiošaitis v. Lithuania*, App. Nos. 22662/13, 51059/13, 58823/13, 59692/13, 59700/13, 60115/13, 69425/13 & 72824/13, ¶ 156 (May 23, 2017), <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-5727423-7273189&filename=Judgments%20of%2023.05.17.pdf>.

¹⁵³ *Vinter v. United Kingdom* at ¶ 111.

¹⁵⁴ *Id.*

¹⁵⁵ International Covenant on Civil and Political Rights, *supra* note 77, at art. 17; G.A. Res. 44/25, art. 9, Convention on the Rights of the Child (Nov. 20, 1989); Universal Declaration of Human Rights, *supra* note 77, at art. 12.

including family members.¹⁵⁶ However, empirical studies demonstrate that incarceration results in significant detrimental impacts on the relationships between incarcerated individuals and their families, and that lengthier sentences have worse impacts.¹⁵⁷ The testimonies attached to this letter demonstrate that DBI sentences can rupture family relations. This evidence raises serious concerns about whether a DBI sentence is compatible with international human rights protections on the right to family life, and whether the interference with this right through DBI sentences amounts to torture, or cruel, inhuman, or degrading treatment.¹⁵⁸

Extreme sentences affect the kids who grow up without us and the parents that will die without us at their side. Those sentences instruct our families that they should also sever their link to the human beings they love, nurturing it only exposes them to suffering.
– Carlos Ruiz Paz (sentenced to LWOP in California)¹⁵⁹

My mother had to dissociate herself from the thought of me. Once at visit in 2006, she sat across a table and told me: “Do you know when I think about you? When I have to write you, come see you, or send you money or packages. Other than that it’s too painful to think about you.”
– Nathaniel Criss (sentenced to LWOP in California)¹⁶⁰

There are also the not so obvious violations of my rights as a woman.... Not being able to fulfil my duty as a daughter to care for my Mother as she was dying, not to be able to hold her hand and tell her how much I love her, not being able to attend her funeral and grieve with others who loved her.
– Elena House (sentenced to 20-40 years in Pennsylvania)¹⁶¹

I have one living relative, my brother who is sixteen years older than me. I might not have the chance of parole and take care of him weights heavy on my heart each and every day.
– Suze Adams (sentenced to LWOP in California)¹⁶²

¹⁵⁶ Hum. Rts. Comm., *Communication No. 74/1980*, in Selected Decisions of The Human Rights Committee Under the Optional Protocol, ¶ 9.2, UN Doc. CCPR/C/OP/2 (1990). See also G.A. Res. 70/175, at rule 58 (Jan. 8, 2016); Klamecki v. Poland (No. 2), App. No. 31583/96, ¶ 144 (Apr. 3, 2003), https://www.stradalex.com/en/sl_src_publ_jur_int/document/echr_31583-96.

¹⁵⁷ See Simon D. Venema et al., *Paternal Imprisonment and Father-Child Relationships: A Systematic Review*, 49 *Crim. Just. and Behav.* 492, 507 (2022); Donald Braman, *Doing Time on the Outside: Incarceration and Family Life in Urban America* 37-87 (2004).

¹⁵⁸ In the immigration context, the NGO Physician for Human Rights documented the extensive psychological impacts of the separation of adults from children, which they concluded amounts to torture, and cruel, inhuman, and degrading treatment. See Hajar Habbach et al., “*You Will Never See Your Child Again*”: *The Persistent Psychological Effects of Family Separation*, Physicians for Hum. Rts., Feb. 25, 2020, <https://phr.org/our-work/resources/you-will-never-see-your-child-again-the-persistent-psychological-effects-of-family-separation/>; Brittney Bringuez et al., “*Part of my heart was torn away*”: *What the U.S. Government Owes the Tortured Survivors of Family Separation*, Physicians for Hum. Rts., Apr. 12, 2022, <https://phr.org/our-work/resources/part-of-my-heart-was-torn-away/>.

¹⁵⁹ Appendix at 9.

¹⁶⁰ Appendix at 27.

¹⁶¹ Appendix at 59.

¹⁶² Appendix at 33.

C. Minimum Standards to Ensure Meaningful Review of Prison Sentences and a True Opportunity for Release

As described above, a meaningful process for review and prospect for release for anyone serving a DBI sentence is essential to avoid a violation of the prohibition on torture and other cruel, inhuman, and degrading treatment. International human rights bodies have recommended certain minimum standards to guarantee a meaningful process for the review of criminal sentences and for release.¹⁶³

First, any review of a DBI sentence should examine an individual's progress toward rehabilitation and whether there are justifications for continued detention.¹⁶⁴ For this reason, the European Court has noted that “review limited to compassionate grounds is . . . insufficient.”¹⁶⁵

Second, the review of DBI sentences must be based on a sufficient degree of clarity and certainty to avoid arbitrariness.¹⁶⁶ To satisfy this requirement, the law must clarify when review of the sentence will take place and individuals must know at the outset of their sentence when they will be considered for release.¹⁶⁷ While international consensus is lacking on the maximum time period in which review of a prison sentence must take place, the Council of Europe Committee of Ministers recommended to member states in 1976 that “a review . . . of the life sentence should take place, if not done before, after eight to fourteen years of detention and be repeated at regular intervals.”¹⁶⁸ There continues to be strong support by criminal law experts for a maximum period of 10 to 15 years,¹⁶⁹ despite the fact that the European Court has in more recent years noted support for a longer maximum period of 25 years.¹⁷⁰

¹⁶³ See, e.g., CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶ 35; Hum. Rts. Comm., *Communication No. 1968/2010*, ¶ 7.7, U.N. Doc. CCPR/C/112/D/1968/2010 (Nov. 17, 2014) [hereinafter HRC, *Communication No. 1968/2010*]. See *infra* notes 164-176. for additional sources. For standards for review of death penalty sentences, see *Teleguz v. United States*, Case 12.864, Inter-Am. Comm'n H.R., Report No. 53/13 ¶ 116 (2013); *Hall v. United States*, Case 12.719, Report No. 28/20, OEA/Ser.L/V/II doc. 38 ¶ 79 (2020); *McKenzie et al. v. Jamaica*, Cases 12.023, 12.044, 12.107, 12.126 & 12.146, Report No. 41/00 ¶ 228 (2000); *Edwards v. Bahamas*, Case 12.067, Report No. 24/00, OEA/Ser.L/V/II.106 doc. 3 rev. ¶ 170 (1999).

¹⁶⁴ *Vinter v. United Kingdom* at ¶ 119; HRC, *Communication No. 1968/2010*, *supra* note 163, at ¶ 7.7; CAT, *Concluding Observations on Poland*, *supra* note 142, at ¶ 14.

¹⁶⁵ *Hutchinson v. United Kingdom* at ¶ 43.

¹⁶⁶ *Hutchinson v. United Kingdom* at ¶ 44; UN Crime Prevention and Criminal Justice, *supra* note 139, at ¶ 62.

¹⁶⁷ *Vinter v. United Kingdom* at ¶¶ 120–122; *Hutchinson v. United Kingdom* at ¶ 44; UN Crime Prevention and Criminal Justice, *supra* note 139, at ¶ 62(a); UN Off. of Drugs and Crime, *Handbook on Strategies to Reduce Overcrowding in Prisons 50* (2013). While the European Court has not prescribed a required time period after which review should take place, it “has noted clear support in the relevant comparative and international materials for a review taking place no later than twenty-five years after the imposition of the sentence, with periodic reviews thereafter.” *Hutchinson v. United Kingdom* at ¶ 44. See also CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶ 35.

¹⁶⁸ Council of Europe, Committee of Ministers, Resolution 76(2) on the Treatment of Long-Term Prisoners, ¶¶ 12 (Adopted by the Committee of Ministers on 17 Feb. 1976 at the 254 meeting of the Ministers' Deputies).

¹⁶⁹ In 2017, the American Law Institute recommended in the Model Penal Code—an influential model act drafted by criminal law experts in the United States—that legislatures enact laws enabling prison sentences to be reviewed within 15 years, and at regular intervals thereafter, to determine if resentencing is appropriate. Model Penal Code § 305.6(1) (Am. L. Inst., Proposed Final Draft 2017). The Sentencing Project has recommended that review occur between 10 and 15 years, and has also recommended limiting all criminal sentences to 20 years. Nellis, *No End in Sight*, *supra* note 9, at 6. Similarly, the Coalition to Abolish Death by Incarceration has demanded that parole review should take place after no more than 15 years. *About*, Coalition to Abolish Death by Incarceration, <https://cadbiwest.org/about/> (last visited June 17, 2022).

¹⁷⁰ *Hutchinson v. United Kingdom* at ¶ 44.

To satisfy the requirement of clarity and certainty, individuals must also know what they must do to be considered for release and the criteria for release.¹⁷¹ Ultimately, release must be based on objective criteria rather than on the nature of the offense committed or public pressure to be “tough on crime.”¹⁷² Those under review must be given the reasons for all decisions related to their review and release.¹⁷³

Finally, human rights bodies have also been concerned with the issue of the impartiality of review of sentences. The Committee Against Torture has required that all individuals serving life sentences have access to “an independent judicial mechanism” that is tasked with “periodically review[ing] the situation of such prisoners.”¹⁷⁴ The Inter-American Commission on Human Rights has also been concerned with issues of impartiality of review of sentences, and noted that if a “person vested with the power to commute [a defendant’s] capital punishment sentence is the same person who was in charge of his prosecution”¹⁷⁵ the right to be heard by an impartial authority is not met and is therefore in violation of Article XXVI of the American Declaration.¹⁷⁶

D. The Failures of Clemency and Parole in the United States

Once sentenced to DBI in the United States, an individual has limited opportunities for release. In some states, individuals serving LWOP have no access to the clemency process.¹⁷⁷ In other states, those serving LWOP can only be released or have their sentence reviewed through clemency processes.¹⁷⁸ Individuals serving other types of DBI sentences may have the opportunity to be reviewed by a parole board. However, as illustrated below, the procedures for both clemency and parole across the United States enable arbitrary and racially discriminatory decision-making and fall far short of what is required under international standards to ensure a meaningful prospect for review and release. Moreover, the actual numbers of those granted clemency or parole in the United States are vanishingly small, rendering DBI sentences *de facto* irreducible.

Absolute bars on clemency for those sentenced to LWOP in certain states: In several states, those who are sentenced to LWOP are categorically ineligible for clemency, directly contradicting international human rights standards. For example, in Nevada and Maine those serving LWOP sentences are ineligible for either a commutation or a pardon.¹⁷⁹ Similarly, in Kansas, the governor cannot commute an LWOP sentence, and it is unclear whether the governor can pardon someone serving an LWOP sentence.¹⁸⁰

¹⁷¹ Vinter v. United Kingdom at ¶¶ 120–122; Hutchinson v. United Kingdom at ¶ 44; UN Crime Prevention and Criminal Justice, *supra* note 139, at ¶ 62(a); UN Off. of Drugs and Crime, *supra* note 167, at 50; CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶ 35.

¹⁷² Vinter v. United Kingdom at ¶ 122. UN Off. of Drugs and Crime, *supra* note 167, at 50.

¹⁷³ Hutchinson v. United Kingdom at ¶ 59.

¹⁷⁴ CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶¶ 34–35.

¹⁷⁵ Teleguz v. United States at ¶ 116. *See also* Hall v. United States at ¶¶ 79–80 (describing U.S. federal clemency system as inadequate for reasons of partiality).

¹⁷⁶ Teleguz v. United States at ¶ 116; American Declaration of the Rights and Duties of Man, *supra* note 78.

¹⁷⁷ *See infra* notes 179–180.

¹⁷⁸ In the federal system, Pennsylvania, and Florida any life sentence imposed today is without the possibility of parole, and clemency is the only option for review or release for those serving any life sentences. *See supra* notes 29–31.

¹⁷⁹ Terrell Carter et al., *supra* note 4, at 357 (citing statutes). The bar in Maine can only be waived in exceptional circumstances.

Id.

¹⁸⁰ *Id.*

The inadequacy of federal clemency: The only recourse for release for those sentenced to life in the Federal system is through clemency. But the European Court and the Inter-American Commission have both concluded that the United States' federal clemency system does not satisfy minimum human rights standards. In *Trabelsi v. Belgium*, the European Court concluded that an extradition to the US where the applicant would face a life sentence constituted a violation of Article 3 of the Convention because US federal clemency powers were not based on objective, pre-established criteria that incarcerated individuals were aware of at the start of their life sentence and which analyzed whether continued detention was justified on legitimate penological grounds.¹⁸¹ Similarly, as described above, in the death penalty context the IACHR determined that the US federal clemency system “fails to guarantee the right to minimal fairness guarantees pursuant to Article XXVI of the American Declaration” because the federal pardon attorney, who is “vested with the power to commute [a defendant’s] sentence,” as well as the federal prosecutor, who is “in charge of [the defendant’s] prosecution,” both served under the US Deputy Attorney General.¹⁸²

The inadequacy of clemency in Pennsylvania:¹⁸³ The only legal recourse for release for those sentenced to life in Pennsylvania is through the two-step process of clemency.¹⁸⁴ But the clemency process in Pennsylvania fails to satisfy international standards because it lacks clarity, transparency, and independence. An incarcerated individual must first apply to the Board of Pardons¹⁸⁵ which has the authority to make recommendations to the governor for commutations of life sentences.¹⁸⁶ A unanimous vote by the Board is required for any recommendation to the governor in the case of life sentence.¹⁸⁷ But contrary to international standards, there is an overall lack of clarity on what is required for someone to be eligible for clemency.¹⁸⁸ Clemency decisions are also highly discretionary and lack transparency: the Board of Pardons and the governor are given full discretion over whether to grant clemency; they do not have to give a reason for their decision; and there is no judicial review available to those who are not granted clemency.¹⁸⁹ Finally, as in the federal system, the Pennsylvania system also presents issues of

¹⁸¹ *Trabelsi v. Belgium*, App No. 140/10, ¶¶ 136-137 (Sept. 4, 2014).

¹⁸² *Hall v. United States* at ¶¶ 79-80.

¹⁸³ The systems in Pennsylvania, California, and New York were selected as examples in this section given the signatories' expertise. For an international human rights law assessment of the clemency systems in other states, see Terrell Carter et al., *supra* note 4, at 357-367.

¹⁸⁴ Pa. Const. art. IV, § 9; *see also* Clemency Applications, Pa. Bd. of Pardons, <https://www.bop.pa.gov/application-process/Pages/clemency.aspx> (last visited June 30, 2022).

¹⁸⁵ The Board consists of five members including the Lieutenant Governor, who chairs the Board; the Attorney General; and three members appointed by the Governor, including a crime victim; a corrections expert; and a doctor of medicine, psychiatrist, or psychologist. Pa. Const. art. IV, § 9; *see also* History of the Board of Pardons, Pa. Bd. of Pardons, *supra* note 184.

¹⁸⁶ Pa. Const. art. IV, § 9; *see also* Clemency Applications, Pa. Bd. of Pardons, *supra* note 184.

¹⁸⁷ Pa. Const. art. IV, § 9; *see also* History of the Board of Pardons, Pa. Bd. of Pardons, *supra* note 184.

¹⁸⁸ The Pennsylvania Constitution and regulations governing the Board do not establish minimum eligibility requirements in order to apply for executive clemency, and while it does list some factors it considers on their website, the list is not binding, is “by no means exclusive,” and is “not applied by every Board Member in every case.” Each of the five Board members is “free to rely upon the information that he/she feels is the most important both in deciding to grant a public hearing and in deciding to recommend clemency.” Factors Considered by the Board, Pa. Bd. of Pardons, <https://www.bop.pa.gov/application-process/Pages/Factors-Considered.aspx> (last visited July 1, 2022).

¹⁸⁹ *Matiošaitis v. Lithuania* at ¶ 170 (stating that since “under Lithuanian law, neither the Pardon Commissioner nor the President of the Republic [was] bound to give reasons why a life prisoner’s pardon plea has been refused,” the decision was not subject to judicial review, and could not be challenged by incarcerated individuals directly, the law was a violation of Article 3 of the European Convention).

impartiality: the Attorney General, who oversees prosecutors, is guaranteed a spot on the Board of Pardons whose recommendations to the governor must be unanimous.¹⁹⁰

Pennsylvania's track record in actually granting commutations also suggests that any DBI sentence where clemency is required before release is possible is not *de facto* reducible.¹⁹¹ Before the 1980s, there was a practice of commuting several dozen life sentences a year.¹⁹² Since then, and particularly in the 1990s, tough-on-crime policies led to commutations grinding to a near-halt.¹⁹³ For example, 251 life sentences were commuted by the governor in the seven-year period between 1971–1978, while only 6 were commuted in the 20-year period between 1995–2015.¹⁹⁴ Thanks partly to the work of advocates, in his seven years in office the current governor has commuted a total of 53 people: an average of 7 life sentences per year between 2015–2022.¹⁹⁵ These drastically varying numbers suggest the arbitrariness of the Pennsylvania clemency system.

The inadequacy of clemency in California: Individuals serving DBI sentences in California, including LWOP sentences, can seek a commutation from the governor.¹⁹⁶ But the clemency process, which includes commutations, in California does not meet international human rights standards because it is highly discretionary, lacks transparency, and lacks clarity. The Board of Parole Hearings is authorized to make recommendations to the governor at any time regarding applications for a commutation.¹⁹⁷ But ultimately, the governor is given full discretion to grant a reprieve, pardon, and commutation “on conditions the governor deems proper.”¹⁹⁸ Like in Pennsylvania, there is significant opaqueness once decisions are made: neither the Board of Parole Hearings nor the governor is required to inform the applicant of the reasons for denial, and there is no judicial review of a denial of the commutation application.¹⁹⁹

The unpredictability of commutations in California renders any sentence that can only be reduced through a commutation *de facto* irreducible. For example, Governor Jerry Brown issued only one commutation when he was governor between 1975–1983, but—thanks partly to the work of advocates—granted 283 commutations when he was governor again between 2010–2018.²⁰⁰ Governor Davis granted no commutations between 1999–2003,²⁰¹ Governor

¹⁹⁰ Board Members, Pa. Bd. of Pardons, <https://www.bop.pa.gov/Board-Information/Pages/Board-Members.aspx> (last visited June 30, 2022); The Process, Pa. Bd. of Pardons, <https://www.bop.pa.gov/application-process/Pages/Process.aspx> (last visited Jun 30, 2022).

¹⁹¹ See Matiošaitis v. Lithuania at ¶ 132 (reviewing actual numbers of pardons or commutations granted to determine whether there was a *de facto* prospect of release).

¹⁹² NYU Ctr. on Admin. Crim. L. The Demise of Clemency for Lifers in Pennsylvania I (2019), https://www.law.nyu.edu/sites/default/files/CACL%20Clemency%20PA_Accessible.pdf.

¹⁹³ *Id.*

¹⁹⁴ Commutation of Life Sentences, Pa. Bd. of Pardons, *supra* note 184.

¹⁹⁵ *Id.*

¹⁹⁶ Clemency – Commutations & Pardons, Off. of Governor Gavin Newsom, <https://www.gov.ca.gov/clemency/> (last visited June 30, 2022).

¹⁹⁷ Cal. Penal Code § 4812(b) (Deering 2022).

¹⁹⁸ Cal. Const. art. V, § 8.

¹⁹⁹ Cal. Penal Code § 4812 (d) (Deering 2022).

²⁰⁰ Ray Sanchez, *Outgoing California Gov. Jerry Brown Issues Christmas Eve Pardons and Commutations*, CNN (Dec. 24, 2018), <https://www.cnn.com/2018/12/24/us/california-jerry-brown-pardons/index.html>.

²⁰¹ California Restoration of Rights & Record Relief, Restoration of Rights Project, § II(F) (2020), <https://ccresourcecenter.org/state-restoration-profiles/california-restoration-of-rights-pardon-expungement-sealing/> (“The pardoning record of recent previous governors is as follows: Governor Schwarzenegger issued only 16 pardons during his two terms. Governor Davis granted none. . .”).

Schwarzenegger granted 10 commutations between 2003-2011, and Governor Newsom granted 91 commutations between 2019–2021.²⁰²

The inadequacy of clemency in New York: Individuals serving DBI sentences in New York, including LWOP sentences, can seek a commutation from the governor.²⁰³ But the clemency process in New York does not meet international human rights standards because it is highly discretionary, lacks transparency, and lacks clarity. New York remains one of the only states that has no independent advisory board to assist the governor in making decisions about clemency.²⁰⁴ While the Executive Clemency Bureau assists the governor’s office in receiving applications and compiling records, the governor is given unfettered discretion regarding clemency decisions and can commute a sentence in any way that they find appropriate.²⁰⁵ While the governor has issued clemency guidelines, meeting those guidelines does not actually guarantee clemency, and the governor’s discretion means that they can modify or rescind those guidelines at any time.²⁰⁶

New York’s track record in granting commutations also reveals the *de facto* irreducibility of DBI sentences in New York. While New York’s prison population has grown, clemency in the state has consistently declined. Clemency data obtained through Freedom of Information Act requests showed that there were on average 70 commutations granted *per year* between 1914 and 1924, while there were a total of 70 commutations granted in the 29 years between 1990 – 2019.²⁰⁷ Similarly, by the time he left office in 2021 after serving as governor for a decade, Governor Cuomo had granted only a total of 41 commutations.²⁰⁸

Inadequacy of parole nationwide: Those who are sentenced to LWP, a virtual life sentence, or those whose LWOP sentence has been commuted may be eligible for parole after serving a minimum sentence. But the inadequacy of parole processes in the United States deprives even those who may have the opportunity to go before a parole board a meaningful prospect of review and release. Advocates have documented a number of failures in the parole system across the United States, including the lack of due process and transparency during parole review, the lack of independent oversight and review of parole decisions, and parole boards’ overwhelming focus on the nature and severity of the individual’s offense instead of the steps that they have taken toward rehabilitation.²⁰⁹ As discussed in greater detail in section III above, these failures are

²⁰² Governor Gavin Newsom, Executive Report on Pardons, Commutations of Sentence, and Reprieves 4 (2019), <https://www.gov.ca.gov/wp-content/uploads/2020/02/Executive-Report-on-Clemency-2019-signed.pdf>; Governor Gavin Newsom, Executive Report on Pardons, Commutations of Sentence, and Reprieves 4–5 (2020), <https://www.gov.ca.gov/wp-content/uploads/2021/02/2020-Executive-Report-on-Pardons-Commutations-of-Sentence-and-Reprieves.pdf>; Governor Gavin Newsom, Executive Report on Pardons, Commutations of Sentence, and Reprieves 4 (2021), <https://www.gov.ca.gov/wp-content/uploads/2022/01/2021-Executive-Clemency-Report.pdf>.

²⁰³ Apply for Clemency, N.Y. State, <https://www.ny.gov/services/apply-clemency> (last visited June 30, 2022); N.Y. Const. art. IV, § 4.

²⁰⁴ NYU Ctr. on Admin. Crim. L., *supra* note 192, at 1.

²⁰⁵ N.Y. State, *supra* note 203.

²⁰⁶ State of N.Y. Executive Chamber, Guidelines for Review of Executive Clemency Applications 1 (2022), <https://doccs.ny.gov/system/files/documents/2022/01/greca-12-21.pdf>.

²⁰⁷ NYU CTR. on Admin. Crim. L., Taking Stock of Clemency in the Empire State: A Century in Review 1 (2020), https://www.law.nyu.edu/sites/default/files/CACL%20NY%20Clemency%20_3_4_A_Accessible.pdf (also illuminating that, “In 1928, Governor Al Smith granted 66 commutations from a total prison population of 7,819. Had commutations been granted at an equivalent rate in 2019, there would have been approximately 373; in actuality, there were two.”).

²⁰⁸ John J. Lennon, I Am Serving 28 Years to Life. Why Does One Person Decide if I Deserve Mercy?, N.Y. Times, Sept. 16, 2021, <https://www.nytimes.com/2021/09/16/opinion/prison-mercy-clemency.html>.

²⁰⁹ ACLU, False Hope, *supra* note 25.

further exacerbated by the fact that parole systems in the United States are racially discriminatory. The rates of parole grants also reveal the inadequacy of parole: in Florida, for example, only 0.05 percent of those who were eligible for parole between 2020 – 2021 were actually granted parole.²¹⁰

All in all, the United States are obligated under international human rights law to have clemency and parole processes that fulfill certain requirements. First, there must be a realistic possibility of release based on a regular review of an individual’s progress toward rehabilitation and whether there are justifications for continued incarceration.²¹¹ Second, the process for review must be clear and certain so as to avoid arbitrariness: incarcerated individuals must know at the outset when they will be considered for release, what they must do to be considered for release, and the criteria for release, which must be based on objective criteria.²¹² Third, those going through this review must be given the reasons for decisions related to their review and release.²¹³ And finally, the review must be conducted by an impartial judicial mechanism. These minimum standards are not being met in the United States, trapping individuals into a cruel DBI sentence that violates the international prohibition on torture.²¹⁴

VI. Death by Incarceration as an Arbitrary Deprivation of Liberty for its Failure to Serve any Legitimate Purpose

Sentences of DBI do not allow for true acts of atonement for a changed life, nor does it end in the healing process for those affected by these crimes.
– Sheena King (sentenced to LWOP in Pennsylvania)²¹⁵

The people we have harmed and their family members often feel a pain that will never go away because of actions we cannot take back. . . . Society is faced with having to help people overcome a loss that is impossible to restore. Extreme sentences have been the response to try to ease their pain. I would say unsuccessfully, from what I have experienced, extreme sentencing only amplifies and prolongs the suffering for everyone involved, it does not correct or rehabilitate.
– Carlos Ruiz Paz (sentenced to LWOP in California)²¹⁶

First and foremost the sentence suggests that human beings cannot change and should spend decades suffering inside of cages rather than receiving the sort of treatment needed to transform a person away from the criminal mindset. DBI sentences do not hold harm doers accountable for acts of harm; DBI sentences

²¹⁰ Fl. Comm’n on Offender Rev., 2021 Annual Report 8 (2021),

<https://www.fcor.state.fl.us/docs/reports/Annual%20Report%202021.pdf>.

²¹¹ HRC, *Communication No. 1968/2010*, *supra* note 163, at ¶ 7.7; *Hutchinson v. United Kingdom* at ¶ 42-43; CAT, *Concluding Observations on Poland*, *supra* note 142, at ¶ 14.

²¹² UN Crime Prevention and Criminal Justice, *supra* note 139, at 14, 16; UN Off. of Drugs and Crime, *supra* note 167, at 50; *Hutchinson v. United Kingdom* at ¶ 44; *Vinter v. United Kingdom* at ¶ 120; CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶ 35.

²¹³ *Hutchinson v. United Kingdom* at ¶¶ 50–52.

²¹⁴ CAT, *Concluding Observations on Netherlands*, *supra* note 142, at ¶¶ 34–35.

²¹⁵ Appendix at 117.

²¹⁶ Appendix at 9.

just hurt people who were probably deeply hurt before incarceration due to poverty and other forms of oppression caused by capitalism.
– David Lee (sentenced to LWOP in Pennsylvania)²¹⁷

Under international human rights law, any deprivation of liberty must be justified by legitimate aims and must be proportionate to those aims.²¹⁸ In the context of a deprivation of liberty through incarceration, while rehabilitation must be a central aim of the deprivation, human rights bodies have found that other legitimate aims for incarceration may include retribution, incapacitation, and deterrence.²¹⁹ But in addition to failing to serve the purpose of rehabilitation as described in section V above, DBI also fails to serve any of these other legitimate aims, resting instead on the political demand for harsher sentences.²²⁰

Retribution: International law accepts a limited form of retribution as a legitimate carceral aim.²²¹ However, DBI goes beyond what is accepted in international law for a number of reasons. First, as the European Court of Human Rights has noted, strong retributive justifications for incarceration diminish as a prison sentence goes on.²²² The Court has emphasized the “progression principle,” explaining that as a person moves through the course of their sentence, they progress from the earlier stages where “the emphasis may be on punishment and retribution” to the later stages where “the emphasis should be on preparation for release.”²²³ In other words, the longer the sentence, the less valid retribution becomes as a justification for continued incarceration.

Second, many DBI sentences are imposed mandatorily, which fails to consider individual responsibility. Such schemes therefore cannot be justified by the stated aim of retribution. Indeed, the International Criminal Court has stated, “[t]he principle of retribution, if it is to be applied at all in the context of sentencing, must be . . . made to fit the crime,”²²⁴ and that trial courts must observe “the over-riding obligation to individualise a penalty to fit the individual circumstances of the accused and the gravity of the crime.”²²⁵

Finally, while crime victims are often used as a justification for harsh, retributive punishments, they are not a monolith. For example, advocates in Pennsylvania have uplifted the experiences of “dual victims:” individuals, some of whom advocate for the abolition of DBI, who have lost

²¹⁷ Appendix at 49.

²¹⁸ Hum. Rts. Comm., General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, ¶ 6, U.N. Doc. CCPR/C/21/Rev.1/Add. 13 (May 26, 2004); Anand Grover (Special Rapporteur on the right to health), Rep. to Hum. Rts. Council in its Fourteenth Session, ¶ 5, U.N. Doc. A/HRC/14/20 (Apr. 27, 2010); Christof Heyns, *supra* note 118, at ¶¶ 55-65.

²¹⁹ HRC, *General Comment No. 21*, *supra* note 135, at ¶ 10 (noting the existing, though limited, importance of retribution as a legitimate aim); Anand Grover, *supra* note 218, at ¶ 5; Vinter v. United Kingdom at ¶ 111.

²²⁰ Working Grp. on Arbitrary Detention, *supra* note 5, at ¶ 61.

²²¹ Prosecutor v. Delalić, Case No. IT-96-21-T, Judgement, ¶ 1231 (Nov. 16, 1998) (“A consideration of retribution as the only factor in sentencing is likely to be counter-productive and disruptive . . . [r]etributive punishment by itself does not bring justice.”).

²²² Dickson v. United Kingdom, App. No. 44362/04 ¶ 28 (Dec. 4, 2007), <https://hudoc.echr.coe.int/eng-press#%7B%22itemid%22:%5B%22003-2204926-2350295%22%7D>.

²²³ *Id.*

²²⁴ Prosecutor v. Todorović, Case No. IT-95-9/1-S, Sentencing Judgement, ¶ 29 (July 31, 2001).

²²⁵ Prosecutor v. Delalić at ¶ 717.

loved ones to crime and also have a loved one serving a lengthy sentence.²²⁶ Additionally, the first-ever national survey on crime victims' views on safety indicates that most prefer shorter prison sentences and a criminal legal system focused on rehabilitation rather than retribution.²²⁷ As Marie Scott, who has been incarcerated for almost fifty years, explained: "Even one of my victim's family members wrote to me and literally apologized to me for being in prison this long for the part of her grandfather's murder I'm responsible for. She said she had no idea that they would give me this much time."²²⁸

International law echoes this sentiment. For example, a partially concurring opinion in *Murray* highlighted the ethical and legal limitations of basing an assessment of whether there are continuing legitimate penological grounds for incarceration on the victim or their family's view of "just deserts."²²⁹

Deterrence: Experts have questioned whether lengthy and harsh sentences serve as a deterrent to violence. This is due in part to the fact that most violence is not driven by individual pathology, but rather by poverty, inequality, experience of violence itself, and other underlying social issues.²³⁰ Additionally, most people do not have actual knowledge of criminal punishments, and many who are convicted are present-oriented and do not consider the punishment before committing the crime.²³¹ Indeed, in the context of the death penalty, U.N. Special Procedures mandate holders have acknowledged such sentences often fail to achieve their deterrent aims.²³²

Deterrence rationales are even more dubious in contexts such as felony murder and youth sentences. In the case of felony murder, most participants do not anticipate that anyone will be killed or that their actions could lead them to be sentenced to DBI, thereby negating any real prospect that such a sentence would cause a deterrent effect.²³³ Furthermore, as to youth offenders, even if they knew the potential punishments for their conduct—which is, again, very unlikely—most youth, in light of their ongoing social and neurological development, are "less capable of even engaging in and acting on the rational calculus required for DBI sentences to have a deterrent effect."²³⁴

Incapacitation: DBI sentences also fail to serve the purpose of incapacitation because

²²⁶ Elizabeth Hardison, These Crime Victims Have Lost Loved Ones to Murder — And to Prison. That's Why They Want to End Life Without Parole in Pennsylvania, Pa. Cap. Star, Aug. 27, 2019, <https://www.penncapital-star.com/criminal-justice/these-crime-victims-have-lost-loved-ones-to-murder-and-to-prison-thats-why-they-want-to-end-life-without-parole-in-pennsylvania/>.

²²⁷ All. for Safety and Just., Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice 5 (2016), <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>.

²²⁸ Appendix at 80.

²²⁹ *Murray v. Netherlands* at ¶ 19.

²³⁰ See Special Rapporteur on extrajudicial, summary, or arbitrary executions et al., letter dated Mar. 1, 2022 from the Special Rapporteur on extrajudicial, summary or arbitrary executions et al. to the Office of the High Commissioner for Human Rights, at 6–7, U.N. Doc. USA 12/2021 (Mar. 1, 2021) [hereinafter Letter dated Mar. 1, 2022 to the OHCHR].

²³¹ Cozzens & Grote, *supra* note 60, at 43.

²³² Letter dated Mar. 1, 2022 to the OHCHR, *supra* note 230, at.

²³³ See Cozzens & Grote, *supra* note 60, at 43 (citing Paul H. Robinson, *Life Without Parole Under Modern Theories of Punishment*, in *Life Without Parole: America's New Death Penalty?* 138, 140 (Charles J. Ogletree, Jr. and Austin Sarat eds. 2012)).

²³⁴ Cozzens & Grote, *supra* note 60, at 43. See also Laurence Steinberg et al., *supra* note 62.

recidivism rates drop as people age,²³⁵ and recidivism rates are very low among those who have served DBI sentences.²³⁶ This means that the United States is using DBI to keep people in prison even though they are unlikely to commit a crime if released. Relatedly, studies also show that prison sentences are actually unlikely to reduce re-offending.²³⁷

VII. Conclusion

The signatory organizations respectfully submit this letter alleging that the United States' policies, laws, and practices of sentencing individuals to DBI violates numerous international human rights. The signatories urge the Special Procedures to conduct an investigation into the serious human rights violations described in this submission, raise them with the U.S. government, and find that:

1. All death by incarceration sentences in the United States, including LWOP sentences, are cruel in violation of the international prohibition on torture; racially discriminatory; an arbitrary deprivation of liberty; and violate incarcerated individuals' right to life, family life, dignity, and liberty disproportionately on the basis of race;
2. The United States should abolish all DBI sentences, including LWOP sentences;
3. The United States should adopt maximum sentencing laws to end the imposition of "virtual life" and other lengthy or indeterminate sentences;
4. All prison sentences must include parole eligibility within a determined number of years;
5. All those eligible for parole should be released at their eligibility date, unless there is an evidence-based determination, through a process that meets international human rights standards, that the individual poses a current and real threat to public safety based on recent conduct in prison.

Respectfully submitted,*

Abolitionist Law Center
Amistad Law Project
Center for Constitutional Rights

²³⁵ Ashley Nellis, The Sentencing Project, A New Lease on Life 8 (2021), <https://www.sentencingproject.org/wp-content/uploads/2021/06/A-New-Lease-on-Life.pdf> [hereinafter Nellis, A New Lease on Life]; US Sentencing Comm'n, The Effects of Aging on Recidivism Among Federal Offenders 3 (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

²³⁶ Nellis, A New Lease on Life, *supra* note 235, at 4, 14, 17. Instead, research shows that any crime reduction benefits that incapacitation might have are limited to non-violent property crime. Don Stemen, Vera Inst. of Just., The Prison Paradox: More Incarceration Will Not Make Us Safer 2 (2017), https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf. In particular, recent studies demonstrate that individuals convicted of murder are "extremely unlikely" to kill again once released to parole. John L. Anderson, *Recidivism of Paroled Murderers as a Factor in the Utility of Life Imprisonment*, 31 Current Issues in Crim. Just. 255, 261 (2019).

²³⁷ Damon Petrich et al., *Custodial Sanctions and Reoffending: A Meta-Analytic Review*, 50 Crime and Just. 353 (2021). Studies have also found that incarceration may increase crime in some circumstances, particularly in states and neighborhoods with high rates of incarceration. Don Stemen, *supra* note 236, at 1.

California Coalition for Women Prisoners
Drexel University Thomas R. Kline School of Law, Andy and Gwen Stern Community
Lawyering Clinic
DROP LWOP Coalition
Release Aging People in Prisons
The Sentencing Project
*Research and technical assistance provided by the International Human Rights Law
Clinic, University of California, Berkeley, School of Law

Additional Signatories

1Hood Power
Allard K. Lowenstein International Human Rights Clinic at Yale Law School
American Civil Liberties Union (ACLU)
American University Washington College of Law, International Human Rights Law Clinic
Cornell Law School International Human Rights Clinic
Critical Resistance
Coalition to Abolish Death By Incarceration – Delaware County
Ella Baker Center
Fair Chance Project
Families United to End LWOP - FUEL
Felony Murder Elimination Project
Healing Communities PA
Let's Get Free: The Women and Trans Prisoner Defense Committee
Post-Conviction Justice Project at the University of Southern California Gould School of Law
Right 2 Redemption
Silicon Valley De-Bug
Spirit of Mandela Coordinating Committee, National Jericho Movement
Students for Abolition, Liberation, and Transformation at Haverford University
Survived and Punished NY
The Center for Justice at Columbia University
USC International Human Rights Clinic

APPENDIX

(A) STATEMENTS FROM CALIFORNIA

Name	Page
1. Alvin Ronnel Ross, sentenced to LWOP	2
2. Bee Vue, sentenced to LWOP	4
3. Brian Dotson, sentenced to LWOP	6
4. Carlos Ruiz Paz, sentenced to LWOP	9
5. Daniel Rose, sentenced to LWOP and 25 to life	12
6. Danny Guitierrez, sentenced to LWOP	14
7. Eileen Huber, sentenced to LWOP	16
8. Ernie Mora, sentenced to LWOP	18
9. Alfredo "Freddie" Hernandez, sentenced to LWOP	20
10. Joe Hernandez, sentenced to LWOP	23
11. Malinda Jones, sentenced to LWOP	26
12. Nathaniel Criss, sentenced to LWOP	27
13. Steve Clark, sentenced to LWOP	30
14. Suze Adams, sentenced to LWOP	33

March 26, 2022

Mr. Alvin Ronnel Ross, C-11519

[REDACTED]

[REDACTED]

RE: LWOP - EXTREME SENTENCING SECOND STORY

Dear Ms. Pokharel,

In the year of 1978, when I was a young man at the prime of my life while having achieved a bit of success in life after a plethora of set-backs and difficult struggles, to include racial physical fights in the U.S. Military Army which was difficult for me to process because we were not suppose to be each others enemy because of skin color.

Later, upon having two good careers in working for the City and the Government, having a nice house, car, etc., with my wife and step-daughter, it did not come without an unexpected cost of pain, sorrow, and severe sadness, as I discovered that I needed help but didn't know where to obtain it (perhaps that was the burden of being young and naive). My problem was unfortunately getting involved with the use of drugs to make a deep embedded pain go away, this only aided problems to become worse and tainted my caliber as a strong man that I have always been. I slipped and allowed myself to become vulnerable and weakened by it, while struggling to stay as strong as possible, plus keep my problem in the shadows to spare myself embarrassment.

Then the worse day of my life emerged just when I didn't think it could get any worse. Intruders were breaking into my home, unannounced and not knowing who it was, plus becoming fearful for the life of my girlfriend and myself I acted with my military training to keep us safe as possible and alive, only to discover that an egregious tragedy and mistake had been made, costing me my life in another manner, the life of another human-being, and the negative affect that it had on several other people, to include my own family.

While fighting the Death Penalty, I was given an LWOP sentence instead, to me both were the same, as it meant "Die in Prison One Way or Another." The survival rate in prison was higher because in order to live I had to avoid a jungle of serious Serpents on both sides of the fence (those in green and blue uniforms).

In short of this story, I survived year after year watching my entire life fading by as my family died off to where I am now alone, my wife abandoned me in 1985, as she listened to her relatives tell her I was never getting out or coming back and she needed to move on with her life, my daughter was raped at the age of 12-years old by a boyfriend of my ex-wife leaving my daughter mad at me because I was not there to protect her, which still hurts to this day and making me more alone.

I went through the hell of several prison race riots wars and even received a Laudatory Chrono of Exceptional Assistance for stopping one, but because I'm an LWOP, it is not acknowledged under any form of Rehabilitation Standard. I had been previously poisoned by officers in the county jail, where a Mexican nurse saved my life as she refused to let me die on her watch regardless the outcome. I saw many stabblings over the years, suicides, even a guy cut off his own testicles, gave it to an officer in a milk carton stating "yall done took everything else, you might as well take these too." The officer went out on sick leave!

Of course in the are of survival I had my share of fights, LWOPS are rarely messed with because they are actually dead men walking due to the sentence. Prison is brutal, worse then the military in many respects. As an LWOP, exclusively, I'm made to feel less human with no love, no life, no progressive redemption, no family, no avenue for a second chance to freedom, I can only hope and pray for advocate organization and friends to make a hopeful difference to change the face of the draconian law that unjustly confines many of us largely due to color and ethnic as first time offenders and by the grace of God I keep pushing forward while trying to maintain my sanity as best I can, as I have learned that "Only the Strong Survive and Remain Alive, the Weak Inherit the Earth."

Respectfully Submitted,



Mr. A. Ronnel Ross
LWOP Prisoner, 45-Years

cc: as needed

Dear, Mr Proctor

First of all I just want to say Thank you for what your doing for us Lwop. We all are really hoping and praying that something will happen this year. So many of us are waiting patiently and are working really hard to just be given a chance to see the board to show our growth and how we changed. Pertain to the questions at hand.

The sentence of Lwop has taken all hope frome me, just waking up and knowing that your never getting out of prison is devastating, it slowly drains the hope and life out of us.

It's like being buried alive. The most painful thing is knowing that hope of going home is so slim and yet we still try for our family and loved ones. The sentence affected my family greatly, they have been doing my time with me since day one knowing that I was sentence to a slow agonizing death and never gonna get out. My family was sentence with me.

The only unfair unjust I felt is the law, it seems like it was made for us minority poor members of society, for those of us who had victimized and traumatic background, who grew up in the system never had a fighting chance. As we all know the California prison system is 90% minority, people of colors.

The other thing is lifers are given the chance now to go to the board for a youth hearing, and I would like to see that for us Lwop and youth death penalty inmate also. Not to be release just a chance to show our growth and change. To be given the same chance as a Youth lifer,

The changes I would like to see happen is a second chance, a little hope for those who have change, for those who came in the system as teen and young adults, who are now men's, fathers and grandfathers who just wants to get back to their families. The ones that are rehabilitated and learn from what they did, and has change.

I would like law makers to know that as humans we make mistakes and we learn, many of us have change, decision making, values to morals and beliefs. Everyone was young once and makes stupid decisions that impact so many lives, anyone with a son or daughter please have mercy on Lwop and death penalty youth. There are some of us that been down since 18, 19, 20, we can't even buy beer but can be ship off to war or sentence to death.

I would like to see changes, just please consider the fact that people do change and grow. I would like Law makers to give youth Lwop and Death penalty a chance to show growth and see the BPH. Just a little hope for the young and youth. For the first time in many years I see so much hope come alive in so many Lwop. I just want to say, Thank you!

Sincerely: Bee Vne F72547

Thank you again!

3-28-22

Hello Astha Shazma Pokharel,

I received your JPay letter today. It is truly a blessing, knowing that we LWOPs have thousands of people out in the real world fighting for us. I am humbled. Thank you all.

My story is like so many others who are incarcerated seeing life without the possibility of parole being punished for not just the crime I committed, but the traumas that the adults at that time refuse to acknowledge, traumas, they simply ignored.

I murdered Keisha Brown why? I was a ticking time bomb. Traumatized by what my mother was being subjected to. She was a young mother being her best. She didn't deserve to be abused. She didn't deserve to be humiliated, disrespected, and treated as if she didn't matter. I was my mother's biggest fan. Until I started being physically abused. NEVER EVER told why. I am 48 years old, I still don't know. The abuse definitely played a huge role in my mistreatment of women. Today I have insight. I am willing to tell my story, to anybody who is willing

to listen. Because of the pain I
caused The BROWN'S family, I was
inspired to create my own Domestic
violence self help group. Here at
CALIFORNIA state prison. which I am
going through the steps of getting this
self help group approved, I have
gotten passed the shame. I know
there are people on these prison
yards, that are trying to deal with their
traumas the best way they know how.
Creating this group is my way, one of
the ways I plan on giving back.
to help those who were abused, who
were the abusers, or witness to this
behavior. I do this for women like
my mother. I do this for Keisha Brown.
I do this, because it is the right
thing to do. you have my permission
to use anything that I said you guys.
I will continue programming, staying
positive, focused, living around.

Sincerely
BRIAN Deemel Dotson

ALIVE, BUT CONDEMNED

There has been a lot of chatter, and positive conversations, being had, about the forgotten. Who are the forgotten? The forgotten are the LWOP's. A group of prisoners who are discriminated against. Who reside in a country that have laws that protect its citizens against discriminatory practices, but not LWOP's. The science says the brain isn't fully developed till the age of twenty-five. ~~was twenty-five~~. I was twenty-two when I committed an awful crime of murder. I would think I, we, would have been the first ones these doctors, these scientists. Would have observed a lot closer. Alive, but condemned. The way I do my time, you wouldn't think I had life without the possibility of parole. At 48, I still workout. I stay positive, I stay focus, and I continue to be motivated to improve me. When are you getting out of there? How do I respond? My response is they're letting us out. I mentioned staying focused sometimes it is not always easy. Especially, when you know you ain't got shit coming. Remaining the optimist. I also understand, I could NEVER, make it out of here. The anxiety, days where you feel like, "damn." Has anybody paid attention to Brian Dremel Dotson? Because you will know I am not the twenty-two year old impulsive, impatient, arrogant, disrespectful, irresponsible, rebellious, hard-headed kid. Yes, a kid. At twenty-two, I had the mindset of a teenager. As an LWOP I, we, could be used in a way that can benefit society, communities, even the world. If California is serious about prison reform, allow us to fully be a part of that process.

Thank you!

Brian Dremel Dotson

I am not a politician. I see how we have become a tool for a politician who is pushing tough on crime bills. As Pete Wilson, Gray Davis, and rest of them. How did that work?

IN SHALLAH. When I get out. Social work.
Being a mentor. working with kids is
my calling

CARLOS RUIZ PAZ BCG420

MAY 2, 2021

To Whom it may concern:

I am writing to express my thoughts and feelings about the effects that extreme sentencing, such as life without parole, has on our society as a whole. In order for the Department of Correction and Rehabilitation to serve its intended purpose to society, it should strive to effectively rehabilitate and correct the thinking and behavior of the individuals in its care. There is no incentive to make the effort and work toward positive transformation for the person who will spend the rest of their life behind concrete and steel away from the view of society. There is little benefit for an institution to spend resources and time rehabilitating a person who will never be ~~be~~ a part of society again. Having no possibility of parole undermines the department's mission to correct and rehabilitate. It would make a great impact if the CDCR could actually return people to society who have willingly done honest self-improvement work and who have shown themselves to be genuinely capable of being a positive asset to their communities and who have spent their time training to do so.

Something is seriously wrong in the life of a person who can disregard the rights of others and allows himself to act out violently against others. Prisons serve that legitimate purpose to separate individuals like that from the rest of society. The great remains, however, that whatever offenses a person is responsible for, they remain a human being that is still linked to society through family ties.

and other relationships, once a person is isolated in a controlled environment, society through its legal authority has the power to either nurture or sever that link with this person. A sentence of life without the possibility of parole declares that a person is irreparably damaged without hope of redemption. extreme sentences affect the kids who grow up without us and the parents that will die without us at their side. those sentences instruct our families that they should also sever their link to the human beings they love, nurturing it only exposes them to suffering.

The people we have harmed and their family members often feel a pain that will never go away because of actions we cannot take back. Their desire for us to suffer or to be punished is understandable. Society is faced with having to help people overcome a loss that is impossible to restore. extreme sentences have been the response to try to ease their pain. I would say unsuccessfully, from what I have experienced, extreme sentencing only amplifies and prolongs the suffering for everyone involved, it does not correct or rehabilitate.

I think it would benefit society to learn from each of our lives, to see where they went wrong, and to prevent others from repeating our errors. to tap into the values we still possess even after decades of imprisonment and see how we can contribute something of worth, when we are allowed to stop being defined by the transgressions of our youth and when we have hope of making up for the destruction we've caused, it can unlock purpose and creative potential to our lives. any path that can be created for us to make ourselves fully accountable for our past conduct and responsible for our current behavior

Toward being useful to society again
is welcomed. The possibility of parole one
day affords hope that we may be deemed
suitable to be able to make amends for
all the suffering we are responsible for
and that we are still working to be part
of society once we are ready.

Sincerely,

Carlos Ruiz Paz

5.3.21 (1)

Mr. Dax Proctor,

My name is Daniel W. Rose and I'm serving a life w/o Parole sentence, plus 25 to life. This sentence has severely affected myself and my family. I understand that our being affected can not be compared to that of my victim and his family; at the same time, this sentence that offers no hope for redemption has put my family - mother, father, brothers, sister, etc. - through much emotional and mental turmoil. Also, I'm now seeing how those who were young (5 and under), and those who were not born are suffering also. Those who love me, especially my parents live every day with the fear of dying, and leaving me alone to die in prison.

My paradigm shift came in 2007. I left the gang, criminal lifestyle, and stopped using drugs. Since that time I've accomplished much, including but not limited to graduating a 4 1/2 year ministry school, this summer I will graduate with an A.A., and I became a certified Alcohol and Other Drug Counselor with the state of California through the O.M.C.P. program. With that being said, my sentence prevents me from going to the B.P.H. to show my change, and be considered for parole suitability like many others prisoners that were convicted of murder but were given years with the possibility of parole for myself, this is an unfair practice in that others that have the same, or similar crimes are afforded a chance at redemption while myself, and my peers serving LWOP are not. I believe in Justice, but it seems that when it comes to extreme sentencing it's more about vengeance which is unjust. The problem.

15

with my experience is that not only was I a youth when I committed my crime, but I also came from an abusive, troubled home with generations of gang members and drug addicts. I became what my family, and community molded me to be. I take full responsibility for my actions; but at the same time, I understand my actions were rooted in the modeled behaviors, beliefs, and values I adopted from my family and the culture. And now that I've changed, and am educated, I am unable to experience life in society as a law abiding citizen.

I would like to see second chances, and more opportunities at redemption be given to those that have changed, that have addressed their treatment needs, and have shown a lifestyle pattern that reflects the changed person - especially for youths and juveniles. Sentencing should be equal, and the lengths of sentences should reflect the American idea that we are a merciful nation of second chances. I would like to recommend an approach that addresses the reasons why people commit crimes (why they join gangs, why they rob and steal, why they react violently) but supplementing the lock them up and throw away the key attitude with one of therapy, and treatment that provides people with a new outlook on life, and new healthy appropriate ways to cope and deal with life. Thank you for your time.

Sincerely, Daniel W. Rose

3-23-22

My name is Danny Gutierrez, I am serving LWOP for murder/robbery. I was 22 yrs. old when I committed this crime, today I am 48. The scope and magnitude of my crime has made countless victims. The most powerful, the life of a man that did not deserve to die. I will not say that my sentence was unfair, I understand today there is no amount of time that can undue the pain I have caused.

When I came to prison I actually did not have any hope of ever getting out and became very self destructive. I gave up, I lost all contact with the outside world. I destroyed all my family relations. In 2016 I began to hear about youth offenders and the science behind it. For once, I seen some light at the end of the tunnel. I knew that if there was a chance for me, I could not get out the same person that had committed these crimes.

That light, that hope alone has changed me. Today I love any self help groups, I am 4 credits away from getting my college degree - AA. I've rebuilt family connections, I married the love of my life. That hope saved my life, saved me from myself. I'm truly ready to come home, but none of the laws allow me to go to the parole board. The science says my brain was not fully developed, in California I should qualify as a youth offender but because I am sentenced to LWOP I am discriminated against. Statistics show I would not ever repeat an offense. The recidivism rate for me is 1%. I've served 26 years, yet I don't have the opportunity to go to

the parole board.
What's the difference between my sentence and death row? I have a family that needs me, today I am a husband, I have 3 children, 1 grandchild, I have family support and resources to find work I would love to help others like myself to find their light and change their lives. I'm passionate about change. I know that if I can change, any one can. Please help our voice reach those that can help change this death sentence called LWOP. Give us a chance to show that we have done the work to go home. How could society have no compassion or empathy for an ignorant 22 yrs. old young adult that ^{had} emotional and mental trauma his whole life. Why are these crimes committed? How come my story isn't taken under consideration? How come society doesn't care about LWOP's? The humanity, where has it gone? Imagine you were defined by society for the worst mistake of your life? Our Father God sent His son Jesus to this earth. As Jesus was nailed to that cross and hung there, He asked His Father to please forgive man for they know not what they do. He bled on the cross and His only worry was for us to be forgiven. That my fellow man is what this day and age has lost. Compassion and humanity. I advocate for those who truly have changed and can make a difference. This is truly God's work... I love you all. I believe God will touch our lives. Please stand with us today. Thank you for your time. Peace be with you!

Dear Dax Proctor,

My name is Eileen Huber and I am currently an LWOP. I have been in custody over 30 years. In that time, my Father died, my mother died and my only sibling died. I only had one family visit before they were taken away from lifers and LWOPs. Being sentenced to LWOP meant living with the reality that the state expects me to die in prison. I was arrested a few months after I turned 19 years old. I arrived to prison and turned 20 years old with no hope of leaving prison. I had not taken life but I did not have the bravery to attempt trying to stop someone I loved from killing. This was my reality.

For the next few decades I did not even attempt to have hope. Losing the last of my family made me wonder what freedom would ever look like. I knew I wanted it, so I began my journey to discover who I am and what I want from life. This journey taught me that I do want a life but also taught me that I have a lot to give. I have matured into someone who is reliable, self-accountable, and able to have independent thought.

Over the years I have completed every step on the rehabilitation roadmap. At the conclusion of each class I get a reminder that I will receive no credit because I am an LWOP. I tried to move to the

prison down south to be closer to friends and maybe get visits. I'm ineligible because I'm an LWOP. I tried to apply for Joint Venture when it was here but told no. I am ineligible because I am an LWOP. The juvenile law changed acknowledging that the human brain is not mature at 19 and that is before its growth is stunted by drugs. That fact does not matter if your an LWOP. Could hit and high risk medical was considered for release but not LWOPs. 1170 (d) considered people for review of their changed life but LWOPs are not eligible. If I get sick and am about to die, I cannot apply for compassion release because I am an LWOP.

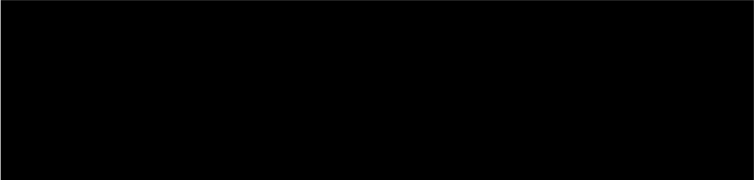

A sentence should not change facts. If I am a juvenile offender that is a fact. If I can prove rehabilitation, that's a fact. If I'm low level, I should be able to transfer. I want to see LWOPs receive all the same rights and privileges as lifers.

I recommend to lawmakers that they make laws that sees people. They change, they grow, they mature, they learn and they feel. This includes LWOPs.

Eileen Huber

April 12, 2022

California Inst. for Men
Ernie A. Mora



Mrs. Pokharel:

I am writing in the hopes of being added to the list of names of those serving a Life Without Parole sentence. I am an inside the walls member of F.U.E.L. (families united to end L.W.O.P.) and I am very familiar with the Drop L.W.O.P. coalition. However, I just heard of the work you and your group are doing and I definitely want to be a part of the fight with you. here's something I've written for you to share;

I am an Incarcerated person who has been serving a Life Without Parole sentence for the past 29 years. At the age of 23, I participated in a robbery which caused the death of another human being. There is no way to really explain the horror that comes from knowing you are responsible for the most precious thing that a person has, which is, LIFE. I was not armed, nor did I intend for anyone to be killed, but I was a participant in a robbery which laid the basis for the loss of a life.

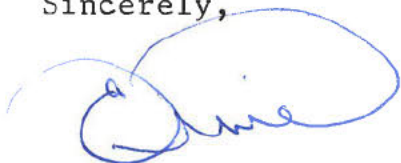
During the time of my Incarceration, I've learned to take responsibility for my actions and have taken meaningful steps towards my rehabilitation. For one who has not been impacted by a life without parole sentence, It is difficult, If not impossible to understand the magnitude of the cruelty behind this Death by Incarceration sentence. It is complete and utter deprivation of hope. It means that no matter the extent of rehabilitation, remorse, and real change a person makes, a person like myself will never have a chance to go before a parole board and demonstrate that an end to my Incarceration is appropriate and consistent with the interests of justice and public safety.

L.W.O.P. is a government-imposed death sentence, a sentence which will only

cease with the end of life itself. Now, I want to believe that Justice demands MORE than just locking up a human being and throwing the key. I am really not seeking a get out of jail free card, I'm only asking for the opportunity to earn my way out of prison. After nearly three decades in prison, my hope is that others would deem it reasonable to take a second look at Public Safety on a case by case basis.

Thank you so much for you time. I look forward to hearing from you and the group.

Sincerely,

A handwritten signature in blue ink, appearing to be "D. J. [unclear]", written in a cursive style.

April 30, 2021

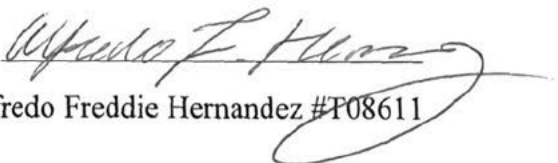
Dear Dax Proctor,

Greetings, my name is Alfredo Freddie Hernandez and I am writing in regards to the problems of extreme sentencing and a recommendation for a solution. I am serving a Life without Parole sentence I received when I was 22 years old (I was actually 20 years of age when I committed the murder). I am not the same person I was when I committed the crime of murder. I was a selfish individual with a warped sense of ideologies that I inherited from my so-called friends. Now that I am forty three years of age I know who I am and who I am not. I have taken a deep look into my character defects and I have replaced those negative attributes with positive characteristics such as empathy, compassion, and altruism to name a few. I have completed multiple self-help courses that I use as tools in my daily interactions with people and how I view life in general. Along with these accolades I have also attained my A.A. degree in Sociology from Imperial Valley College, Imperial Valley, California, graduating with Distinction(3.89 GPA)

The reason why I am sharing this with you is because change is possible; I am a prime example of it! I took a life and I cannot undo my horrific deed, yet, to deem me un-repairable and un-capable of redemption is a far cry from the actual truth. I believe most people are capable of change and I believe that those of us who were sentenced to Life Without Parole should be given a chance at proving themselves a healed individual in front of a Parole Board panel. The Life Without Parole sentence should be done away with and everyone serving this sentence should be given an opportunity to demonstrate who they are now in comparison to who they were when they committed their crime; this of course is contingent with the individual putting in the work to rehabilitate him/herself after a set amount of years (15 years is long enough for an

individual to create change). I don't believe anyone should get a free pass especially if one has committed the crime of murder, but I also don't believe anyone should be deemed unredeemable thus should spend the rest of their natural life in prison. Life Without Parole is a death sentence and two wrongs don't make a right especially if change does occur and manifest itself when a person is truly seeking change. Again, I took a life and if you asked me what is unfair about my sentence I will tell you absolutely nothing is wrong with my sentence, I took someone away from their family forever, however, what is unfair is not being afforded an opportunity to demonstrate to a parole board I am not the same person I was when I murdered Mirna Regollar. Please consider revamping the Life without Parole sentence so that those who have committed their life to a living amends can be given a chance to present themselves to a parole board and possibly be granted a second chance at freedom. Thank you for your time and understanding, stay safe and positive.

Respectfully Submitted,


Alfredo Freddie Hernandez #T08611

Alfredo Freddie Hernandez #T08611


MARCH 31ST, 2022

DEAR UNITED NATIONS MEMBERS,

SALUTATIONS! MY NAME IS FREDDIE HERNANDEZ

AND I AM WRITING AN ADDENDUM TO MY LETTER ADDRESSED TO DAX PROCTOR DATED APRIL 30TH, 2021, REGARDING ABOLISHING THE LIFE WITHOUT PAROLE SENTENCE HERE IN CALIFORNIA AND ACROSS THE UNITED STATES. TO SENTENCE A MAN OR WOMAN TO LIFE WITHOUT THE POSSIBILITY OF PAROLE IS THE SAME AS SAYING THAT A PERSON IS INCAPABLE OF CHANGE AND SHOULD NEVER BE CONSIDERED SALVAGEABLE. EVER. HOW MANY MEN AND WOMEN, WHO WERE SENTENCED TO LIFE AND OR LIFE WITHOUT PAROLE, HAVE BEEN RELEASED BACK INTO SOCIETY AND ARE DOING REMARKABLE WORK IN THEIR COMMUNITIES? THE STATISTICS ARE THERE FOR EVERYONE TO SEE AND TO PROVE THAT EVERYONE IS CAPABLE OF CHANGE.

SINCE I WROTE TO MR. PROCTOR IN APRIL OF 2021 I HAVE BEEN TRANSFERRED TO A DIFFERENT FACILITY WHERE I AM ENROLLED IN THE BACHELOR'S DEGREE PROGRAM OFFERED BY CAL STATE LOS ANGELES, WHERE I AM MAJORING IN COMMUNICATIONS. ALONG WITH THAT I AM A PAWS FOR LIFE K9 RESCUE TRAINER WHERE I TRAIN DOGS FOR FAMILIES WHO HAVE ADOPTED STRAYS FROM HIGH-KILL SHELTERS. MY LIFE OF AMENITIES CONTINUES AND THE ONLY INCENTIVE I HAVE AT THIS MOMENT IN TIME IS TO BE A GOOD HUMAN BEING. MY LWOP SENTENCE PRECLUDES ME FROM ANY TIME REDUCTION FOR GOOD BEHAVIOR, THE REASON WHY I HAVE TURNED MY LIFE AROUND IS FOR THE SIMPLE GOODNESS OF HUMANITY. HAVING FOUND MY RAISON D'ÊTRE HAS FREED ME FROM THE MENTAL PRISON I HAD PLACED MYSELF IN MANY YEARS AGO AND IT HAS ALSO GUIDED ME TO BE OF SERVICE TO THOSE WHO ARE MISGUIDED AND TO THOSE WHO ARE SEEKING REDEMPTION IN THEIR LIFE. THANK YOU FOR YOUR TIME AND I HOPE I HAVE MADE A CASE TOWARDS ABOLISHING ANY AND ALL DEATH BY INCARCERATION SENTENCES, EVEN IF IT'S A SMALL IMPACT US LWOP'S WILL TAKE IT. THANK YOU AND MAY YOU ALL BE SAFE AND HAVE A BLESSED LIFE.

RESPECTFULLY SUBMITTED,

Freddie Hernandez

FREDDIE HERNANDEZ # T08611

April 25, 2021

Dear Dix Porter and all concerned parties,

In 1993, as a youth offender at the age of 21, I was charged with special circumstances and ultimately convicted of first degree murder with second degree robbery. After two penalty phase mistrials, I was sentenced to a mandatory base term of life-without-possibility of parole (LWOP).

My name is Theodoros, and I'm writing you with the hope of California's penal code for extreme sentencing, including LWOP, will end.

When I was going thru trial it was very difficult and stressful as I was fighting for my life. Scared and uneducated all I could do is shut down. Being sentenced to LWOP only reinforced my lack of self-worth.

LWOP, the other death penalty, left me feeling hopeless. My family for years were governed with sadness wondering what they could do to help me to someday "come home", only to realize we are all powerless to do anything. It will take a miracle of God for me to be given another chance I would tell them.

In 2018, we thought we were receiving our miracle when Governor Brown and the Board of Parole recommended me for commutation. However, because I have a prior felony, driving a vehicle w/out owners consent (joyriding), my case was sent to the California Supreme Court who on December 21, 2018, denied recommendation, thereby closing my case.

Contrary to all the negative influence and nay sayers that LWOP's are irredeemable, by the grace of God I grew up, matured, and chose to change my life. With no real hope given that I would be given another chance to be released, I came to believe that life is bigger than me - I have to do all I can to make amends to all my victims - direct and indirect. In the last few years I've seen

the laws changing and so a man like I can earn their parole.
At the same time when LWOP's were spoken for, we have
been excluded from being acknowledged as youth offenders
all because of our sentence of LWOP.

I understand that when a crime is committed there
must be consequences. But I don't believe I should just
be thrown into prison to die slowly. I am redeemable.

Against any hope, my remorse led me to change my life.
I also became a Christian and found that God gave me another
chance and redeemed me. I don't know what tomorrow
holds but today I'm still growing, maturing, and living
a stable life being productive positively.

With the new changing laws, if you will have just a
little faith in your fellow humans, I believe you will not be
disappointed, but will find that I would be a good neighbor.
This can only be done by you doing away with LWOP and all
extreme sentencing. It's not going to give us an automatic
release, but it will allow me to go to the Board of Parole to
earn a chance at stability.

So please, as one honorable Ruth Bader Ginsburg once
responded to our high court when asked if she wanted the court
to change a century old law, she said, "No. I'm asking you to
change a wrong law."

Today I'm asking you to end all LWOP and extreme sentencing
because it too is a wrong law. Thank you.

Sincerely,

José Hernandez

Joe Hernandez, III, (E94015)

In Re: Abolishing Life With-Out Parole (LWOP) (Death by Incarceration)

Dear United Nations (UN) Human Rights ("Special Rapporteurs),

Thank you for giving me this opportunity to be heard. I'm writing to provide you with an update since my letter one year ago.

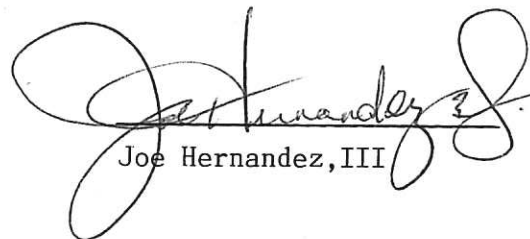
Over the last year I've had to endure a very difficult time as two close uncles and two cousins have passed. One passed due to a brain tumor and three as a result of Covid-19. On top of that, my mother also suffers severe health issues. She underwent a shoulder surgery that unfortunately left her with blood clots. The day after she fainted and was placed on life support. She lost her sight and still in recovery learning to talk and walk again.

Being sentenced to LWOP has again reminded us of being so powerless to change my circumstances. Seeing my mom in a video visit two weeks ago, crying so hard because as my only son, she needs me there next to her. I felt so helpless it tore at my soul causing me to cry there with her, telling her how sorry I am for not being there for her.

LWOP is not a sentence to just punish a person for horrendous crimes, but is a sentence to destroy the human soul with a message, "Your life is meaningless". Well, I refuse to believe that because God created me for a good purpose. I'm here every day striving to be a good husband and father while also helping my fellow inmates to rise above their hurts, traumas, addictions, and self-doubts. I've continued to participate in self-help programs (Victims Awareness, Criminal and Gang Anonymous, & 12-Steps), and I am currently training my third service dog for autistic children and wounded veterans, ("Maguire"). I am also the new facilitator for our POOCH, dog, program training others to train service dogs. My dog will be graduating at the end of this year, around the same time I will be graduating from college to receive my AA-degree in Sociology! Yes I am REDEEMABLE. There's so much love and goodness in me that I want to give away. After 29-years, remaining disciplinary free, my continued incarceration does not serve the interest of justice any longer.

I call upon you today to please lend us your voice to eliminate LWOP and all extreme sentences. There are so many other "Joe's" like me who are changed and ready to serve and be a part of a safer, stronger, healthier, and productive society beyond these walls. LWOP is truly inhumane. The human race is better than that. Thank you.

Date: March 31, 2022



Joe Hernandez, III

Dear Mr. Proctor,

I am a 66 year old woman who is struggling under extreme sentencing, specifically LWOP. I was not the perpetrator and yet I was sentenced to die in prison. I program constantly and have even managed to become a state certified drug and alcohol counselor. Others receive milestones and time off credit for the same things I do but LWOP's get nothing. It is depressing and demoralizing but I press on in the hope that things will change. I have been incarcerated since 2005 and in prison since 2006.

Extreme, mandatory sentencing does not take into account the non-perpetrator's actual knowledge and involvement. It also does not address the true question of whether someone is an actual danger to society. With no chance to prove my worth to a parole board it is hard to maintain hope and my family no longer has faith in our broken justice system. Your help is appreciated.

Malinda J. Jones

Mr. Nathaniel J. Criss T.42186

Re: Inhumane DBI Sentencing

4.3.22

Dear Honorable Members of the United Nations,

My name is Nathaniel Josiah Criss. Thank you for taking the time to hear my thoughts and experiences, and of those who share the likeness of my situation. Before you hear my thoughts and experiences, I ask that we all please take the time to acknowledge the life of the 18 year old young man, I along with three others murdered, Mr. Reed Quesenberry. To Mr. Quesenberry and his family I devote a life of service towards humanity. I will never lose sight of my actions, so that I'm in a space of humility and empathy. Furthermore, I humbly ask that it be understood I am not a victim in this conversation, and that we recognize the humanitarian need to end Death By Incarceration sentencing.

In 1997, I was also 18 years old when I murdered Mr. Quesenberry. The resulting sentence was life without the possibility of parole (lwop). Any hope I did have in life at that point evaporated. My beliefs internally were that I was irredeemable, worthless, and the worst of the worst. I wanted to die. Contemplating suicide, all I could hope for was death by cop. At the age of 18, I read a quote by the then Governor of California Gray Davis: "With a sentence of 15-to-life or better the only way you are leaving prison is through a pine box." In my eyes there was nothing left worth living for. Not even me. I had no hope, only death.

My father became depressed after my incarceration and

sentencing. My actions and the resulting sentence, took years off his life. I did not only bring my father great shame, but also an immense amount of pain. His spirit, or nature, died long before he physically did in 2008. Together, during that time, we both lost hope. He acquired a heart condition, so when he would come see me, he had to bring his "nitro pills". His skin tone would begin to pale into a grayish hue, as my mother would run to get his pills outside of visiting at the front desk.

Before my incarceration my mother believed in the criminal justice system. Today she does not trust it. This is because my mother had to dissociate herself from the thought of me. Once at a visit in 2006, she sat across a table and told me: "Do you know when I think about you? When I have to write you, come see you, or send you money or packages. Other than that it's too painful to think about you." To this day any endeavors I have of trying to gain freedom, I hesitate to explain as it is always a jolt to her heart. She cannot imagine her son spending the vast majority of his life in prison to die.

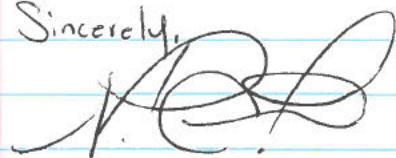
Death By Incarceration sentencing is not a misnomer. This term is currently applicable. I personally know people who are waiting to die as they have no hope and want this period of their life to end. I use to identify with them in my earlier years of incarceration. The prison system has slowly changed for those with the chance to go home, due to bold and innovative leadership of both Governor Brown and Governor Newsom. As the system changed so did I. In 2009 I received my G.E.D.; in 2017 I received two A.A. degrees; in 2018 I received a degree as an Alcohol & Drug Specialist; in 2020 I was certified with the National Certification Commission for Addiction Professionals (NCCAP); in 2021 I was certified with the California Association for DUI Treatment Programs (CADTP). I am currently six units away from an A.A. in psychology with a 3.5 GPA. Upon parole I intend on acquiring a B.A. in psychology as my goal is to become a director of a treatment center. Some of this was achieved without

any hope, and some was achieved from a reconstructed hope filled vision. I am living with my profession in prison at the age of 43. With my work experience and life experience, I undoubtedly would be an asset to my community, just as I am now.

The changing of DBI sentencing is imperative due to the innate human ability to change. Some 25 years ago when I committed my crime against the Quesenberry family, I was not aware that I was part of humanity, nor did I recognize that this horrendous crime was against humanity. Today, I know that I cannot stitch up the hole in the blanket of humanity that I and three others created with our actions. Today, I now see my responsibility within this specific commonality we all share — Humanity. This is ours to reinforce, cherish, and to teach to future generations. There is an air of collaboration within humanity that is like no other species on earth. That is due to the level of empathy that we are able to give in working together. It is these matters of the heart that I humbly place before you today. I am proof that through education, self-help, and spirituality that change can happen even for those who are waiting to die in prison. Therefore, there is a lack of humanity in Death By Incarceration sentencing.

In closing, Death By Incarceration sentencing needs to be changed because people are inclined to change when environmental factors are indicative of such change; and because humanity expresses all people have worth. Thank you for your time and attention in this matter. I humbly and respectfully submit this missive.

Sincerely,



Nathaniel J. Criss, NCAC-A, SUDCC

April 29, 2021

To Whom It Concerns,

There is no worse sentence that can be given to a human being than that of Life Without Parole (LWOP), it's a living death sentence that implies an individual is incapable of ever changing.

LWOP is one of few sentences that fails to cultivate hope or goodness within. Hope is one of the most influential positive energies that is capable of guiding a person towards making positive decisions. A person without hope has no will or desire to change because there is no fundamental reason to.

In the past, LWOPs have been excluded from multiple laws enacted especially within the last decade which were intended to incentivize and encourage prisoner rehabilitation. One such example is how LWOPs have been denied being viewed as youth offenders; those who committed a crime while under 26 years of age. Not because of the individual person; rather it's the sentence in and of itself. The ridiculous theory applicable is that a typical lifer murderer (25 to life, 15 to life, etc) who committed a murder while under 26 can be seen by a youth offender hearing; however, someone such as myself, can not simply because of an LWOP sentence. Hypothetically, the moment I get my sentence commuted or resentenced from LWOP to life term, I'm immediately recognized as a youth offender. I'M THE SAME PERSON! My brain at 19 years old wasn't any more mature than another 19 year old lifer. I displayed all the hallmarks of youth and therefore should be afforded the same consideration, an opportunity that allows for any person under 26, regardless of sentence, to appear before a panel of experts and have all relevant factors applied.

There currently are 5200 LWOPs in CDCR and many of us are, in spite of having little realistic chance of freedom, still manage to not only simply follow the rules

and regulations, but have went beyond extraordinary means to demonstrate remorse, rehabilitation, and an asset to society as a whole. Many of us are leaders and role models in the prison, in the self-help community, and created programs which have helped changed countless prisoners lives.

Providing an LWOP no hope means you are de-incentivizing a persons potential to change. Prisons should not be geriatric institutions, but places that provides all prisoners the same opportunities regardless of sentence, crime, or statistic. Prisons should be places that gives prisoners opportunities he/she never realized before; education, work skills, parenting skills, counseling.

The chance of an LWOP prisoner getting his sentence commuted is highly unlikely as its politicized. The Governors commutation process is nothing more than a lottery, especially for those who are truly deserving of such a gift. There is no oversight. There is no systematic process being used. If a person has political connections or is in a current subclass of people; only then will the doors of restorative justice and hope swing wide open.

I, like so many of my fellow LWOPers are worthy of being not only commuted, but released from prison. Our Californic elected leaders will never know such truths while residing in their state Capitol offices. Come see for yourselves who we are. Talk to us. Hear our stories, the stories of our trials and triumphs, from bad to good.

For too long has focus on crime policies and prison construction went on without remotely changing the mode of the criminal mindset. Obviously, it's time to do something else. It's time to bring hope to every single prisoners

Every human at some point in their lives made mistakes. Some minor, others major. Quite possibly there are things considered criminal you did and were never caught. To err is to be human. We make mistakes. A parent will forgive a child when misbehaved. Friends forgive friends. Don't continue harboring hatred and resentment for a wrong from which a person did

multiple decades ago. I'm not saying you must forget, but allow healing and restorative justice to take root and remove the discriminatory obstacles that LWOPs face.

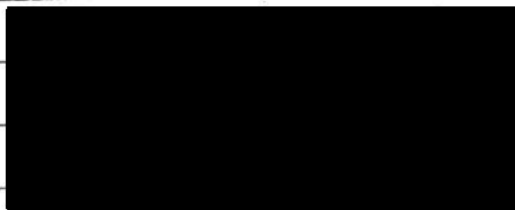
I believe LWOP is a living death sentence which must be abolished. It serves as no deterrent to stop crime and it's costing Californians far more to warehouse LWOPs than to rehabilitate them.

I am one voice out of thousands that seek to create real change and hope this letter will be a motivating factor in your decisions.

In service

Steve Clark

Steve Clark E-16968



This letter concerns all
LWOP's.

The impact of being sentenced to life without parole has not only affected me as a human being physically, but mentally as well. I have one living relative, my brother who is sixteen years older than me. I might not have the chance of parole and take care of him weighs heavy on my heart each and every day. Not only was I sentenced to LWOP, I also have three life sentences. I was sentenced at the age of forty eight. This is a sentence that can extinguish any glimmer of hope. Lives in prison matter, we matter. LWOP's work hard at there rehabilitation. We take group, we learn and grow, then we become facilitators. We go to school, we get our GED's, we continue, go to college, then starting working on our BA's. We make goals and we accomplish them. We are mentors, mothers, sisters, daughters. Not only to our family, but to the community in here. Even though the impact was devastating, I have risen

up and changed my whole life. With my education and the resources that I have learned now, I can honestly say if I could I could work and help in a community, my community. Help others, and mentor young people. Guide them down the right path not the wrong one.

LWOP's are the hardest working group in prison, yet we are not recognized. We are the backbone of the prison. We can be this too in our communities. Let us go, it is our time. Not believing in us and giving us a second chance is unjust and unfair.

I would like to see the LWOP sentence dropped. There is no reason for someone to live a walking death sentence.

Law makers should take into consideration that the LWOP for juveniles is uncalled for this should be abolished, for older people fifteen to twenty five years. This is a sufficient sentence. Death by incarceration is useless and unacceptable.

Thank you for your
time and consideration.

Sincerely,

Soz E Adams

(C) STATEMENTS FROM PENNSYLVANIA

Name	Page
1. Right to Redemption Committee members	37
2. Brenda Emerick, mother of a man sentenced to LWOP	39
3. Carl Daniels, sentenced to LWOP	42
4. Chanel Wiest, sentenced to LWOP	45
5. Dannielle Hadley, sentenced to LWOP	48
6. David Lee, sentenced to LWOP	49
7. David Mandeville, sentenced to LWOP	51
8. Debra Ward, sentenced to LWOP	57
9. Elena House, sentenced to 20-40 years	59
10. Felix Rosado, sentenced to LWOP	62
11. Heath Gray, sentenced to LWOP	64
12. Heather Lavelle, sentenced to LWOP	66
13. James Brown, sentenced to LWOP	68
14. Jerome Coffey, sentenced to LWOP	69
15. Kevin Jones, sentenced to LWOP	71
16. Lori Lassiter, sentenced to LWOP	75
17. Marie Scott, sentenced to LWOP	80
18. Marsha Scaggs, sentenced to LWOP	81
19. Martina Westcott, sentenced to 22-44 years	85
20. Melvin White, sentenced to LWOP	89
21. Nichol Lee, sentenced to 22-55 years	93
22. Ralph "Malakki" Bolden, sentenced to LWOP	97
23. Richard Gross, sentenced to LWOP	100
24. Richie Marra, sentenced to LWOP	105
25. Rose Marie Dinkins, sentenced LWOP	108
26. Sarita Miller, sentenced to LWOP	113
27. Sheena King, sentenced to LWOP	117
28. Thomas Schilk, sentenced to LWOP	121
29. Tyreem Rivers, sentenced to LWOP	122

Life Without Parole prison sentences heretofore to be called Death By Incarceration (DBI) are inherently unfair. It is literally a term of confinement that condemns men, women and children to die in prison. In doing this, the state is making the argument that it has the moral right to strip a human being of all hope and dignity until they die. This rationale is a byproduct of a historic cycle of violence that the United States was founded upon—slavery, racism, classism, misogyny, the genocide of Native Americans and the theft of their ancestral lands. The total lack of compassion and the dehumanization of DBI sentences has its roots in this historical legacy. Since its inception DBI has been disproportionately imposed upon poor people of color. Inherently disproportionality categorizes human beings into different groups as if some are fully human while others are not. This idea informs beliefs that only "others" deserve punishments that condemn forever because their incapable of atoning and they lack the capacity to participate in healing.

Isn't part of the human experience learning from mistakes and becoming better? What distinguishes people from other animals is our capacity to transform and atone. We transgress, we're held accountable, we transform, and then we make amends. DBI strips people of this experience. To be human is to have the ability to live fully within that human experience to be better, it is to exercise that latent capacity that we all have to redeem ourselves.

In the context of the criminal legal system the United States of America is a country that supposedly abhors torture, the 8th amendment barring cruel and unusual punishment is a testament to this anathema. If torture means to cause intense suffering, wouldn't locking someone up for decades and stripping them of all hope and human dignity constitute as intense suffering? If that is the case how does that definition reconcile with this abhorrence?

This application of punishment is a perpetuation of violence on the poor that is part of an ongoing cycle of harm that offers only more pain and misery which in turn contributes more devastation and dysfunction to the communities these draconian sentences are purported to serve.

Humanity's history of capitalism and the inherent underclass of that economic system are inextricably tied to the consequence of DBI—the lifetime enslavement of men, women and children. A reality that violates the most basic rights of being, the right to be human and not enslaved.

If we revisit Thomas Jefferson's words, "all men are created equal, that they are endowed by the creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness..." Then we must ask ourselves these questions: is there ever a time when a human being stops being human? And if so, who amongst us, government official or citizen is infallible enough to deem anyone a non person or other. And if that person does not exist how can we then in good conscious continue to support sentences that mandatorally strip away our humanity.

This essay was written in conjunction by members of the Right To Redemption Committee: Robert Labar, Vernon Robinson, Charles Bassett and Terrell Carter. Right To Redemption is a

committee within the Lifer's Inc., an organization composed of men who currently reside in SCI Phoenix, the largest state prison in Pennsylvania. It is an organization formed to influence the passage of legislation for parole of life sentences in Pennsylvania. The Right To Redemption Committee is a means to that end.

To Whom it may concern,

I am Brenda Emerick, mother of a young man that has been sentenced to die in prison. A sentence I believe to be cruel and unusual punishment. My son was 22 yrs. old, he was along for a trip to a carnival with a newly acquainted, slightly older man and his (the other man's) girlfriend, on that evening a horrible crime was committed. I do not condone crime in any way, however I do believe the Life without Possibility of Parole is a Death Sentence. It is a sentence imposed on far too many individuals too easily. It is, has been, at times very overwhelming in so many ways. Not only to myself & my family, but the exhorbinante cost to society itself is astronomical, and continues to grow. Therefore Society pays a great cost, and it does not even deter others!!

The Department of Corrections, DOC, claims in ITS' mission statement that they are all about rehabilitation. I have not seen any evidence of this, or very little of it. In the 20 yrs my son has spent behind these walls he, himself, has taken it upon himself to rehabilitate. He sought to take college courses through the DOC, and was refused. While all other prisoners may take college courses for a mere \$50, Lifers must pay \$650.00 for the same course. When He came up with the money they told him there were not enough people signed up so the course wouldn't be offered. So he went outside the prison and took an electricians course through mail, provided by The Stratford Career Institute. Yes, because of his own efforts

he is a certified electrician. My son also sought studies from outside the prison to strengthen his religious beliefs and knowledge. In prison he was denied being able to sing in the choir, so he sought other teachers, outside the prison.

I have met many prisoners serving Life Without Parole Sentences, mostly by mail, however I have met some in person. One of those people is Marie Scott!! I had met her way before my son's incarceration. Marie is an amazing woman. She has been incarcerated for way too long. And when she was sentenced there was no Life without Parole sentences. She got thrown into that yrs later after they (the Prison) changed the law. That is cruel and unusual punishment. Marie Scott has written House Bills - 6 of them - and I believe 5 have been passed into law. Marie has self taught in the law, to be an artist, to be an addiction counselor, to name a few of her accomplishments. This woman has never stopped trying to help people, or herself. Currently Marie needs medical attention that is not being taken care of. This is cruel and unusual punishment to make any human suffer when treatment could be provided. To know this and not be able to help her get the treatment needed is a hard pill to swallow. She deserves so much better. All prisoners deserve better treatment. When our loved ones are mistreated, or not given medical treatment they need it also takes a toll on us, the family and friends of those prisoners.

There are so, so many Liters that have done such amazing things from prison. So much good things for both the betterment of the prisons, as well as the communities around the prisons. Yet this system continues to deny them a second chance. This is

cruel and unusual punishment, and it not only is devastating to the prisoner, but also to the family and friends. These prisons know that it's those very Lifers that are so giving that keeps the peace in these prisons. They are the teachers, the ones that develop programs and instruct those programs. They (prison officials) use these Lifers to keep the prisons running smoothly in many aspects, yet they refuse to give them a second chance. This is cruel and unusual punishment in my opinion.

What I can tell you that having my son, my sister/friend Marie, my friend/brothers Kevin Gans, Ronald Lee Smith, Melvin-Tro Williams, Russell Swell, Charles Smith and others, have given me quite an education on exactly how these prisons operate. Not only are they cruel and unusual punishment for the prisoners, but to the family + friends too. I have been treated as a criminal just for visiting anyone in prison. I've learned just how barbaric and draconian the system is, especially here in Pa. I've learned just how broken our system is, how corrupt our system is.

Prisoners are people, not caged animals, we need to treat them as the people they are. The family and friends also need to be treated as people, not criminals. What ever happened to the old adage, "Treat All others as you wish to be treated" If a prisoner is following the rules, goes out of their way to help others, doesn't cause problems and rehabilitates themselves, they should be treated as the productive members of the community, being able to make their way back to being productive members of society. These are the prisoners that deserve to have that second chance

Carl S. Daniels, BB-7463



Abolitionist Law Center



February 21, 2022

Greetings,

My name is Carl Sheldon Daniels. I'm 52 years old and I've been standing under the weight of Pennsylvania's Death By Incarceration Sentence since 1988. Prior to being taken into prison, though grossly underdeveloped and learning through trial and error, I lived as a family man with the expecting mother of my only child and her two year old son. My son was born two weeks after my arrest.

In my youth I attended and graduated from Potter Thomas, Mary McCloud Bethune, Sol Agricultural School, Fels Jr. High, and Swenson Skill Center. I excelled in Home Economics and Computer Applications. I attended North East High School but unfortunately dropped out of the 10th. grade. As fate would have it, one day while going to school late I ran into a neighborhood drug dealer who asked me to watch out for the police while he sold his drugs. I did this for five hours and was given \$300.00. Already bored with school, that chance encounter was the catalyst that moved me into criminality. The next day I went looking for him and never went back to school. Living in a home where drugs were being used and sold, my new life decision didn't even raise an eyebrow. This spiral reached it's conclusion when I was arrested on July 12, 1988 for two counts of 1st. degree murder. I was sent to Philadelphia's notorious Holmesburg prison, aptly known as the Terror Dome. I was indeed terrified. Afterall, because I was charged with murder, it didn't make me a killer.

I fell in line learning to survive and found my lane getting a job in the Social Service Department. One of the Counselors, Ms. Helen Smith was in charge of who takes the G.E.D. and I pestered her until she agreed to put me on the list. I took the test and passed, receiving my G.E.D. on May 5, 1989. My then counselor, Lateef Okafor marvelled at my ability to pass the test without taking the pre-test. Four months later I was led like a lamb to slaughter by a drug addicted court appointed attorney who used the tears of my mother and sister to bully me into pleading guilty to a crime I did not commit. I was sentenced to Death By Incarceration on September 13, 1989 and sent straight to the penitentiary.

After a brief stint in Graterford and Camphill, I was sent to SCI-Huntingdon. I immediately got involved in the Educational Department as a teacher's aide and Literacy tutor under Mr. R.M. Kough. During my time in SCI-Huntingdon I successfully completed numerous programs and was part of the steering committee for the introduction into the Institution of the Victim Awareness Programs with Ms. Mary Achilles, and Alternative to Violence with Barb Toews. I was one of three prisoners used to speak to delinquent juveniles, parents, and college students at the behest of Unit Manager, Scotty Walters. I've held every position in the Community First Step from Parliamentarian to President and later held several positions in the Pennsylvania Lifers Association, both prisoner organizations that advocate for community revitalization and parole eligibility for lifers. I was president of the Lifers Association when I received a promotional transfer to SCI-Dallas in 2005. I was the president of the Lifers Organization in SCI-Dallas from 2007-2009. Afterwards I remained in an active roll in the organization as presidential advisor. In 2012 I was one of nine prisoners chosen to establish A-Annex, an aftercare therapeutic community as a facilitator. An innovative program that is still going strong under the guidance of Ms. Pamela McDonald, DATS. I spearheaded writing the community's first book. Shortly thereafter I became a member of the Hospice Program, a group of men who voluntarily provided hands on care to other prisoners with terminal illnesses. This program was overseen by medical department Supervisor, Leah Martin. I was also selected by Robin Lucas, Secretary of the Superintendent to speak to college students who had aspirations of a career in corrections.

I'm co-founder of the Youth Self Help Improvement Community with David Lee, as well as REAL RAP, with Sean Davis. Both programs were designed to mentor young men into seeing the error of our ways and identifying where and why we embraced the culture of criminality. The objective is after recognition we can alter our perspectives on destructive behaviors then alter the behavior. I'm a prolific writer and have an E-Book on Amazon titled, Can I Stand A Chance.

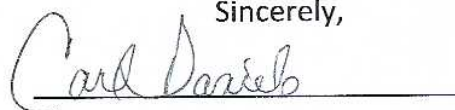
I've been in prison for 33 years. My incarceration has been one of evolving,

participation, and activism on behalf of myself and community. Both inside and outside. I make no excuse for my own destructive behaviors and accept none from the young men whose presence I'm constantly in. I refuse to be shackled as a man by poor decisions made as a boy. My desire is to be a servant of the community, a bridge over the gaps, and a beacon for those still trying to find their way. For this I am ever willing.

On this trek, every level of emotion is scorched, reborn, and fine tuned. There is no training ground. You find your humanity and hold onto it. Regrow every piece stripped from you after every abusive strip search. Replant hope every time hope is dashed. Look forward to tomorrow no matter how hard it is to see it. Years ago the commutation process came to a screeching halt but its slowly moving now. No matter how small the drip, it still makes a splash. Death By Incarceration is the wretched breath of the vampire that feasts on revenge. If men and women can be pillars of rehabilitation exemplified in penitentiaries, only revenge says so what, you're still no good for the community. These laws should be changed because the needs of the community demand such. We don't declare to be the cure, but we will undoubtedly help. If numbers don't lie, then it is beyond dispute that the lifer population is and has always been the least likely to recidivate. Only revenge ignores this fact when so much blood of our children runs through the cracks of concrete and armies of mentors are in exile praying for an opportunity to get in the way of death.

This diabolical law breathes because it's codified in the 13th. Amendment. A ghost of slave codes. By ballot initiative this dispicable language should be invalidated and all laws that validate throwing away a lifetime for any moment. Particularly when the light of humanity has shown its way through.

Sincerely,

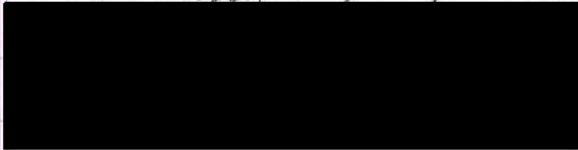
A handwritten signature in cursive script, reading "Carl Davis", is written over a horizontal line.

Chanel Wiest



Abolitionist Law Center

Jonas Cabellero, Legal Advocate



I give Abolitionist Law Center
permission to use any information
I have included in my writing
as well as my name included
in any information that is submitted
to the United Nations.

Also, you may reach out to me
if you have any questions on this
writing or any questions concerning
having a sentence of DBI
or any other questions.

Thank you.

Chanel Wiest 002972

1)
Dear Jonas Cabello,

2/28/2022

I am writing concerning the subject of information concerning Death-by-Incarceration (DBI) for the United Nations.

Death-by-Incarceration, I didn't know what this was until I was sentenced to Life-with-Parole in Pennsylvania.

I have seen it happen to some

amazing sisters of incarceration and its unnecessary. Should DBI be changed - Absolutely - but its not for me to say because I'm incarcerated. Mandatory sentencing should be changed by each case is different and should be given the time dependant on that case. How may this happen - voices and votes!

Making people aware that they are paying to keep individuals incarcerated that should be given a chance to be released.

Some may say its unfair - I say its unconstitutional and inhumane.

To not be given a chance - to say someone can't change is unheard of.

To say someone is the same at age 20 as age 60 is just unrealistic.

2)

Giving the sentence of Life without parole can make a person disrespectful, angry, and bitter or worse.

They don't see a chance or any hope.

I have been given a sentence of Life-without-Parole.

I could have curled up and given up but

I made a conscious choice to do the better.

Commutation is my only option and there is a slim chance in that. But still I haven't given up.

There is little hope in commutation and the laws being changed but still I go on.

Because there have been those before me

that had the strength - more than me -

and they did it - so I will continue to

push myself to do more and to do better.

I have completed all of my required programming

as well as taken many other classes that

have not been required but I want to be better

than before. I want to look in the mirror and

see a better more accomplished version

of myself. There will be good days and bad

but I will continue on. One day I may

forgive myself and tell me again but until

then I will try to push myself to be a better me.

Not just for me, but for my daughter and my family.

Because if I'm given a chance one day to be released

I want to know that I did all I could do to heal me

and to be a better me.

Thank you.

2/28/22

Hello,

My name is Dannielle Hadley and I have been incarcerated since 1987, for a murder I did not commit. I do not claim complete innocence but I am not a murderer.

All throughout my incarceration I worked everyday and took advantage of every class and group that was available to me. I have many marketable skills if I was ever given the chance to leave here. But as it stands now I am what you would call handi-capable. I have had three back surgeries, the last being the most invasive. So I am very limited to the things I can do here leaving me no choice but to spend my days just sitting on my housing unit, which is the case with so many of us over the age of 50.

When never given the opportunity to show our individual personal growth and forever being punished for the worst day of our lives hope is often time fleeting.

Respectfully,
Dannielle Hadley

Abolitionist Law Center
[REDACTED]

Cordial Greetings:

Jonas Caballero, I am writing to you in response to the letter that was sent to me dated February 15, 2022 regarding: DBI and the United Nations. I have been incarcerated for 34 years. I am 58 years old and live with an auto-immune disease known as sarcoidosis. I grew up in a working class North Philadelphian community, and I have two living sisters named Zenobia Johnson, and Wanda Bush. My father Henry Lee died in 1986 after a stroke and two heart attacks. My older brother Darryl Lee died in 2001 from causes unknown to me, and my mother Edna Lee died in 2010.

I have been incarcerated since April 4th 1988 and at that time in my life I was functionally illiterate and unable to read basic materials. I received a DBI sentence for my involvement in a murder that took place in 1987. Since being incarcerated I have engaged in a serious process of educating myself and using my education to help others. I have been the President of (2) different Lifer Organizations and the most recent being the LifeLine Association here at Coal Township. I helped to initiate an Inside/Outside program designed to educate (IHBs) incarcerated human beings with a college-based education. I am also the co-founder of a mentoring program called Dare-2-Care where we challenge our younger brothers to think in ways that reduce harm in our communities. I am the co-founder of CADBI and have been working with many outside organizations for many years of my incarceration.

Outside of the death of family this DBI sentence has been the most painful thing in my life. Living with a DBI sentence is traumatizing for many reasons. First and foremost the sentence suggests that human beings cannot change and should spend decades suffering inside of cages rather than receiving the sort of treatment needed to transform a person away from the criminal mindset. DBI sentences do not hold harm doers accountable for acts of harm; DBI sentences just hurt people who were probably deeply hurt before incarceration due to poverty and other forms of oppression caused my capitalism. The racial makeup of the prison system speaks to the racist nature of the system. Black people makeup 40% of the prison population not because we commit 40% of the crimes in the country. But you know all of these facts, so I would only be redundant repeating them to you. I have filed for commutation, and I am awaiting a Public Hearing in April. I do not need to explain the difficulties associated with being granted commutation in PA. No one should have to spend decades in prisons suffering

for acts of desperation and crimes associated with a lack of development. We should certainly develop humane ways of addressing acts of harm taking place in our communities. Prisons are designed to deliver pain to those people unfortunate enough to be trapped inside of them. I certainly believe that we should have treatment-oriented solutions to acts of harm taking place in our communities rather than just throwing people away inside of cages. Therefore laws should not exist that give people DBI sentences, especially understanding the racist nature of this legal system. Not to mention the class and gender biases, which exist in the PA judiciary.

In closing I hope that this letter helps with the struggle that you are involved in, and I wish you much success in the process. Thank you for allowing me to be included in this process, and for all the work that you are doing!

In solidarity

David Lee #AS3041

A handwritten signature in cursive script that reads "David Lee". The signature is written in dark ink and is positioned below the typed name.

Abolitionist Law Center



2-27-2022

RE: Your letter addressing D.B.I. to the U.N.

Dear A.L.C,

Greetings. May this letter find you all very well and blessed. I am serving a D.B.I. (or L.W.O.F) sentence for a crime I committed at age 18. Recently, my friend, Tyreem Rivers, shared with me the letter you sent him regarding serving D.B.I. sentences. I would like to share some thoughts with you.

Last year, several lifers, myself included, did a podcast with Joshua Vaughn that may be helpful. His website is: www.whatislife.us and his email is: jprvaughn121@gmail.com

I'm also including a poem I wrote which reflects what it's like serving a life sentence. I give you permission to use it as you wish.

I would also like to direct your attention to the website: www.fossilsandfeathers.com where several lifers have shared their stories.

Now, I will try to briefly address the prompts that were in the letter.

I grew up on a small farm, I was one of six kids. We were poor. As a teenager, I turned to drugs and eventually

crime. This was in part because I lost my grandfather to cancer and my father wouldn't speak to me. I got in with a bad crowd and killed someone during a robbery. I regret what I did. I'm haunted by it everyday. I wish I could undo it.

Prison has been challenging. I came in at age 19 and had to grow up fast. I gravitated towards education and I've tried to educate myself during my incarceration. It's tough living in a bathroom with another person who has their own issues. COVID has greatly reduced our time out of the cell. We're lucky if we get 1 yard period a week.

Prison is like someone choking the life out of you. Quite literally we are getting older and dying physically. We also lose life in other ways. Our families grow distant. New family members are strangers. Prison disconnects you from your family. We lost ^{contact} visits during COVID and now that some family members got out of the habit of coming to see me I never see them anymore. The video visits seem like a bother to them so I don't get them. Some aren't very tech savvy and can't figure out the system.

We don't get outside for recreation anymore. We're stuck on the block all day with the same people. You can't get away from all the noise, tension and stress of the block. Thank God for ear plugs. But if you have a conflict with someone on the unit now you have to deal with them all day. You don't get yard to get a break from the block.

1

-2-

A guy, another inmate, once told me that "prison is hell." I asked him what he was talking about and he showed me Webster's Dictionary and the definition for the word hell. Sure enough it said a prison. I wish I could make a case against his simple statement but in some ways it holds true.

I have tried to make the best out of my 25 years in prison. I have multiple Doc. educational certificates as well as outside certifications. I am most proud of my work as a teachers-aide for many years helping guys get their G.E.D.^s and vocational training in electronics. I am very proud to have been a service dog trainer in the SCI Dallas "Hounds for Heroes" program where I helped train service dogs for disabled veterans and first responders. I recently left this program to pursue an associate's degree from the University of Scranton. (I couldn't do both.) I'm also proud of the fact that I was on the Protestant Missions Committee and the Character Council. I've tried to make the best out of my time. In my locker, I proudly display the picture of Colonel Dave, the last service dog I trained.

I really don't have much faith in the courts or legislators. Nor do I have much faith in commutation. Guys are being turned down left and right. I actually think that it was pretty cruel when groups came in to the prison and hyped up commutation. Guys got their hopes up but commutation has been a major disappointment.

I do believe the laws need to be changed. There should be no life without parole (life without hope) sentences. I think lifers and long termers should have a chance to have their sentences modified after serving 20 years. To me, a long term sentence can be just as bad as a life sentence. And after 20 years I think individuals should be reviewed again every 5 years.

I also believe that the conditions in prison need to improve. There should be an incentive based system with "honor" blocks and better conditions for inmates that don't cause trouble. I also think older prisoners should have better living conditions. This prison doesn't have AC on most blocks and it gets extremely hot during the summer. It's hard for the older guys. They shouldn't have to worry about problem causing inmates giving them a hard time.

In closing, forgive me for my sloppy and unorganized letter. I just wanted to get something out to you right away. I give you permission to use anything in this letter. I will reflect on your questions and if time permits, I'll get a better letter out to you. Thank you for all that you do. God bless you! Have a great day!

Sincerely,
David Mandeville

David Mandeville #DN7632
[REDACTED]

Doing Life

You are hereby sentenced to life.

Did I hear him right? Life, what's that?

I'm a teenager. Is that like 20 years?

No. It's life. What's that?

Till you die. Huh? How long is that?

20, 30, 40, 50, 60, maybe 70 years.

Life was moving so fast out there.

Trying to get ahead, have some fun,

Impress the girls, find my way.

Wanted to be a fighter pilot, or special forces.

But instead, drugs, burglaries, and now murder.

W.T.F.! How did it get turned upside down?

A father gone, a family devastated.

He didn't deserve that. I had no right.

One horrific moment. What was I thinking?

That's the problem. I wasn't.

Two families now living a nightmare.

For what? Greed, fear, and a few dollars.

How do I right this wrong?

Doing good, helping others? Not enough.

Prayer, fasting, forgiveness. Nope.

Nothing rights this wrong.

Nothing brings back the gone.

Time doesn't heal this wound.

Day in, day out. Summer, Winter. Repeat.
Round and round we go. Year in, year out.
Clinton, Bush, Obama, Trump, Biden, ...
Time slipping, falling further away
From family. Births, deaths, unknown faces.
Less mail, less contact. ~~Loss~~ Losing life, doing life.

Drowning in time, 25 years gone by.
Walls shrink. Books pile up. People come and go.
A few of us remain, growing older.
Growing grey, fat, and hunched over.
The world moves on, lost
In its gadgets, dreams, and drama.

Is there any hope doing life?
New laws, commutation, death, the afterlife.
Meditation, astral projection, enlightenment.
What will bring relief? God, angels, the Apocalypse.
Legislators, pipe dreams, sovereign schemes.
Will anyone be left who cares? ... doing life.

I give you permission to use this.

David Marshall

Abolitionist Law Center

006940 Debra Ward

Feb 21, 2022

Greetings:

My Name is Debra and I was asked by my fellow inmates/Friends to write to you and to share what I feel and how I feel about being in Prison! I will start by answering some of your questions.

- ① Do I feel like Commutation gives me hope? Yes/No. Only because this is my third time going up and I still don't know why I didn't make it the first two times. Third time has to be my turn!!! I Pray.
- ② What was my life like before Prison? My life is and was wonderful until 7-14-1983 My life ended along with so many other lives. I come from a close knit family. I have at the time 10 siblings along with a football team of Nieces/Nephews Cousins Aunt/Uncles and lets not forget my Son's and 6 Grandchildren and my 1 Great Granddaughter. I come from Love Lots of Love. We had Cookouts Partied all the time, Prayed Yes all the time. We had a good life like I said until 7-14-1983! When it all came to a stop once I caught this case!!!
- ③ What's my life like now during my Prison Stay? It's Misable Miserable Miserable!!! I've lost My Dad, 3 brothers, 3 Nephews, 2 Nieces, 2 brother, on Laws 2 sister in Laws, 2 aunts, Atleast 10 Friends. And it's nothing you can do but stay in prayer asking God to keep everyone strong and out of harms way. A I Pray That he gives me strenght to deal with all this lost!! It's had a hold on me due to the fact that I'm a Lifer. Yes a lifer and it's hard doing time and not being able to console or comfort your love ones

②

Cause not only ARE we doing life sentence's so ARE our love one's. I Just thank God that after (39) years my family that's still around ARE to caring loving and supporting ME. I Just feel bad for them because Although I comitted my crime they are in Prison with my Cause they never Given up on me!!!. Since my stay here I've completed All my Groups and I maintain to hang in there and stay in prayer. I came in Prison when I was (24) years old I am now 64 years old. There is nothing else I can do. Beside Collect SSC or SSD Due to my Health Pailing. But that's Another topic.

④ Should Laws that Allow D.B.I Sentence Be Change? Yes
Because one the Person was either young didn't No no better. OR Didn't have Money for A lawyer. Besides These lawyers OR Public defenders dont take the time to Really look into your Case nor do they take the time to break down what you are facing when going before the Judge. I Know because I was Rail Roaded when I went before Judge Juanita Kidd Stout and City Councilman John F. Street for my Public Defender. He was Running for Mayor!! And Stout was Running for President Judge. Oh Lets not forget DA Sandy Byrd who is now Judge. Yes Everyone Got Promoted O P O P Debra R. Ward. 7-14-1983 They Got Promoted so did I to A life Sentence and I still sit Cause I Roll my Eye's AT the girl. Life for Rolling My Eye's A sisters!!

2/24/22

[REDACTED]

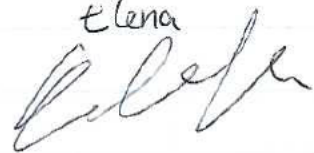
To Whom It May Concern:

Included is my letter in support of Amistad's push to end Death by Incarceration. I hope it is of some help. I give my permission to use my letter in total or part for any relevant application or campaign. I also give permission for my name (Elena House-Hay), my DOC # (PA4953), my age (26), my location (SCI-Muncy), and my sentence (20-40 yrs) to be used.

Thank you for this opportunity and have a nice day.

Regards,

Elena



P.S. If further communication is necessary or desired, please contact me at the above address. Thank you.

Elena House-Hay PA4953

20-40 yr sentence

Prison is an assault on dignity, accomplished by unknowing and isolation. It's hard to feel that your dignity, your personhood, matters to anyone. Each day, you must brace for the assault, must gather all your strength, to keep even part of yourself intact.

To manage the indignity, the day is compartmentalized. How else do you greet your family with a smile in the visiting room having just heard and followed the command, "squat, cough, and spread your cheeks?" How else do you comb your hair, wash your face, compose yourself after a viscious comment from a misogynistic officer? How else can you snap out of a fugue in which you mentally recalculated the days, the months, the birthdays, the holidays you've missed while incarcerated? We need the compartments to lock away the wounds and to keep our damage separate from who we love and from who we want to be. It is how you survive.

The worst days are when the isolation and senseless restrictions cause your brain to froth and seize. When one more second feels like death and you want to cease existing. The only thing to do is to dive for a scrap of purpose and promise yourself that the time will not destroy you. You tear apart your existence to piece together a resolve that's close to your idea of "enough."

Still, even in times of resolve, you wonder what "enough" means. How battered do you need to be? How low must your dignity stoop? How many pieces will you crumble into before you deserve relief? Who will tell you when you're altered enough to be free?

In my case, I will get some of these questions answered in about fifteen years; I've served five years of a twenty to forty year sentence. By that time, I'll have spent half my life in prison and it's anyone's guess to as how much of me will be left. And yet, I'm still one of the lucky ones.

For the women sentenced to die in this hellish exile, the answers to their questions, those questions that slip into prayers, are never a guarantee. Instead, "lifers" find a murky purgatory that will reveal nothing, where every direction is an eternity of gray and black. What route do they take? What lengths must they travel to meet another soul who will resurrect their dignity?

Prison is the ultimate unknowing. It is the ultimate isolation.

It is cruel. No society should do this to their own people and it's time to release us, to restore our dignity and stop the shameful assault. We need help to do this, and I hope that you, the reader, will be an advocate so that we may stay intact. I'm calling on everyone, anyone, to dissipate the purgatory so that our collective humanity can be sound and whole. Please. And thank you.

Doin' Death

by Felix Rosado

"What's up wit *those* guys?" I asked.

My new celly Tito and I stood outside of the 6-by-12-foot cage we were now forced to share. It was my first day at Graterford State Prison.

"That's Jo Jo. He been here 35. The other guy, Skip, he got like 30 in."

My heart dropped.

What prompted my question in the first place was these two men walking laps around the eighth-mile-long cell block wearing bell bottoms, butterfly collars, and humongous afros, cool as can be. In 1996.

I tried to play it off, not wanting to come off as naive. But inside, I shook. My 18-year-old brain couldn't fathom a human being spending that much time in prison, almost twice my existence.

"So what did they do? ... How many life bids they got?"

Tito, who had 5 in on his, looked me straight in the eye. "Lil' brother—they got what you got."

The next morning I was in the law library trying to withdraw my guilty plea.

See, like most people who've never stepped foot in a Pennsylvania state prison, I'd thought life meant 20 years, 15 if you behave. That's what my lawyer told me. I mean if you're blessed to live to 60, that's a third of your life. And if you get locked up in your teens or early 20s, it's all your best years. But here in the Commonwealth, home of the world's first penitentiary, life means *death*.

Today about 54,000 in prisons across the US are condemned to the sentence referred to as life without parole. Add the other 109,000 doing life with parole and 45,000 doing what some are calling "virtual life," and we have a carceral state in which 1 in 7 people is serving a life or virtual life sentence.¹

Isn't it ironic that we call death behind bars *life*? Cruel even? As popularity for death by execution has waned over the past few decades, death by incarceration has skyrocketed. In Pennsylvania alone, 5,400 are permanently incarcerated, 760 here at Graterford. *Miller v. Alabama (2012)* and *Montgomery v. Louisiana (2016)*, banning mandatory life without parole for those who committed crimes while under 18, has cracked the steel gate slightly, allowing a ray or two of light to penetrate. Over 500 in PA, the most in the world, 300 from Philadelphia alone, are *slowly* being reconsidered for a chance to one day live outside of prison fences and walls. So far, most of the hundred or so released had spent over 3 decades in. The longest incarcerated human on the planet, Joe Ligon, whose been caged since 1953, age 15, still locks on B-Block and sweeps the kitchen corridor every day at lunch time.

¹ All stats are rounded off from *Still Life: America's Increasing Use of Life and Long-Term Sentences*, Ashley Nellis, The Sentencing Project, 2017. In it, virtual life is defined as a sentence of at least 50 years.

At the time of my arrest in 1995, I had no idea this country was at the height of a highly politicized and racist tough-on-crime movement that was swallowing up poor people of color by the thousands and decimating entire communities. For 2 decades there was nothing to look forward to inside this 30-foot-high concrete wall but a slow agonizing death in a prison infirmary where resident hospice volunteers sit by your side around the clock in 4-hour shifts. Most of us—who hadn't given up completely—were caught up fighting our individual battles in the courts with our miniscule resources hoping to be one of the less than 1% who get convictions overturned on appeal. I was one of them. Then came one of those moments of clarity.

I realized my freedom fight was inextricably tied to the liberation of all. In January 2012, a few brothers and I founded Right 2 Redemption, a group whose sole mission is to end death by incarceration via public education, political action, and people power. In 2015 we, along with 3 Philadelphia-based organizations—Decarcerate PA, Fight for Lifers, and Human Rights Coalition—joined forces to form the Coalition to Abolish Death By Incarceration (CADBI). Currently, bills introduced in the state House and Senate seek to provide parole eligibility after 15 years. There's still much work to do with a conservative dominated state congress, but the movement is growing.

Language matters. It not only shapes our reality but it also gives *us* the power to shape the reality around us. Too many death penalty "abolitionists" advocate for death in prison precisely because we call it *life*. Truth is, both versions begin and end the same way: bodies vertical, bodies horizontal.

Let's call this sentence by its true name. If we as a society can see value and dignity in those in prison for murder, there's hope for all of us. Reform confined to so-called "nonviolent drug offenders" is no reform at all. If we can see redemption as an innate human quality that no one should be denied, we can begin to do justice in ways we'd all want for ourselves, for our own children. If not, some young dude will be kicking it with his new celly one day and ask, "What's up wit dude?"

"Oh, that's Phill..."

Felix "Phill" Rosado is cofounder and co-coordinator of Let's Circle Up, a restorative justice project based at Phoenix State Prison. Originally from Reading, PA, he has been fighting a death-by-incarceration sentence since 1995. He also co-coordinates the Alternatives to Violence Project and is a member of the Inside Out Think Tank. In 2016 he earned his Bachelor of Interdisciplinary Studies degree from Villanova University. He is an advisor to Decarcerate PA and to Eastern State Penitentiary's Prisons Today Exhibit and Returning Citizens Tour Guide Program. As a member of Right 2 Redemption, a founding organization of the Coalition to Abolish Death by Incarceration, he seeks to end the practice of caging humans until death.

Death By Incarceration, It's Real

After 18 months preparing for a trial on an open count of criminal homicide, and underlying charges. I was convicted of 2nd Degree Murder and sentenced to Life Without the possibility of parole. My life was over at 24 years old, really 22 when I was arrested.

However, I adapted to prison life fairly well. I hit the Law Library and learned what I could. The law is completely foreign to me, but some oldheads schooled me on both the law and how to conduct myself in here. They said I was in for the fight of my life, boy were they not kidding. 20 years later, and having all my appeals denied up through to the U.S. Supreme Court, I'm still going but now have to plead for mercy from the Board of Pardons. The emotional rollercoaster of hopeful appeals almost broke me.

The brief breakdown of my case is a story of a drunken night gone terribly wrong. I went with a newly made friend to post obscene photos of his ex on her fiancée's truck. He forgot the pictures, so we vandalized the truck and I followed him in the house. He set furniture on fire. My first reaction was we have to get out of here. The end result was his 5 year old son died in the fire. We both got convicted of 2nd Degree Murder, which carries LWOP under Statute §3301. He plead guilty to his and testified against me. I was convicted mostly because I would not cooperate with the police against him. My own attorney told my mother that he believed I was more of a danger to society than my codefendant over this, because even after they put the intent to seek the death penalty on me I still wouldn't cooperate against my codefendant.

Once in a Law Library in State Prison I learned that they could have never given me the Death Penalty because a 1st Degree Murder conviction is needed to uphold Capital Punishment. In this case that would mean I would have had to set a fire with the intent to Kill. I never set a fire let alone with an intent to kill. So my conviction of 2nd Degree Murder under Pennsylvania's Perpetration of a Felony Murder Rule was the worst I could have gotten.

I started to see the impact of the deceptive game played by the powers to be over my life. As I continued to research and go through the Appeal Process the deception grew tipping the scales of Justice further from my reach. The Judge in my case was a member of the fire company that responded to the fire, and the Deputy Chief was a 1st responder and the victim's uncle. He ultimately found his nephew and carried him out of the house. His friend was the Judge who convicted me. My attorney convinced me go in front of this Judge without a jury under the guise of taking the Death penalty off of the table. A penalty only on the table as a bargaining chip. It served its purpose, because I was ignorant of the Law. And this same Judge is the entity that offered my codefendant the deal to testify against me in open court at his guilty plea hearing. I came close to getting it over turned on the recusal issue, however the issue was considered procedurally defaulted.

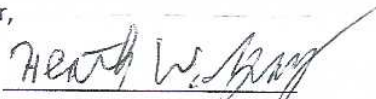
I fully understand that I made poor decisions on the night in question, and prior. My moral standards of not being a snitch cost me my life. Had I cooperated with the police I probably wouldn't have even been charged. Even more importantly, I could have put the fire out or any number of other actions, that would have saved young Kalib's life. So I deserve punishment. I understand and accept that. The real question is, "Am I irretrievably corrupt to the point that I deserve to die in prison?". According to Pennsylvania Law, I do. Knowing that has an impact on a person that you can only understand when you've been there.

This event has impacted the victims family in an unrepairable way. I get that, and I've also felt the impact it's had on my family too. There's no winners here. I have family members who wrote me off as being dead to them. My mom has suffered the pain of being labeled the one who raised a murderer. May I add only by title and sentence. Labeled by a conviction, though I never killed anyone. So the pain and suffering of Death By Incarceration does not stop at the fences here. And won't even stop at my death. My family will always bare the burden of having a convicted murderer in the family.

The biggest injustice I see is the failure to have safeguards for individualized sentencing. In Pennsylvania it doesn't matter if your a serial axe murderer, or a getaway driver in a robbery gone bad. Your both dying in prison. It's a mandatory Law, with no individualization to the role you played. We are all deemed irretrievably corrupt mandatorily. And even though we are condemned to Death By Incarceration, we still try to become better people. Because the impact of our crimes opened our souls, not because the prison rehabilitated us. We started growing up and making better choices, aging out of crime. The Sentence itself has impacted many of us. But not to the point of no return. We are capable of being productive members of society. Our sentences are stricly punitive, not rehabilitative. No matter how much growth we show, our sentences say until death. So yes that's cruel. Yes that's more cruel than the Death Penalty. And yes it has impacted me very deeply.

Sincerely,

Prisoner,


Heath W. Gray FP-0237

[REDACTED]
Heather Levelle/ DK8736
[REDACTED]

Jonas Caballero, Legal Advocate
[REDACTED]

February 24, 2022

Dear Jonas Caballero,

Thank you for giving me the opportunity to write this letter and share my personal experience as a person living with a DBI sentence. You have my permission to quote me and refer to me by name in your submission to the UN.

When a person violates the law, a court determines what rights and privileges that person will lose and for how long. The rights of incarcerated people have been debated in the courts for decades. As a result, it has been determined that we, the incarcerated, are entitled to several basic human rights, but these rights are put to the test every day in Pennsylvania's state prisons.

I was raised to believe that the United States of America is the greatest country in the world. While our nation has a checkered past, part of our history has always been reaching for noble ideals and striving to do better in our attempts to reach these lofty goals. The Constitution protects its citizens by outlawing cruel and unusual punishment, what is commonly referred to as inhumane treatment. Our nation is currently out of sync with this ideal when it comes to the treatment of incarcerated people serving a sentence of Death By Incarceration (DBI).

In 2005 I was arrested for a horrible crime in which a good friend lost his life. I immediately felt a deep sense of shame and guilt for my role in his murder, a feeling that nothing I'd ever experienced could have prepared me for or helped me to navigate. Before I was ever sentenced to DBI, I knew I had to change everything about myself. I couldn't live with the person I'd become.

In the nearly 17 years since that tragic night, the reality of my sentence has taken on many different meanings during my personal journey toward redemption. As much as my guilt and shame try to force me to accept my sentence, there is an uneasiness at the core of my being that never goes away. DBI says that no matter what I do, I will never be released from prison. I must balance the enormity of my victim's suffering, as there are a countless number of people who do suffer as a result of my actions, with the redemptive reality of the human experience.

To eliminate a person's hope for a future is a violation not only of human rights, but also a person's basic right to dignity. Living in a prison with no hope of release has opened my eyes to the obvious degradations, including having no privacy in my living space or my personal communications with family and loved ones, living with a fear of speaking of or writing about my experiences or showing a heightened level of emotion in front of prison officials for fear of retribution or retaliation, and constant room and strip searches even though I've lived my entire time at this prison with no infractions to justify their ability to continue to search me in this aggressive manner.

There are also the not so obvious violations of my rights as a woman. Not to be able to express my remorse to my victim's family, not to look into their eyes and witness them expressing the pain that I caused. Not to be able to have children, to express my sexuality or to fall in love. Not being able to fulfill my duty as a daughter to care for my Mother as she was dying, not to be able to hold her hand and tell her how much I love her, not being able to attend her funeral and grieve with others who loved her.

There is a deep sense of frustration knowing that I have something valuable to offer a society in desperate need of help, but having been adjudicated irredeemable. I spend my days here helping others with their issues of addiction and mental illness, codependency and their inability to take personal responsibility for their actions and their lives with the hard earned wisdom I gained from battling with these same demons myself. The women I do time with and the corrections administrators all agree that I am an excellent candidate for commutation and a good risk for release, but the odds of a woman getting released through the commutation process in Pennsylvania are not good.

Dealing with the emotions this reality creates causes mental health issues that I can not always manage by myself. The lack of adequate mental health resources, particularly the lack of any resources during the continuing covid restrictions, exacerbates this deficiency. My hope comes from the efforts of people willing to look past the stereotypes and labels at the people, the human beings, serving DBI sentences. My faith keeps me sane.

I believe nobody should serve an indeterminate sentence such as DBI. Each of us should be evaluated on a regular basis, beginning after 10-15 years, to determine a course of action that will bring us closer to our eventual release back to the community. Rehabilitation should be the goal of every sentence handed out in Pennsylvania. People should not be viewed as something to throw away and forget about. Sentencing goals and structure can help move us away from the purely retributive system currently in place.

Please contact me if there is ever anything I can do to move the effort to end DBI sentencing in Pennsylvania forward. Thank you for all that you do.

Best regards,

A handwritten signature in blue ink, appearing to read 'Heather Lavelle', with a long, sweeping underline that extends to the right.

Heather Lavelle

LISTEN!!!

Historically and disproportionately oppressed in this country on the basis of systemic racism, structural bias, institutionalizing and codifying white supremacy. The passage of legislative bills that exemplify inequalities covert class war, targeting communities of color with laws that protects the misconduct of police. The Philadelphia police department has decades of history (that can be verified through records) that has allowed them to unleash a reign of terror against Philadelphians. The credibility of case's during the decades of the 70's 80's 90's, even to the 2000's shows deliberative corruption and tainted convictions by various method's of threats, lies, intimidation, and coercion, which are supported by the Philadelphia criminal justice apparatus -D'A's- Judges, ect. This is not a new revelation, it's well known and documented on the web sites of the Philadelphia news outlets such as inquire and daily news to name a few. How many innocent or wrongly convicted people are sitting in these modern day slave plantations? Based on these facts protected by the biased D'A's and Judges, demonstrates systemic corruption, institutionalized and systemic white supremacy. I'm reminded how ingrained racism is into the united states and all of it's institutions. The legal lynching and mass incarceration's " **LIFE WITHOUT ANY POSSIBILITY OF PAROLE.**" The 1995 time barr, a law passed to impact and deny appeals -the ruling class has continued to show clearly what their position is when it comes to malicious prosecution of marginalized communities. **NO ONE CONVICTED FROM PHILADELPHIA COUNTY** should be time barred or be inflicted with a death sentence of L.W.O.P. The decades of complicit supporting of incompetent corrupt policing in Philadelphia is widespread discriminatory violations of constitutional RIGHTS!!! Why haven't the U.S justice department been called to action? **(INVESTIGATE PHILLY'S CORRUPTION)** Regardless of the few exonerations of wrongly convicted prisoners from Philadelphia, their remains thousands of prisoners wronged by the very same corruption. Sitting on modern day plantations suffering their life away without any hope of parole or any hope of ever being released!

I am the original writer of this document. You may print.

James Brown
CQ3403
SCI PHOENIX

STATEMENT ON DEATH-BY-INCARCERATION
BY JEROME COFFEY|

My name is Jerome Coffey, I am an African-American middle age man 52-years old that been imprisoned for almost three decades in the jurisdiction of Pennsylvania's Correctional System. I am currently housed at State Correctional Institution Pine Grove located in Indiana Pennsylvania. I am serving a sentence of life imprisonment also known as "DEATH BY INCARCERATION" for second degree murder in Pennsylvania.

Pennsylvania's constitution statue reads second degree murder is automatically DEATH BY INCARCERATION. For three decades I maintained my innocence. First and foremost, I would like to thank and praise THE ABOLITIONIST LAW CENTER for the opportunity of giving me a voice. A voice of humanity, a voice that has been voice(less) for over three decades for an unsolved death of a human being that the Philadelphia Police Department accused me as being responsible.

Over the last three decades my DEATH BY INCARCERATION has been oppressive by Pennsylvania's Correctional System that placed me in solitary confinement for over 10-years without breaking any rules or regulations and never received any infraction. While in solitary confinement my aunt was brutally murdered and violently gunned down, my uncle died of AIDS, my brother died of drug overdose, my father died of pancreatic cancer, and just recently I lost my mother to kidney failure.

All these years experiencing DEATH BY INCARCERATION and voiceless, THE ABOLITIONIST LAW CENTER gave me hope again, THE ABOLITIONIST LAW CENTER built my self-esteem back up again, THE ABOLITIONIST LAW CENTER made my voice vibrant, energetic, and inspired by abolitionists such as Sojourner Truth — "AIN'T I A WOMAN? Maria Steward — "WHAT IF I AM A WOMAN" and Harriet Tubman — "THERE WAS ONE OF TWO THINGS I HAD A RIGHT TO, LIBERTY OR DEATH; IF I COULD NOT HAVE ONE, I WOULD HAVE THE OTHER; FOR NO MAN SHOULD TAKE ME ALIVE.

After three decades imprisoned under a multitude of United States Presidents and Pennsylvania Governors, I compare my DEATH BY INCARCERATION to the African Slave Trafficking of human beings. In fact, slavery was an economic institution, the United States Constitution designed repressive policies i.e. 1793 FUGITIVE SLAVE LAW.

In 1850, 57-years later, the FUGITIVE SLAVE ACT.

In 1865, 15-years later, the 13th Amendment was ratified to the United States Constitution, Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

In 1994, 129-years later, the 42nd President Bill Clinton signed VIOLENT OFFENDERS INCARCERATION and TRUTH-IN-SENTENCING INCENTIVE GRANTS ACT to expand the PRISON INDUSTRIAL COMPLEX.

Finally, I am not a prison reformer, I am a prison abolitionist and I want the abolishment of all prisons: local, state and federal. The Pennsylvania's Correctional System have oppressive policies and Correctional Officials are the oppressor, these prisons remind you of slavery.

My DEATH BY INCARCERATION been a headache for over three decades. The 27th President William Howard Taft and 10th United States Chief Justice wrote in 1928, "the chief purpose of the prosecution of crime is to punish the criminal and to deter others tempted to do the same thing from doing it because of the penal consequences....It is a mistake of huge proportion to lead criminals by pampering them, and by relaxing discipline of them and the harshness of prison life, to think that they are wards of the state for their comfort, entertainment, and support" [WILLIAM HOWARD TAFT: "TOWARD A REFORM OF THE CRIMINAL LAW" IN THE DRIFT OF CIVILIZATION. NEW YORK: SIMON & SCHUSTER, 1929].

In struggle,

Hoagie

[REDACTED]
Kevin Jones, EC-5243
[REDACTED]

February 28, 2022

Mr. Jonas Caballero, Legal Advocate
Abolitionist Law Center
[REDACTED]

RE: DBI and the United States

Dear Abolitionist Law Center:

I am writing this letter to share my experience since serving this DBI sentence. I fully give my consent to your organization to use this letter, my name, etc., as you may need to effectuate the advocacy you are doing. I also I am available for any follow up if needed.

A summary of my experience is as follows:

As I sit here trying to figure out how to start this letter, the question concerning racism comes first to mind. This comes as I watch the news and hear the frustration, etc., about the atrocities that are occurring with the Uruguay people in China. Amongst other things they are speaking of slave labor, beatings, i.e. a complete disregard for their humanity.

As for the labor, I automatically think of the words from the 13th Amendment to the U.S. Constitution, "Neither slavery nor involuntary servitude, **except as a punishment for crime**, shall exist within the [U.S.], or any place subject to their jurisdiction." I guess because it is in the Constitution that makes it okay it to be done in America, but its an atrocity in China, or any jurisdiction outside of the U.S.? I also see how America is appalled at the actions of Vladimir Putin concerning his invasion of Ukraine. Maybe I'm tripping, because to me this invasion looks eerily similar to scenes of America invading African and/or Middle Eastern countries? I see black men killed and beaten on American land by police officers, "concerned non-black citizens" and few and far between do you see a conviction. Yes, recently there has been some, but come on, a conscience mind knows that the reason it even happened is because of systemic, institutionalized racist ideologies that make a people believe that them committing these acts are justified due to their belief in racial superiority. This is also a normality in the PADOC, and

justified due to our status as convicted imprisoned felons. Please don't get me wrong, I am not saying that the issues mentioned above are right, I just note the hypocrisy of what is condemned when others do it, but excepted/respected when it's done in America. "When you point finger at someone else, you have three pointing back at you." To bring this back full circle to the issue at hand, I talk to prisoners of every ethnicity in here, and I note that the majority of white prisoners who have a DBI sentence either have multiple homicides or a case summary reminiscent of a "Lifetime" movie. Those that don't usually have a sentence that affords parole, the contrary for black prisoners.

I recently seen the story of the man convicted in Norway of killing 77 people have the "opportunity" to be considered for parole. He's been in prison about 10 years, and he has the "opportunity to be considered" for release.

I was sentenced 12/13/99 to the same sentence as mob boss John Gotti and cartel boss Juan "El Chapo" Guzman (DBI). Even the notorious Charles Manson was given multiple "opportunities" to be considered for parole, but Kevin Jones is not. A description of how my life has been since I was sentenced to DBI would best be described as total and complete misery, pain, sadness, loneliness, humiliation, frustration, and in a nutshell the term living an "American Horror Story" sums it up. I often wonder why they didn't just give me the death penalty. I'm "walking dead" anyway. The only difference it seems in PA is that I have to deal with the day to day nonsense on the prison compound, and dwell in a cell with someone else. I'd much rather suffer this fate by physically alone. I'm already alone in every other aspect in here.

I sit with a DBI sentence in approx. a 6X9 cage with another adult male existing in conditions that if you were to keep a dog in you would face some type of ramifications. This prison, like most, is nestled in the crevices of rural Pennsylvania with about 97% of white rural employees. These are your members of the neo nazis, proud boys, oath keepers, klu klux klan, i.e. white nationalist groups (if you can, check their social media accounts), and they proudly display their disdain for black people. Furthermore, I've been in 8 different prisons, with two being by cities, but the institutionalization of the mind of these employees remains the same. Different form, maybe masked, maybe even told in a joking manner, but the overall hatred for me is always felt. I have been called a nigger, had monkey references made toward me, etc. I am fed things that I literally would not have given my dog. But somehow I'm still standing.

My family suffers greatly, albeit due to my terrible decisions. At their detriment they have traveled in these mountains to visit me, and had to deal with the same hatred and bigotry I do when they've made the trip. The sadness they feel with me being in here is heartwrenching. I'm my mother's only child, and my grandmother's favorite. They are getting older and the things I

should be there doing for them and with them, I can not. Dealing with their health issues and the ills of everyday life weighs on them heavily, then add me being in here and their pain is tenfold. They've worried themselves in to health ailments, but they are resilient, supportive, and just beautiful people who don't deserve the pain they feel because of my mistakes. Again, I often wonder if I was given the death penalty would it be easier on them. Instead they have a constant reminder of me, and the feeling that they did something wrong.

While in here, I am surrounded by a lot of other prisoners who have developed severe cases of Stockholm Syndrome. Those that try to gain favor with the employees here by being the butt of their jokes, the theoretical punching bag when they've had a bad day, their personal servant, etc. It's like a scene out of a slave movie in here. Prisoners work their fingers to the bone for between .19¢ and .42¢ a hour, seemingly looking for acceptance from those who will never accept them. A book called "The Making of a Slave" by Willie Lynch comes to mind. They can't be as overt, but the tactics have been modified to fit the guise of today's world. For example, not long ago in this prison a prisoner "allegedly" killed another prisoner at the "alleged" direction/permission of a guard. Surprisingly the guard was arrested. I guess things went too far, because prisoners assaulting other prisoners at the behest of guards is a regular occurrence. Oddly enough, the only guard that was charged was the LatinX guard who worked that unit, none of the white guards. So I sit locked in this cell about 18-23 hours a day, depending on how they feel, with that and other things on my mind, while serving a DBI sentence. Moreover, after the handling of COVID by the prison employees, and having contracted the virus multiple times, the thought dying at the purposeful negligence of these people is a constant thought.

Through this journey I have grown a lot. I have come to realize the errors of my ways, and have put forth a valiant effort to stand on integrity, morals, strength and resilience. What keeps me focused is my family and my fiancée. They give me strength when I feel I have no more. Since being imprisoned I have had my hiccups. However, with age, maturity, and a firm desire to be better and help others in my position make better decisions in life, or at the least provide them to mental tools needed to do so.

Since being in prison I have participated in and accomplished the following: GED/High School Diploma; Basic Stained Glass; Advanced Stained Glass; Stained and Leaded Glass, Advance Level; Citizen Group; Stress and Anger Management Group; Anger/Aggressive Behavior Group; 12-Step Facilitation Group; AOD Relapse Prevention Group; AOD Education Group; Business Administration college courses; Criminal Justice "Inside out" course through Temple University; Money Smart; Building Trades vocational program; Conflict Resolution; Motivational Enhancement Therapy; Cognitive Restructuring Group; Therapeutic Community;

Participation in National Crime Victims Week; Smart Recovery; Thinking toward Reentry Group; Parenting Class; Cognitive Behavioral Therapy; Hustler Anonymous; Accounting Class; and currently enrolled in Business Occupations Class.

My overall goal is to get home to my family, marry my fiancée, and live a productive life that instills mentoring those with mental health issues, the disease of substance abuse, i.e. those who are traveling down the paths of destruction that will lead them to prison or the grave. I dream of attaining my certifications as a Certified Peer Assistant, Certified Recovery Specialist, and a Forensic Peer Specialist. All needed to effectuate my understanding of issues so many people face. I will use my experience in life, this system, etc., to hopefully steer people away from the ills I once indulged in. I filed for commutation over two years ago. I do have the hope that I am granted this opportunity. However, the process is bleak. As with most things in this system, having your humanity recognized from the people in power is minimum at best. It is rare that black prisoners in this prison even get the institutional support needed to get you to the next level of this process. Then once there, who knows the reasons you'll be told no. Nothing beats a failure but a try, so with that in mind I am trying my best to be granted commutation. Thus, receive a second chance at life.

I firmly believe the laws concerning DBI sentences should be changed. At the bare minimum there should be an opportunity for those serving DBI sentences to be considered for parole. The opportunity to show responsibility, accountability, and growth from the person who he/she were, when they committed a crime, to who they are a set term of years later. Most states, and other countries have a process set forth for these instances after usually 20-25 years. To those who may not realize it, 25 years is a lifetime. I am not negating the pain, agony, nor feelings of the victims families in these instances. Just looking at this situation from the standpoint that most people convicted of homicide do not receive DBI sentences. When you look at the case summaries of most of these cases, you see the same crime, same acts, but a different sentence depending on the race, social economic status, municipality, selection of jurors (I had an all white jury selected from an all white jury pool), etc., of the defendant. The disproportionality of convictions/sentences by race is blatant, but masked as "judicial discretion." However, the numbers don't lie. As stated in multiple case law that laws will be changed to comply with the evolving standards of decency in society, this issue should be at the forefront. Mass incarceration is real, and it has affected the black community gravely. Through commonsense legislation to reflect the ever evolving standards of decency in society this can be done.

In closing, thank you for this opportunity to share my thoughts, feelings, and pain with you. I know this letter is all over the place, but that is exactly how DBI makes one feel. Feel free to contact me about anything.

Sincerely,

Kevin Jones

Greetings

Lori Lassiter #0A4963

I Pray all are staying safe, healthy and well... Amen

This is in response to your message of Feb 15, 2022.

- How has it been since sentenced to DBI?

For me it's been hopeless at times. Being innocent makes you wonder if freedom is possible without having to lie.

- What was life like before the sentence?

I was a crackhead, prostitute, but even in that horrid state - I had hope.

- What has it been like during this sentence?

For me, as time passes, it gets scarier & scarier.

Scary because the older I get in this system the more they tend not to care about our safety, our health, our well being - it's "Hurry up and get old" then

it becomes "Hurry up and die". When I first came to prison, 33 years ago, the "Older seers" tried to

help you in all ways possible. Now if you have a situation or problem - the answer is "I don't

know what to tell you". The Newer generation

rules this prison and the older generation

just sits in their cell because all we were

thought - respect; dignity - self-esteem - courage - healing etc... has gone out the window.

- What am I most proud about? My relationship with my higher power. Without them I can't and won't get through a day.

- Accomplishments? They are many - but I love the fact I am a College Grad. Associates degree in Business - My most prized aspect is "Staying" Clean/Sober. Haven't touched an illegal nor legal drug since incarcerated.

- Having dreams, goals -

never had these before until now. My dream is to travel with Jaye Myers & tell my story so I could stop someone from becoming me or serving a DBI. I want to own my own cleaning business and live on my family.

My Goals are to give back to society; Help others in my shoes; Help prevent others from ~~not~~ wearing my shoes and to

be the most productive - positive person I can be.

- Commutation / Pardon

Sometimes I think Commutation is just a "Carrot dangling in my face to lead me where they want me to go" I will never get the Carrot!

Them, as I see, some have gotten the carrot. So I guess it all depends on who you are, who you know and the support system you have. I don't have any of that - Carrot is far away for me, at times hopeless. But in God, "Everything" is possible.

- Should the law be changed / DBI

Yes, I believe they should, not because I'm innocent, but because the justice system is inconsistent as well as unjust.

Ex: Someone kills/murders someone, they do it - they say they did it and they receive 2 1/2 - 5 yrs then comes after shadowing police, and being a prostitute for months, and they have a violent record.

Someone, no evidence, does not commit murder but is accused of it, never did time, cooperates with police - but lives a hard lifestyle - they get DBI, because it was election year.

How is this fair? More people serving DBI have been incarcerated longer than they have been free. I came to jail when I

was 26, I am 59 now. We all make mistakes, some grave mistakes, some momentary ones - never the less "mistakes". And for the most part - won't do it again. What if every bracket,

fender bender, scrape on a car - came with a life sentence - They'd be no more driving - Hence they named them "Accidents" for a reason. Every body makes wrong choices at some point and time - we pay for those ~~errors~~^{errors} and we move on. DFI does not let us move on - Not does DFI correct their error. Because "Murderers" are incarcerated - doesn't mean it's any easier, or more comforting - Most victims act in the heat of the moment and would the "Murderer" to suffer, I get it - I've been on that side as well - but in the end - it didn't matter - Cause my boyfriend's non brother returned from the dead once the "Murderer" were locked up. So, I personally didn't care if they were freed - as long as they learned and turned from their ways. Believe me, keeping "Life Sentenced People" incarcerated doesn't ease anything - unless they are a serial killer; in that case "Mental Ward". Not incarceration for life. Get help - seek to help - while the victim's family grieves so does the incarcerated's family. 2 families ruined permanently. Children growing up bitter and angry because of DFI

and then parents being apart if it - what
do you think they'll become?

I tried to write out of feelings - hope
you can use something - and I apologize if
you can't.

Thank You

Take care

Stay Safe

Be Blessed

Love A. J. [Signature]

I am in the book titled, "Doing Life" by Howard Zehr. There's a quote in there I wrote under my picture you can use. You know something, I used to feel so bad for women and men on death row for decades. I used to think that waiting time on appeals was not only tortuous but inhumane. That was, until I realized that I've spent a year short of a half a century in prison and never killed anyone! Nor intended to! I mean, I get it. I'm totally guilty of my crime. I am responsible for the murder of my victim. But what happened to culpability? If an offender can be sentenced to death for killing a victim, but his coconspirator can't because the law states you can't execute someone who didn't kill anyone, then why can an offender who murdered, be sentenced to death by incarceration, and his coconspirator can too. Why is it different for death but not for life? When I would hear surviving victims' families say that the offender got off easy by getting the death penalty or committing suicide, I knew what they meant. You see they'd rather see them spend every day of their lives behind bars to represent choking the living life out of them until they're finally dead. It is not until then that they are satisfied. Well, they are absolutely right! And if I knew what it was like back then to do DBI, and had another trial, I would request that if I'm found guilty to give me the death penalty!! Because I wouldn't want to see my worst enemy do this much time in prison and never have killed anyone! Even one of my victim's family members wrote to me and literally apologized to me for being in prison this long for the part of her grandfather's murder I'm responsible for. She said she had no idea that they would give me this much time. I do believe one thing for sure, I will be released when GOD says it's time to and makes a way for me to. And I do believe He will make this route be the way.

Marie Scott

Mrs. Cabellero,

I am sending a response to the letter you sent to me.

1. What my life was like before my incarceration?

I came from a dysfunctional family and had no sense of direction. I became addicted to drugs and was in multiple abusive relationships.

2. What has my life been like while incarcerated?

Prison has been a profound impact on my ability to maintain not only my sanity, but also my spirituality and hope. In a system that oppresses women and offers very few outlets for individualism or imagination, I have found much comfort in being able to view and partake in art, poetry, song and performances with the women I share these walls with. I am a Peer Assistant in a Therapeutic community here at DCI Cambridge Springs and have had the pleasure of creating artwork myself as well as watching these women perform song, dance and paint in such a way that helps me appreciate and see all the talent I am surrounded with. Even though I am in prison, my mind, my heart, and spirit can still be free.

Since my incarceration I have obtained my D. E. D., an Associates degree in Business, certified as a Braille Transcriber, and completed multiple groups and am involved

in organizations to help better myself. I recognize and live by making healthy decisions and choices. I make conscience decisions every day to be a better person to those around me. I have maintained above average housing unit reports as well as work reports. I have been misconduct free for 22 years and lived on the honor unit for over 13 years. I attend Protestant church every Sunday and bible study twice a week. I have learned how to forgive myself for all the wrongs I have done to others and also to those who have hurt me.

3. What are my hopes and goals for when I am released or get commutation?

I would follow the policy of the commutation / parole board and during this time I will work with supportive agencies to assist me in obtaining employment. When I'm not working I welcome the opportunity to serve the community in a volunteer capacity such as recovery groups, food pantries, churches, soup kitchens etc. I have to get acclimated back into society, but I would love to work with the youth to share my experience to hopefully steer them away from getting caught up in the justice system. I would like to spend some quality time with my family. I also will be attending NA/AA groups and one on one counseling to help me cope with re-entering back into society after being

incarcerated for over three decades. I just want to live a simple life.

4. Should laws that allow DDJ sentenced be changed, why and how?

Yes. I believe everyone deserves a second chance depending on the nature of the crime. The co-conspirator sometimes gets more time than the person who actually committed the crime. Everyone's situation is different. Life sentences should have it to where they're eligible for parole or a set date. For example: after serving 25 years we would be eligible for parole. In the majority of other states life doesn't mean life. Only the commonwealth states require life means life. People do change as they grow up in the system and are remorseful for the crimes they have committed. I believe that the government should take a closer look at cases and stop looking at us as a number and see us as human beings that made some horrible decisions.

I would love to have the opportunity to go in front of the parole board and let them ^{make} the decision on if I'm ready to be placed back into society instead of waiting on the long process of commutation that takes at least four years before they decide if you get a merit review or not.

I hope I was of some help on answering your questions.
I look forward to hearing from you again. Take care
and God bless.

In Solidarity,

Marsha Scaggs

February 28, 2022

Dear Mr. Grote,

My name is Martina Westcott and I am currently serving a 22-44 year sentence at SCI Muncy. I was sentenced to the maximum in spite of having a gravity score of zero and a positive history of civil service as a public health professional with the Department of Public Health in Philadelphia. A University of Pennsylvania graduate, I have a Master of Public Health degree from Thomas Jefferson University.

I am writing in regard to your request for submissions to be included in the letter to United Nations experts. While I do not have a technical "life" sentence, my sentence constitutes "life" in most states. My sentence eliminates the possibility of me bearing children, pursuing a PhD in my field of study, and improving public health outcomes around the world.

The possibility of commutation is a driving force for me. Having completed all of the rehabilitative programming offered at this facility during my 5 years of incarceration, I am currently at a frustrating standstill. I

absolutely believe that laws that allow death by incarceration (DBI) sentences should be changed to allow for the possibility of parole, especially in Commonwealth states like Pennsylvania. Everyone convicted of a crime deserves the opportunity to earn a second chance. There are lifers here who have not had a single misconduct in 20+ years. There are lifers and long-tenners here who have had family members driving in for 4+ hours to visit them regularly. Many lifers have strong support systems, many people who would be willing to house, employ, and emotionally support them upon release. I do believe that "an eye for an eye leaves the whole world blind." We need the vision of long-tenners and lifers in this world - we need their compassion, their unique perspective having experienced the atrocities of the U.S. penal system, their patience, their perseverance. We need their skills and talent free, not boxed in and stifled in a place like this. We need their genius. Their innovation. Their will to survive. We need their stories. Their legacies. We need to pool all of our resources in these turbulent times; we cannot⁸⁶ afford to shut out

our brothers and sisters with DBI [or an excessive] sentences.

In the words of one lifer [who has since passed away while incarcerated], "Having a life sentence is like pouring water on a fire that will never go out." Lifers know that no matter how much work they do to better themselves, no matter how many certificates they accumulate, no matter how many classes they lead or degrees they acquire, the reality of their sentence guarantees their death in a 9x11 cell. That is a heavy mental toll I don't know how my sisters with life sentences bear. But I've witnessed them not just bear the weight, but bear it with a smile. They pour advice, knowledge, encouragement into women with minimums far closer to suicide than they are. They speak life into their situations. They decline medication for the depression and anxiety the Psychology department insists they should have. They share what little they have with those who have even less. I have witnessed, and gratefully received, their generosity. I have lived with lifers - Anis Lee, Hennieta Hamis, Rose Marie Dinkins. Ms. Lee and Ms. Hamis have now gone

home on commutation and my current roommate, Ms. Dinkins, is waiting for her decision from the parole board. I proudly speak their names because they are the source of my hope, the faces of my faith. They are the reasons I continue running this race.

I would like to see more restorative justice practices in U.S. prisons. I would like to see open lines of communication between [willing] victims and the incarcerated, rather than correspondence being discouraged [or forbidden]. DBI sentences are inhumane and run counterintuitive to the idea that prison rehabilitates. Rehabilitation requires the chance to demonstrate that growth, to act it out in the free world and prove that your felony doesn't define you.

I would also like to see laws changed with regard to conspiracy - DBI sentences given to women [and men] who did not physically kill or harm anyone are almost always unnecessarily excessive. I believe they should be the first cohort considered for parole.

Thank you for providing the opportunity to participate in this project.

Martina⁸⁸ Westcott, MPH

TO WHOM THESE PRESENTS MAY CONCERN:

My name is Melvin White, and I hereby provide my consent to have this statement inserted in the Abolitionist Law Center letter to United Nations' Experts and shared on social media platforms. I am currently a 65 year old, serving Death By Incarceration (DBI) for an unintended tragic homicide that occurred over 40 years ago when I was just 23 years old. Nevertheless, throughout my 40+ years of incarceration, I never gave up hope that time would reveal one way or another that life sentences as being imposed by pennsylvania courts warrant some type of remedy, as prisons are built not for jobs sake, but for housing those who continue to engage in criminal activities.

I begin by pointing out that My homicide case involved a true love one (The Decease, May She Rest In Peace) who I identified as my soul mate, to whom we shared one son. I shared two (2) other sons with another woman who passed away from heart failure in 2017. All three (3) of our combined sons born in the 70's and 80's are now adults raising children of their own. Under these trying circumstances, I could do no more or less than take every available opportunity to improve my education and family relations with children and grandchildren in hopes to one day be in a position to participate in their lives for the years missed from doing so while incarcerated.

Personally My direct appeal process was both flawed and incomplete where material trial transcripts required for direct appeal were somehow destroyed prior of direct appeal, in addition before that appeal mishap favorable material evidence was withheld from the defense by the commonwealth prior to my trial which I'm still to this date trying to have disclosed. In all, due to a flawed state appeal, serving a life sentence is a long journey of development as you are really left to rehabilitate one's self even though the chances to utilize the gift of learning or higher education are slim to none for most, when looking at the commutation process numbers.

For this reason it was hoped that juvenile lifers recently release with a second chance, in past years, would have taken on the task of looking back and championing the DBI argument, as they remain under a DBI sentence without statutory authorization or I should say without lawful classification as explained below.

Continuing on as an elder, I intend to concentrate my future energies on aiding other elders in such services as emergency home repairs, internet education, dietary needs, food and supply shopping and Uber transportation too and from appointments. I would like to have my grand-children, grand-neices and grand-nephews assist me while learning hospice skills early on and that we all grow older and will eventually require such help in services.

Speaking of which, this statement is put forth to make a sound argument for my release as well as the release and hopeful end of a hopeless idle situation in fulfilling a so-call DBI sentence for over 2,600 prisoners who reformed their lives for decades, and who matured over the years, notwithstanding that The Pennsylvania Constitution, according to The Pennsylvania Declaration of Rights guarantees redemption to every citizen. Because life sentencing in Pennsylvania is presently imposed without proper classification, all we can ask is that our fellow citizens address the law requiring that life sentencing in pennsylvania be imposed by classification as required by law and authorized by Title 18 Pa.C.S. § 104; 105; 106(a)(b)(2).

There are two distinct but conjoined questions to ask regarding DBI.

- (1) WHAT IS THE DEFINITION OF A LIFE SENTENCE OR LIFE IMPRISONMENT ? - and
- (2) WHAT PENNSYLVANIA STATUTE PROVIDES THAT MATCHING DEFINITION ?

If the distinct differences are not publically made clear, pennsylvania courts will continue to impose without jurisdiction what appears to be unlawful DBI sentences upon unclassified defendants for sentencing purposes which serves no other purpose but blind revenge without any reasonable measurement, and something not ascribed by constitution or statute.

What is presently needed in this regard is an independent legal expert to champion addressing the distinction between a felony non capital life sentence (Life Imprisonment Penalty) and a capital life sentence or DBI (Life Imprisonment Penalty) in order to end the practice of mixing up the two by having Pennsylvania Courts enforce the sentencing statutes as they are and not how someone wants to interpret them as someone name Frederick Page recently expressed in the Movement Magazine, Issue #46, page 18 and I quote:

BE MINDFUL THAT PEOPLE DRIVE THE VEHICLE BY WHICH THERE ARE FLAWS. ALL LAWS AND POLICIES ARE NOT AS FLAWED AS SOMETIMES IS THE PEOPLE'S CONSCIOUSNESS TO THE HUMAN NARRATIVE THAT WE SHARE. THAT IS TO SAY, AT TIMES THE ANSWER IS IN THE ALREADY WRITTEN LAW, BUT THE PERSPECTIVE OF THE LAW IS ALWAYS A MATTER OF INTERPRETATION WHICH BEGINS INSIDE ONE'S HEART. THE HEART IS THE CATALYST OF INJUSTICE, JUST AS IT IS AND CAN BE THE CATALYST FOR JUSTICE."

(REFLECTIONS OF DBI SENTENCING GENERALLY)

Particular to The State of Pennsylvania: its' sentencing statutes provides two (2) distinct life sentences i.e.: one created in 1972 i.e: Title 18 Pa.C.S. § 1102(a),(b) supplying a cap (Maximum Limit) for homicide cases and the other created strictly for capital cases in 1973 in accordance with 18 Pa.C.S. § 1311 that does not supply a cap (Maximum Limit). Although neither the 1972 or 1973 sentencing statutes' provide parole (Which Constitutes A Life Sentence) the 1972 statute nevertheless provides a maximum cap release date ending the penalty (Life Sentence or Life Imprisonment) while the 1973 statute has no scheduled release cap or maximum date for ending the penalty.

This is an important distinction that must be acknowledged, that is to say, besides the different creation dates of these (2) distinct statutes - How do we distinguish the two life imprisonment sentences ? The distinctions may be found by way of sentencing classification as being either a felony case or capital case, in that with a capital case the prosecution initially goes before a preliminary hearing judge and thereby establish a prima facie case for classifying the homicide case as a death penalty (Capital) case which allows them to pick a death qualified jury or judge, which ever the type trial the defendant decides he or she be tried before.

On the other hand, classification of a felony are established by any homicide case without the aggravating circumstances aimed at warranting the death penalty. This means that without the proper classification distinguishing the capital homicide cases or to the contrary non capital cases, allows the trial court to later proceed through the sentencing phase with the assumed labeling of general murder for sentencing purposes. General murder is a non legal term purposely used for including both felony and capital cases under one concept of murder for sentencing purposes i.e.: those with a maximum cap and those without a maximum cap (DBI), where we find the mix-up of both life sentences.

Phrased differently, without the proper classification during the preliminary hearing stages for charging homicide cases, sentencing ensures the outcome that DBI will be the certain result, where there wont be a viable release mechanisms for women and men convicted of non capital homicides. All we can ask is that The United Nation Experts bring to light the flawed practice in pennsylvania of non-classification outlined herein and bring an end to the vague socall charge of general murder which excludes the lawful classification process, thereby mixing up capital and felony homicides as being the same for sentencing purposes without clear statutory definition.

Properly phrased in Pennsylvania according to 18 Pa.C.S. § 104 which provides in part:

"FOR ALL OTHER KINDS OF MURDER [BESIDES CONVICTION FOR CAPITAL MURDER] OR THOSE WITHOUT SPECIFICATION OF DEGREE, EQUALS MURDER OF THE THIRD DEGREE" PURSUANT TO 18 Pa.C.S. § 106(5) OR PENALTY IN ACCORDANCE WITH 18 Pa.C.S. § 1103(c).

Compare Commonwealth of Virginia Penal Sentencing Statute providing:

"MURDER OTHER THAN CAPITAL MURDER IS MURDER OF THE FIRST DEGREE; PUNISHABLE AS A CLASS 2 FELONY.. AND IS PUNISHABLE BY CONFINEMENT FOR NOT MORE THAN FORTY YEARS [MAXIMUM]."

In The Commonwealth of Virginia you also have life without parole; natural life (DBI) with the chance for commutation as well as life with parole. The question remains, why does these statutes clearly distinguish the capital murder penalties from all other types of murder ? Because capital murder penalties has a unique and separate penalty statute i.e.: CRIMES AND OFFENSES, CHAPTER 13 (1973) and then under CHAPTER 97 i.e: Title 42 Pa.C.S. § 9711 as opposed to all other murders under CRIMES AND OFFENSES CHAPTER 11 (1972).

The main take away of this statement in all that is expressed pertaining to DBI sentencing is that Title 18 Pa.C.S. § 1102(a)(b) must be applied with Title 18 Pa.C.S. § 104, 106 of the CRIMES AND OFFENSES LAW, for purposes of both charging and penalizing pennsylvanians through lawful classification and further it states that any laws found in conflict thereto must be resolved in favor of life and liberty. PERIOD !!!

This should hopefully dispell the illusion as well that the DBI sentence serves as a deterrent or serves as retribution for violent crimes when in fact we have men and women doing time in pennsylvania under a virtual life sentence that amounts to maximum felony penalties times 3 and sometimes 4 and the culprit in fact never even committed a homicide or a violent act.

There are also those who plead the case that DBI stands because a life was lost, however we have multiple losses of life in vehicular homicide cases and yet the culprit only gets charged with involuntary or voluntary manslaughter which are appropriately enforced by charge under statute in most of those cases. So where does this harsh DBI penalty stem from ? NOW WE KNOW WE HAVE WORK TO DO IF WE WISH TO END THE PRACTICE OF IMPOSING DBI PENALTIES IN PENNSYLVANIA

Thanks for your humble consideration in this struggle of urgent concern to end DBI in pennsylvania in particular and The United States in general.

Sincerely Yours

Death By INCARCERATION

Imagine trying to comfort your mother over the death of one of her children through a 15 minute phone call constantly interrupted by prison recordings. You listen to her cries and you cry out too. The tears you both shed are the closest thing to a hug... Being locked away from society is only the beginning of sorrow and punishment. To watch on the news the increased suicide rate and mental health disorders caused by depression associated with the covid-19 pandemic stay-at-home orders coupled with stories of families that are forced to watch loved ones die from a distance due^{to} hospital guidelines prohibiting them from being there ... That is incarceration. That is an inmates life behind bars for those of us serving DBI and long term sentences. Restriction after restriction. Where is the prospect of hope? Where is the incentive of positive reinforcement that doing the right thing really does has its own rewards⁹³? Being an inmate

(1)

being DBI is more than just being confined and restricted from being able to perform some of the most basic necessities of what it is to be human. It is a maddening continuance of punishment and has the potential to cause more harm than good. I recently read about a study conducted in the 1950s at Harvard University called "THE HOPE EXPERIMENT". Researchers took lab rats and put them in a tank of water to see how long they could swim before reaching exhaustion and the point of drowning. The time was 15 minutes. The researchers took hold of the rats and removed them from the tank as they dried the rats off and allowed them rest. Then...

They put them back into the water tanks. This time the rats swam for 60 hours before reaching exhaustion. The rats perseverance was fueled by hope. Hope that they would once again be rescued and saved. How much more is a human beings life? Are we not worthy to be saved? Many of us have accomplished²⁴ some great things
(2)

through our time of imprisonment that can have a positive impact on our communities if only given a chance to show it. Despite the negative environment of prison life, most of us have made a conscious decision to be better and thus have taken the initiative to take full advantage of groups, programs and educational opportunities afforded us so that we can be positive role models and productive members of society. When people talk about rehabilitation and an inmate exhibits that they've been rehabilitated, have they then not earned the chance to redeem themselves? DBI represents the lab rats that are at their 60th hour that never received initial help at the 15 minute mark. How much longer before some avenue of help becomes available? How many more will die?

My name is Nichol Lee # 056625. I am serving a 22-55 year sentence and what you've just read expresses how I feel yet

(3)

I am eligible for parole. . Imagine how much greater the feelings are for one who is sentenced to die here.

Yes, you may use my name and
yes, you may follow up with me
for related purposes.

GOD BLESS

Respectfully Submitted
Dichol Lee

2-21-22

Date

2/22/22

FOREVER UNFORGIVEN

by

Malakki (Ralph Bolden)

I am a 56 year old rehabilitated Pennsylvania state prisoner. I'm serving a sentence of Life without parole (Death By Incarceration) and I've been incarcerated for over 27 years.

About fourteen years ago, I was diagnosed with Multiple Sclerosis. The disease has progressed to the point that I now need a wheelchair and I've been assigned an aide (another inmate) to help me.

When arrested at 28 years old, I began my journey to rehabilitate myself by first accepting responsibility for my crime. I was first unjustly placed on death row. After 5 years of solitary confinement, my appeal was accepted and I was resentenced to DBI. During that time, my belief in a forgiving, all-merciful God kept me grounded. And I established a vigorous regimen to educate myself to endure the time I spent in isolation.

As soon as I was transferred to general population, I searched for a job. I assessed that, too much idle time in the new environment could be a detriment. I soon got a job working the prison library.

I kept up my regimen of self-study, armed with ample resources in the library, and the prison's librarian noticed me and asked about my goals. She told me they were looking for G.E.D. tutors and she encouraged me to take an upcoming tutor training course. I wasn't sure if I'd be good at it but she assured me and said that, if I had any problems, she would hire me back in the library.

Through fifteen years of being a tutor, I've helped a great number of men receive their G.E.D.s and trade school certifications. If I'm ever blessed to receive a second chance, I would love to continue passing on my passion for education.

I changed jobs because I was chosen by prison staff to become a CPS (Certified Peer Support) Specialist. I got my training and additional certification in Wellness Recovery. Standing as support for

those with mental health challenges is something I wish I had during the dark times I suffered that led to me committing the crime I did. This is also something I would like to do in my community if I ever inherit a second chance.

I own a sincere remorse for the bad choices in my past. And I'm not writing this to garner sympathy. I murdered an innocent man and severely injured another during an armed robbery in 1994. Because of my heinous acts, I deserved to have been prosecuted to the fullest extent of the law.

But what the cogency of my experience entails is an examination of "the law" itself. Not so much if it's right or wrong; is it effective? And does the inequities inherent in DBI sentences accurately represent the way we define ourselves?

A prison doesn't lie. It can't. Listen to the gospel given in the scant few circumstances when a person serving DBI gets a chance to lay bare a Stygian section of their soul, which illuminates a cautionary tale of how it feels to be a living, breathing corpse.

For us -- with smashed hope of EVER returning home -- the prison is a living grave. Though condemned, we can still haunt our loving families with missives that manifest to society like scriptures deemed taboo. Or deliver a haggard voice from beyond in the allotted fifteen minute phone call. And those who can afford to travel to the correctional cemetery of lost souls get a few hours to fantasize a fictive forever until they are hurriedly hustled out; back to the real of an actual never.

Even though I'm senior, handicapped and I have remorse for the victims of my crime, by current Pennsylvania law, I will stay in this cell until I die. With no second chances for rehabilitated Lifers, the oppression of incarceration pushes forward without the motive that first made it necessary, lacking the requisite cause for the time and money being spent to sustain it.

I want to end this with a question that must be considered: why have so many of us -- the forever unforgiven women and men serving DBI -- accepted the hard work to not only better ourselves but also mentor and assist others who may only be incarcerated for a few months, when no incentive exists to compensate us? Why do we do it? Doesn't this, in itself, prove we are still human?

Thank you for offering me this opportunity to express my thoughts.

Malakki

DEATH BY INCARCERATION : CRUEL and UNUSUAL

by Richard Sean Gross

Death By Incarceration is the name we give the sentence of Life Without the Possibility of Parole (LWOP). We call it that because it *is* a death sentence; as sure to end in death as any method of execution. It is the other death penalty, the slow death penalty, or the "hidden death penalty" as Pope Francis called it when he condemned LWOP.

Considered by many to be a humane alternative to execution, in reality it is no different. Many people on death row sit there for decades with a death sentence hanging over them but ultimately die of natural causes. Regardless of the cause of death, if someone enters a prison never to leave there alive: *it is a death sentence*. Prison sentences that exceed the normal length of a human life should also be considered a death penalty. Many more people have been sentenced to death than anyone realizes.

Pennsylvania has 10% of this nation's lifers, over 5,000 men and women sentenced to Death By Incarceration in a state with less than 5% of the nation's population. The average lifetime incarceration costs the Commonwealth \$3.6 million. Multiply that by the number of lifers and Pennsylvania's taxpayers are on the hook for 19 billion dollars. See the late Temple University Professor Emeritus Kay Harris' research on the economics of life sentences.

What I can speak to is the human toll. The men who have slowly lost their minds locked in a 7' x 12' cage for several decades. The children and grandchildren of lifers who grow to adulthood without having their parent or grandparent at any birthday party, graduation , or wedding. No one does a life sentence by themselves. Their friends and loved ones serve time as well.

GROSS-2

I think we need to ask ourselves a few pertinent questions. What are prisons for? Are prisons a place of endless punishment or are they a place where those who pose a risk to others are separated from society until they no longer pose a threat? Is prison a place where people are corrected and rehabilitated? If so, then what part do death sentences play in that? If there is no chance of parole than those sentences are not about corrections or rehabilitation, but are only about retribution and revenge.

Thousands of Pennsylvania's lifers are beyond the point where they would, or in many cases even could, pose a threat to society. Older people who have served some significant time have an extremely low rate of recidivism; a negligible rate. There is a point where society no longer needs protection from the person. After that point the taxpayers are not being well served by the cost of the incarceration. These costs often skyrocket as the person grows old in prison and their health deteriorates. With family and friends unable to assist, the burden of their care falls to the state. It is unconstitutional to deny an incarcerated person health care (**Estelle v Gamble**, 1976). One has to assume that the individual would be able to access and afford proper health care were they not incarcerated. It is true, however, that many free, taxpaying citizens cannot afford health insurance. So wouldn't health care be a better use of taxpayer dollars than incarceration? The Pennsylvania Department of Corrections' budget is \$2.4 billion. Double what it was a decade ago. Unless parole is used more often or sentencing changes are made it will only grow larger. Mass incarceration has drained taxpayer dollars away from health care, education, and infrastructure in order to build more prisons. These prisons become major providers of both mental health and geriatric care. Pennsylvania has over 6,000 geriatric prisoners and that number will only grow as long as death by incarceration is used so regularly.

GROSS-3

In cases of first or second degree murder, a jury has **no** choice but to hand down a death sentence, The Parole Board has **no** choice when it comes to releasing a life sentenced prisoner; regardless of age, infirmity, transformation, or time served. In our nation's zeal to be tough on crime we have taken away the discretion once practiced by prosecutors, judges, juries, and parole boards. *"Lock 'em up and throw away the key"* sounds good to many voters as a campaign slogan but as policy it is neither humane nor cost effective. In a rational cost/benefit analysis, it makes no sense to send fifteen year olds to prison for the rest of their natural life nor does it make sense to keep senior citizens locked up until they die.

Other states in this region have significantly lowered their prison populations without experiencing an increase in their crime rate. Applying risk assessment methods, parole boards can safely release both violent and non-violent offenders. They just have to be allowed to and encouraged to by the elected officials of their state. A parole board has nothing to gain by releasing a dangerous person and can be trusted with the power to evaluate every incarcerated person. In PA between 1967 and 2017 hundreds of lifers received commutation and were granted parole. Only one came back with a felony. Numerous juvenile lifers have recently been released successfully after being granted relief by the courts. These men and women are not the same people they were as teenagers, and are already making a positive contribution to their communities. America's fear of people on parole is unfounded - irrational even.

Most incarcerated persons have experienced dramatic transformations during their incarceration. This is especially true of lifers. Among them you can find great artists and writers. Scholars and academics. Facilitators and creators of positive programs which make a difference in the lives of people who do get released.

There are lifers who have created murals and charitable organizations on the outside, *from* the inside. The achievements of lifers are extensive and worthy of recognition. The Philadelphia City Council has commended the Lifers organization at SCI-Graterford. Numerous individual lifers have won awards for creative writing and artwork produced behind bars. Dozens have earned degrees from Villanova University and elsewhere. Many others have completed ministry and Bible study courses from a variety of religious organizations. Lifers create and lead non-profit groups that do positive work both inside and outside of prison, like *Let's Circle Up*. The general public knows little about this because the wall around the jail keeps them out as much as it keeps other in.

Anyone can recognize these good deeds and personal transformations - except the Parole Board. They are prohibited from examining the achievements and the rehabilitation of any individual serving a death by incarceration sentence. No matter how much good they may hear about, they cannot recognize or reward it. Even if there is support for release from the victim's family, local clergy, and the community at large; they can do nothing. Their hands are tied by retributive sentencing policies.

It seems to me that any person drawing a breath on planet earth must be seen by the supreme being as having some good in them, some possibility of redemption. I know that all human beings are capable of change. Are our leaders, legislators, and prosecutors the same people now that *they* were decades ago? I know that *no* person is the same person that they were 15 or 20 years ago. Is it humane, is it right, is it even rational to judge an entire human life by the worst ten minutes of it?


In the Pennsylvania State legislature, House and Senate Bills 135 seek to recognize the power of human beings to transform themselves. Representative Dawkins and Senator Street have introduced companion bills which would allow all lifers to be considered for parole on a case by case basis. This is no 'get out of jail free' card. This is merely a chance for lifers to show the Parole Board what they have done with themselves during their incarceration. Just a chance to be seen, to be heard, to be noticed as still alive and human.

Any type of death sentence is cruel. For the state to take a human life or to lock someone up until they are dead is *cruel*. It is a rejection of reform, rehabilitation, and redemption. It is the act of throwing away a human being, discarding a person. It is a denial of humanity.

Any type of death sentence is unusual. Most nations have no kind of death sentence. Nowhere in the European Union is this occurring. The longest possible sentence in Norway is twenty-one years. In Germany a murderer can expect parole after fifteen years if they have followed their personalized rehabilitation plan. Nowhere in the Americas is this occurring except in the United States. Few places in the world outside of the United States have life without parole. No nation that I know of would give it to a juvenile. These types of death sentences are rare, *unusual*, and becoming more so as civilization advances. These death sentences have no place in any humane society.

To place a human being in prison until death is, in fact, **cruel and unusual punishment.**

Richie Marra #AS-0160



February 27, 2022

Abolitionist Law Center



RE: DBI and the United Nations

Dear Jonas Caballero,

Enclosed is a copy of something I wrote recently, allowing a small window into what it is like to serve a Death By Incarceration prison sentence.

You can also find it at Amistadlaw.org (Voices From the Inside – Living Hope: A new essay on second chance & freedom, by Richie Marra 2/15/22).

Thank you for your work. If there is anything else I can do, please contact me. I'd be glad to help in any way possible.

Sincerely,



Living Hope

Richie Marra

Every August during my grade-school years I use to get excited about starting a new school year. It meant new clothes, new school supplies, a new teacher, and a sort of new beginning. It represented an opportunity to start fresh, to do better. I thought about this so often during my incarceration, wondering what got me so excited, so hopeful for the future. For as long as I could remember, I was always making plans. I wanted to go to college, become an accountant and businessman. I was going to build my own house, get married and have 4 kids (2 boys & 2 girls).

High School. College. Work. Friends. Girlfriend. Life was looking up. I had just turned 22 years old when I committed my crime. One bullet – and I destroyed two lives and two families. It still haunts me. I've spent countless days dreaming about the "what ifs": What if I didn't go to the club that night? What if I stayed in college? What if my father hadn't died? What would my family be like if I didn't...?

In 1987, I settled into my life sentence with the hope (and naivety) that I would win an appeal and go home. My life can't be over, I thought. Each appeal, each commutation application gave me the hope to keep moving on – a pacification, in a sense. But it served a purpose; otherwise, I don't think I would have been able to cope without hope.

I got into education and positive things from the very beginning of my sentence. I earned a college degree, received certifications in various vocational trades. I worked as a tutor in the Education Department for seven years. I've been managing the Audio/Video Program for the last 19 years. I served on several inmate organizational boards and committees, doing positive things like fundraisers for inside and outside causes, and serving in the local community. I became a mentor and a resource for the other men. I am always involved in one project or the other. Feeling the need to make up for what I did so many years ago is what I think drives me. And, of course, none of this would have been possible for me if I didn't come clean to my family early in my sentence and begin to take responsibility for my life.

Regardless of the good things I was doing with my life, none of the years were easy. There was depression and other setbacks, just like ordinary people experience in society. I lost loved ones. I lost appeals. I remember calling home as a twenty-something and hearing that my friends were going down the shore, they were getting married and having children. It was heartbreaking to watch the world – my world – going on without me. That's the worst part of prison. Talk about FOMO.

I'm 58 years old today and all the dreams of my youth are long gone. I haven't hurt another soul since my crime at 22. I've learned my lesson well - and at every turn. But I don't beat myself up so much today. I found a way to forgive myself and enjoy the small successes in my days. Although I don't live my life as a "prisoner," sometimes I am reminded just how much I am.

I recently was taken to Wills Eye Hospital in downtown Philadelphia. It was an opportunity – a sort of break - to see other people moving about in their days, get a look at all the cars, and the buildings and roads. It was also a very emotional and sobering day. I was taken off the van right there in the middle of Walnut Street, in front of the hospital. Leg irons around my ankles, hand cuffed to a chain around my waist – traffic stopped in the street and people halted on the pavement. Everyone gave the two officers the right of way from the middle of the street to the hospital. They all watched me. I couldn't have felt any less of a person. I kept wondering what all these people were thinking about me. The officers "escorting" me treated me well, but oblivious to what I might be feeling. It was probably routine for them. Afterwards we drove down through South Philly to get on the Pratt Bridge. I haven't seen this part of town in 34 years. 34 years! I thought it would be exciting to see. Maybe if I was headed home. But I wasn't; I was headed back to the prison in Chester. And I couldn't wait to get there. Not really to be back at the prison; but so I could shut out all of what I can't participate in, or be reminded of, or made to feel so much less for.

No legislation or possibility of parole is going to take away my punishment, give me back my youth or allow me to live my dreams. But a parole bill *will* allow me to live the remainder of my life with some dignity – to be able to do normal things like care for myself and my own needs. And it will give me an opportunity to be there for my sister (who has been coming to see me at the prisons every week for more than three decades), along with my brother, my nieces and my nephews. It would also be nice to give back to the community that I came from. I still have a lot to offer – even if not a lot of time left to offer it. And I'm okay with that.

As long as I am able to care for myself and do for others, I still feel hopeful and excited about tomorrow. Maybe it's just something in me, like during my grade-school years, but I can always find the seemingly smallest things to get excited about. Perspective is a powerful and humbling thing.

February 28, 2022

Dear Mr. Grote,

My name is Rose Marie Dinkins. I am a 74-year-old lifer who has been incarcerated for 50 years, a term that exceeds minimum life sentences in most states by 30 years.

My accomplishments are many. I have been dedicated to pursuing my education since I arrived at SCI Muncy in 1972. In 1974, I earned my GED. I then matriculated into the cosmetology program, earning my license at Empire Beauty School in 1976. I took my practical with members of the Wilkes Barre Community.

I went on to complete courses through Bloomsburg University, Penn State, Bucknell, and Pennsylvania Business Institute. I earned an Associate's degree and became a certified paralegal. I am also certified in Automotive Mechanics.

I have taken advantage of the opportunities available to me to make my time as productive as possible. While completing educational and character development courses, I have maintained consistent employment in several positions - dental

assistant, infirmary worker, tutor, kitchen worker, sewing factory worker (1994-2019), activities department detail, and maintenance detail. I possess many marketable skills.

I have had time to reflect on my decisions and the circumstances that led to my incarceration. I've learned a great deal about myself and grown tremendously. I have worked to uplift and counsel my peers. I have maintained open lines of communication with my family through phone calls, letters, and visits. I have remained positive through this experience, grounded in my faith and encouraged by my supporters.

I believe laws should be passed to abolish DBI sentences because it implies that people are not capable of change. It diminishes our relationships with family. When I was arrested, my 4 children were toddlers. Now they are in their 50's with children and grandchildren of their own. I have great-grandchildren I have never seen. DBI sentences condemn individuals for life based on one mistake, one exercise of poor judgement, one horrible day that seals their fate no matter how many certificates or degrees they earn. DBI sentences ¹⁰⁰ make us strangers

to our families, no matter how hard we try to stay in touch. These sentences provide no relief for reformed individuals. The justice system is meant to deter crime, to rehabilitate violent individuals, to prevent subsequent offenses, but there has to be some room for mercy.

When someone violates traffic rules and receives a citation, we don't deny them a license for life. We allow them to pay a fee, take a class, and drive again. The American justice system values some lives more than others. Police officers are held in such high esteem that their deaths nearly always result in a DBI sentence. Why do manslaughter, self-defense, and even 3rd degree murder fall out of consideration when the victim is wearing a blue uniform? Yet officers who kill are put on desk duty and rarely prosecuted. The whole world rioted for justice for George Floyd and Derrick Chauvin still avoided a DBI sentence with his lengthy record of police misconduct. Because he took an oath to protect and serve, he will have a chance to be paroled even though he knelt on a handcuffed man's neck for over 8 minutes. Statistics show

that persons of color serving DBI sentences far outnumber their white counterparts with similar crimes. These discriminatory sentencing practices have gone on for far too long. No one deserves to die in prison who has made the effort to change for the better.

I would implore the members of the United Nations to imagine becoming a shadow, a memory while still alive. I would ask them to imagine seeing an empty space in every family photo where they should have been. I would ask them how many photo albums are enough. I have been missing from family celebrations for over 50 years. I have paid my debt to society with interest and I want nothing more than to reunite with my loved ones.

Granted freedom, I would become an advocate for other women serving life sentences and fight to eliminate DBI sentences. I would spend my twilight years with my children, grandchildren, and great-grandchildren. Hopefully, the esteemed members of the United Nations can put a face on mercy. Thank you for your thoughtful consideration and your interest

in my experience.

Sincerely,
Rose Marie Perkins

Dear *United Nations*

I'am more than humbled and so encouraged by this opportunity to be apart change in the war against oppression for all human beings in and outside of the penal system. My name is Sarita Miller, I am a fifty three year old African American woman who has been serving a DBI sentence since October of 2004. Before my incarceration the full extent of my existence was cloaked by secret childhood abuses, mental health traumas and every form of addictions that had become my abnormal "norm" as I transitioned into adulthood. I shuffled through out my young life in chaos and disorder, a depiction of worthlessness, abandonment and shattering, years of pain developed into hatred and hatred into rage. My lack of empathy and disregard for another human's life landed me in prison on a DBI sentence for the past nineteen years. Stepping into prison for the first time immediately erased the facade, the deception of my external appearance had been exposed yet it was virtually impossible for me to face myself. Not only had I destroyed my victim's family and loved ones, but my very own family as well. For many years of my incarceration I suffered through a suffocation of damnation, trying my best to overcome the blood guilt and shame with any and everything possible that the prison had to offer, including it's culture. Although I had successfully completed numerous therapic programming relative to my crime and mental health traumas, truthfully it wasn't until I stopped running from myself and fell down upon my knees in full submission to GOD, seeking HIS forgiveness and direction that I honestly with all sincerity began the process of self confrontation. It was then and only then that I was able to take full responsibility for all my wrongs and damage that I had caused throughout my life, especially my CRIME.

Today I don't hide from my past, hoping that no one will discover my former deeds, instead I openly share my labor pains, in my day to day tussle with overcoming the negative residual effects of addiction and childhood physical, sexual violence. However awkward this may sound to people who have never been to prison, but I no longer feel isolated in my struggles as I once felt on the outside before my incarceration. Here in prison I have met many women of all ages and colors as well as backgrounds, but the one thing we all have in common and can relate too is the unhealthy and negative, unproductive senses of low self-worth and low self-esteem woven into our lives by the demons of our abuses. Taking the reign in my life I knew that something needed to be accomplished out side of the box of prison regiments that would hopefully draw much needed attention to the needs and issues of women incarcerated.

My journey in advocacy began in 2018 while at SCI Cambridge Springs, When I organized and founded a peer-support group for women serving DBI sentences. In 2020 I founded and became the editor of DAUGHTERS a thriving and growing magazine published by The Let's Get Free Organization. Our publication is dedicated to the deficiencies and concerns of women incarcerated. As editor of this wonderful publication I get a front row seat into these women personal lives as they eagerly and willingly share their pain with an insatiable need to be heard. AS WE SHARE WE HEAL THAT'S THE PROCESS OF TRUE SISTERHOOD! The agenda of the Department of Corrections is to subliminally keep the mind set of spiritual defeat among the prison population. There are many ways to acheive this objective, the most common way here at SCI Muncy is by the unnecessary taunting by correctional staff, the snickering and cruel jokes of much of the staff (correctional officers medical) can be heard clearly by the women here. Many correctional officers sit around in their offices looking up people's cases, spreading hostility among the masses. A serious lack of care can be found on the daily basis within the medical department. Women are left sometimes to starve. Either they are too sick to feed themselves or as punishment for whatever an officer may deem appropriate they can be denied a meal and go without proper nursing care.

After my time spent working in the prison infirmary, I am still haunted by the pleas of some of the women as they ~~cry~~^{cry} out for help from pain and are purposely denied because most of the nursing staff feel that we are all faking our illnesses in our attempts to be medicated, however I know this to not be accurate and far from the truth. The Department of Corrections purposely keep women so medicated and so high off of unnecessary psychotropic medications that far too often women who I have seen ^{to} ~~had~~^{lose} all their facilities, now walk around laughing and talking to themselves, some find it hard to be paroled timely because of their mental health status, find it hard to find a center to take them or just to live outside of prison is a struggle for a lot of women with drug dependence problems when they find everything they need within the prisons. It is a travesty and a disgrace to think that some of these women and men incarcerated become addicted to drugs freely and legally given to them by the department. Psychological torture is repeated in various ways constantly within the prison, women have been found hung in shower stalls, closets and their cells.

Officers and medical staff who are genuinely concerned with the well-being and rehabilitation of prisoners are usually forced with some heavy decisions concerning their jobs. EITHER THEY QUIT AND FIND WORK ELSE WHERE OR JUST SIMPLY GIVE INTO THE HERD MENTALITY OF EXPLOITING AND ABUSING PRISONERS. I've seen a lot of good staff members leave their jobs within the prison because of the inhumane cruelty they have witnessed. However regardless of the opposition that we face as incarcerated citizens, we continue to thrive and grow beyond the process of convalescence. I, myself and countless others serving DBI sentences are revived as we witness and become apart of the rejuvenescenced reinforced by this mighty growing movement to end mass incarceration. It is my duty and calling to give back it is my calling.

Part 3

I fear for future generations, even if I don't make it out of these confinements, I must stay diligent in the fight against mass incarceration waiting to suck in our youths. Because of my many years of battling drug addiction, along with trauma issues I desire to give back to my community by helping and advocating for those in the grips of drug and abuse issues. Do we deserve punishment for our crimes?

Does the victims in our cases and their families deserve justice?

ABSOLUTELY YES TOO BOTH QUESTIONS!

However when is enough, enough?

We aren't the personification of evil, non redeemable. We are men and women who have made grave mistakes, however we have spent countless years through personal choices of our own without the guarantee of release to rehabilitate ourselves with remorse and accountability by helping, sharing and pushing our fellow peers in positive directions along their journeys.

Thank you

Sarita Miller OJ 3158

SCI MUNCY

Sheena King / OC231C
2/19/22

Dear Jonas,

Here is my statement and you may follow up for related purposes if you choose.

My childhood was plagued with abuse, both sexual and physical. I was 18 years old when I committed my crime and my lone accomplishment was my GED before I was sentenced to die this slow death.

In my determination to become someone who wasn't an easily manipulated shame filled teenage torn by remorse, regret, low self-esteem, and lack of confidence, I strove to accomplish something of worth and value. It was critically important for me to evolve into someone I could love and accept and my children could be proud of. It seemed impossible to forgive myself so my journey was one of introspection. I needed to understand how my life led to this and that invariably led to a spiritual journey.

While I am proud of my apprenticeships

in Food Service, Construction and Maintenance, and Certifications in Computer Aided Drafting and Design, as well as International Computer Driving License and writing and publishing four books (two of which were cathartic for me). My proudest achievements are obtaining an Associates Degree in Religious Education and a Bachelors in Christian Counseling. I have worked extremely hard to rebuild and rehabilitate myself, yet I know that it is God who does transformative work.

It is indeed a peculiar position to stand in the balance between hope and despair, and dreams versus the reality of LWOP. This is precisely where I stand now, almost 31 years later, hoping that Commutation or legislative bills allowing the possibility of parole to become a reality, and working in Ministry more than a daydream.

Hope in the commutation process occurs in waves. It is reminiscent of the ebb and flow of the ocean tides. There is a moment when it appears as if the door to freedom is opening in great swells and it trickles to nothing as denial for commutation and pardons

in accordance with political sway.

Laws that would allow this agonizingly slow death by incarceration to change, should be enacted because the sentence becomes retaliatory. In no way are those most affected by crimes of violence aided because of those sentences. A man spoke in opposition at my Public Hearing. He later said he never wanted to attend the Hearing but was made to feel that he was required to. He was shaken to his core and no one followed up in concern for his well-being. He requested presence was solely punitive and retaliatory. Sentences of DBI do not allow for true acts of atonement for a changed life, nor does it aid in the healing process for those affected by these crimes.

Sentences of DBI do little more than warehouse people far beyond the age of recidivism which serves no purpose except exorbitant costs to taxpayers. Communities do not feel safer and thousands who are languishing in prisoners were first-time offenders who had experienced short, less than ideal lives. People can and do change. Not all are incorrigible.

In my daily interactions, it is obvious that at almost 50, I am 360° different (inside and outside) than the child I was at age 18.

For crime, there should be accountability and punishment, but this should be sensible. LWOP sentences could be changed by a Federal standard or parole eligibility could be implemented. Consideration of an applicant for parole would in no way compromise the safety of the public. The parole process has safeguards to protect the public and the Department of Corrections has standards which must be met prior to their recommendations for parole. This works in other states, it would most certainly work in states like Pennsylvania whose harsh and archaic practices don't permit a parole possibility for life sentences.

The possibility of parole hearings would create safer environments for prisoners and prison staff. When there is an atmosphere of hope and expectancy, people are kinder and the mass majority are not willing to jeopardize their opportunity to be considered for the possibility (not probability), of parole.

120 Sheera M. King

On December 21, 1984, I committed a robbery and a man died because of what I set in motion. The hole I tore in the lives of his loved ones, I can never close, I know that.

After being sentenced to Death By Incarceration, I felt buried in guilt, shame and overwhelming feelings of hopelessness. I dealt with those feelings the way I always did, pushing it all down in a pool of alcohol and drugs. I lived that way for the next ten years. Its a longer story but there came a time when I had to choose between life or death and I chose to live.

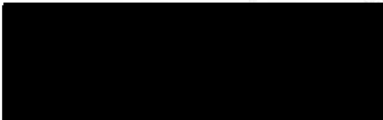
Since then, unable to fix the harm I caused, I set about to fix what I could, starting with my own broken self. In 1995, I sought help and finally stopped drinking and drugging. I have been clean ever since. Along with many other accomplishments, I earned a bachelor's degree which I am proud of. I have also had the opportunity to do redemptive work with at-risk youth and have met with and listened to many victims of crime and their advocates. Facing their pain, up close, showed me how harm echoes down the years for many people. And, put me in touch with my own remorse and acute feelings of guilt and shame for what I had done. I am very grateful to have had the opportunity to meet these courageous people and for their generosity in sharing their stories with me and others. Meanwhile, the years have gone by.

When I feel sorry for myself, and nearing the end of my fourth decade in prison, I sometimes do, I remind myself that its my fault that I came to prison. Yet, after suffering those long years along with me, my family and friends remind me that its not my fault that I'm still in prison. That responsibility lies with others.

I have done everything possible to redeem myself in prison, I have tried mightily to remain positive and keep moving forward. Today, I am a good man, I know that too. Still, there remains a deep well of hopelessness and despair. It feels like I am always in mourning, mourning my own slow death in prison. My heart cries out, What more can I do? How much is enough? But all I hear in return are the echoes of the crime I committed so very long ago.

Thomas Schilk

Thomas Schilk/AS-0255



I, Thomas Schilk, authorize The Abolitionist Law Center to use the above writing - in whole or in part - as they choose to do.

Mums Satia

March 17, 2022

Tyreem Rivers (#DK2865) – Statement on DBI

March 1, 2022

My name is Tyreem Rivers. I am from Philadelphia Pennsylvania, and while serving the past 26 years of my life incarcerated on a LWOP prison sentence (for a unintentional criminal homicide) that resulted from a senseless purse snatch robbery, I can honestly say that "BEING SENTENCED TO DEATH BY INCARCERATION HAS BEEN A VERY SLOW BUT STEADY THREE DIMENSIONAL MEANS OF PAIN & TORTURE FOR ME". Even after making significant life changes such as developing a new sense of educational growth, discovering self-worth, and becoming an advocate for those wrongfully victimized/impacted by crime, I continue to suffer from the daily (intentional, or unintentional) assaults of my psychological, physical, & spiritual well-being. Rather it be through experiencing the lost of a love one on the outside/not being able to attend their funeral, or may it be through witnessing (another inmate in the prison died a sad death), I am often times reminded that IF I AM INELIGIBLE FOR PAROLE, AND OR NOT COMMUTED BY THE STATE OF PA., I TOO WILL SUFFER THE UNMERCIFUL FATE OF DEATH BY INCARCERATION!

With no parole eligibility for LIFERS in the state of Pa, there's no fair chance for men like me to demonstrate rehabilitative change, or redemption after having served nearly 26years of incarceration. Although I could've remained committed to life of ignorance, substance abuse, & crime (while incarcerated)... I freely decided to choose a different path that entailed developing a more prosocial thought process which inevitably helped to transform me into becoming a better person. Through educational programming, prescriptive programming, vocational training, and a passionate desire to become a better human being... I HAVE SUCCESSFULLY ACCOMPLISHED MY GOAL OF BECOMING A BETTER PERSON!

After having served over two decades in prison, I've finally discovered change, & a very bright sense of purpose. Unfortunately, many of America's Incarcerated are now dying (preventable deaths) without any 2nd chances of redemption.

For me, and thousands of men & women like me (here in Pa) currently serving (Life without Parole), aka ("death by incarceration prison sentences"), the pain and torture only intensifies as each new year passes. Often times this pain is mental, physical, & spiritual. NOTHING HURTS MORE THAN BEING LOCKED UP, & FOREVER SEPARATED FROM YOUR FAMILY & COMMUNITY. While the need for punishment for(crime)is well understood, it's often wondered HOW MUCH PUNISHMENT IS ENOUGH PUNISHMENT? Is serving nearly 26 years of my life in prison, & making significant changes herein not worthy of a 2nd chance consideration? And why is it that so many other criminal offenders get a 2nd chance BUT NOT REHABILITATED INMATES LIKE ME?Is it not sad to see that so many others i.e. drug dealers, robbers, child molesters, rapist, and even (SOME COLD BLOODED KILLERS) (GET A 2ND CHANCE AT PAROLE REVIEW/ELIGIBILITY)BUT NOT INDIVIDUALS LIKE

ME? I admit, I made some very bad choices as an (18 year old teenager);HOWEVER, I AM NOT A BAD PERSON!

And at nearly 45 years of age in this (year of 2022)... I AM NOT THE SAME PERSON I WAS BACK IN 1997

WHEN I WAS SENTENCED TO LWOP! During my sentencing process, my judge noted that he considered me a thief rather than a killer (considering I was sentenced to LIFE)after being convicted of "wrongfully snatching

a elderly woman's purse", and being the cause of her death shortly after she contracted pneumonia, slipped into a comma, and later passed away. All evidence, witnessed testimony suggested NO PHYSICAL ASSAULT AND/OR NO ACTUAL INTENT TO KILL; however I was still punished with the same punishment handed down to some of Americas most nefarious criminals. Prior to my incarceration, I STRUGGLED WITH SUBSTANCE

ABUSE & ADDICTION i.e. (Heroin, Cocaine, Pills etc). My addiction played a huge role in my "flawed criminal thinking & behavior"; whereas, I am proud to announce that I NO LONGER USE DRUGS, COMMIT CRIMES, OR STRUGGLE WITH ADDICTION. I've been clean for over 24 years now!

Not only am I over 24 years in sobriety. I AM NOW AN ADVOCATE OF SOBRIETY FOR OTHERS who currently share the same substance abuse struggles, and flawed criminal thinking ways that I once had back when I was a teenager. I currently work here in the Prison of(SCI Dallas) as an Educational/AOD Peer Facilitator.

I facilitate groups dealing with Rehabilitation, Reentry, and Relapse Prevention. I am also currently attending school at Stratford Career Institute seeking to earn an educational Diploma in Drug & Alcohol Treatment Specialist Studies. Since my incarceration, I've 100% fallen in love with education. And even though the PA DOC, and/or SCI Dallas only allows a small 10% of its Lifers to enroll in its educational,

and vocational programming, I'VE SUCCESSFULLY COMPLETED ALMOST EVERY CLASS OR COURSE MADE AVAILABLE TO Me! Such accomplishments include having earned my GED/High School Diploma, a Diploma in Paralegal Studies, a NCCER Certification in Custodial Maintenance, a Flaggers Certification and countless Certificates in Peer Assistant Training, Money Smart, Stock Marketing, Electronics/Basic Circuit Principles, Business Correspondence, Business English, Business Math, and more. I've also completed all my prescriptive programs i.e. Relapse Prevention, Violence Prevention, and Victims Awareness. Again, I'm currently taking up a correspondence course (and passing all exams) with Stratford Career Institute in order to obtain my Diploma in Drug & Alcohol Specialist Treatment Studies. And again, I currently work/give back as a Educational/ADO Peer Facilitator by facilitating groups, and helping other Inmates who suffer from the same (antisocial thought process) that I too suffered from before coming to prison. Needless to say, I am now a very Pro Social Mentor who's services could definitely be used out there in today's society!. In fact, I (TYREEM RIVERS) WOULD BE DOING OUR SOCIETY A GREAT INJUSTICE IF I DIDN'T HELP OUT & MENTOR OTHERS THE WAY I NOW DO

EACH & EVERY DAY!

For me, I've now (fully) come to learn & understand that rehabilitation is possible. I've also come to learn that just because a person may have committed a bad criminal act(@18 years of age) it doesn't necessarily mean that he's a bad person, and/or that he should be sentenced to die in prison for having wrongfully committed such an act. SCIENTIFIC STUDY NOW SHOWS THAT THE HUMAN MIND ISN'T FULLY DEVELOPED UNTIL ONE REACHES HIS OR HER MID TWENTIES. So if I did in fact do something senseless (like wrongfully snatch a woman's purse)at the age of 18, and wrongfully caused her death... I'M I NOT BEYOND ACCOMPLISHING A NEW SENSE OF CHANGE, GROWTH & REHABILITATION AT THE AGE OF 45?Does science/facts not say I can? I am 1 of over 5000+ in the state of Pa currently serving (LWOP), or a (DBI) prison sentence.MY CASE IS HIGHLY UNUSUAL CONSIDERING IT INVOLVED NO WEAPONS, OR PHYSICAL ASSAULTS.

Unfortunately a crime happened, & I was convicted of that crime. Many people reading this statement may feel that... "I SHOULDN'T BE SERVING A LIFE SENTENCE". And like them, I agree, I'm worthy of a 2nd chance consideration to be readmitted back into society; however, (of the 1100+ currently serving LWOP under our states brutal felony murder law), WE NEED THE LEGISLATORS IN PA, & AROUND THE UNITED STATES TO PLEASE STEP UP AND CHANGE THIS UNFAIR 2ND DEGREE FELONY MURDER LAW. We have Attorney's like Bret Grote & the Abolitionist Law Center advocating for a change of this law, & we have Sean Damon, the Amistad Law Project, & so many other Lawyers, Organizations, & now schools supporting this new call (for justice)in abolishing our states unfair 2nd degree felony murder law. This is truly a testament of their great humanitarian works;

HOWEVER, WE REALLY NEED ALL THE LAW MAKERS & LEGISLATORS TO PLEASE JOIN IN & SUPPORT THE BRAVE HUMANITARIAN CALL TO HELP END CASES OF DBI BY CREATING PAROLE ELIGIBILITY FOR THOSE WORTHY OF A 2NDCHANCE CONSIDERATION. PLEASE HELP "I'M DYING"!

Tyreem Rivers #DK-2865 @SCI Dallas

(C) STATEMENT FROM NEW YORK

Name	Page
1. Caroline Hansen, wife of a man sentenced to LWOP	126

To Special Rapporteur Tendayi Achiume, Special Rapporteur Alice Jill Edwards, Independent Expert Claudia Mahler, Special Rapporteur Morris Tidball-Binz, the Working Group of Experts on People of African Descent, and the Working Group on Arbitrary Detention:

My name is Caroline Hansen and I write in support of the five (5) recommendations in our forward in joint testimony by the Release Aging People in Prison Campaign/RAPP, Abolitionist Law Center, and other leading advocates for the human rights of incarcerated people. In addition to serving as a Long Island Community Leader for RAPP, I am the wife of a man serving a Life Without Parole (LWOP) sentence in New York State prison.

Life without parole sentences and other “Death by Incarceration” sentences are living death sentences. They accomplish nothing except to break people’s spirits. My husband, like many others serving such sentences, has done all he can to make his life behind bars meaningful, participating in every available program and mentoring young people to build a brighter future, even if he is to be denied any and all opportunity to experience it himself as a free man. I regularly hear from younger men in prison that my husband helped them change their lives, and the officers commend him for being a role model for the other inmates.

Our two daughters and I want him to have a chance to come home – that’s all we ask. A chance. His spirit is unbroken, and his goodness is intact.

As a 20-year-old, he was a high school dropout with serious addiction, and he committed a horrible crime. To this day, he is haunted by his action, and the devastation he caused the family of the victim and his own family. We cannot change the past, but we can change ourselves.

My mother-in-law remains optimistic that he will one day come home but she expects that day will only come after she has passed away, and that crushes her. I myself know it is possible that he will never come home – that he will die in prison, as the state of New York has planned for him. That is a reality that leaves me with a knot in my stomach. Every time we have a visit, the knot is untied, but it returns with fury when I have to leave him. The visits themselves present serious hardships; I have to wake up before the sun, drive halfway across the state, wait in line for hours amid extreme and sometimes dangerous weather conditions, from near zero degrees and blistering winds to one-hundred degrees and high humidity, only to face abusive officers. While we wait, there are no bathrooms or other accommodations, because the system views us – people in prison and their families alike – as less than human. So, to maintain our relationship, and to relieve the intestinal dread I feel when we are apart, I visit my husband regularly, but doing so comes at a steep price for myself and my family. I cannot imagine having to keep visiting him in prison when I am 90 years old.

We have been denied clemency several times. The reasoning for this denial is he has no “minimum” sentence. It was the state that issued his sentence and now the state cruelly says it cannot undo its own action. As a community organizer, I work with many men and women who have overcome long prison sentences and returned home to do great work serving the communities they hurt long ago. My husband, and others like him, deserve a chance to join them.

Again, I echo RAPP and the other esteemed organizations in respectfully urging the Special Rapporteurs to declare that:

1. All DBI sentences in the United States, including LWOP sentences, are cruel, racially discriminatory, an arbitrary deprivation of liberty, and violate individuals' right to life, family life, dignity, and liberty disproportionality on the basis of race;
2. The United States should abolish all DBI sentences, including LWOP sentences;
3. The United States should adopt maximum sentencing laws to end the imposition of "virtual life" and other lengthy or indeterminate sentences;
4. All prison sentences must include parole eligibility within a determinate number of years;
5. All those eligible for parole should be released at their eligibility date, unless there is an evidence-based determination, through a process that meets international human rights

Thank you for considering my comments.