BEFORE THE HOUSE JUDICIARY COMMITTEE
PUBLIC MEETING
OF PENNSYLVANIA'S DEATH PENALTY MORATORIUM

BEFORE: HONORABLE RONALD S. MARSICO, CHAIR
HONORABLE TOM DYMEK, MAJORITY EXECUTIVE DIRECTOR
HONORABLE TODD STEPHENS
HONORABLE MIKE VEREB
HONORABLE DOM COSTA
HONORABLE JOSEPH PETRARCA, MINORITY CHAIR
HONORABLE MIKE KANE
HONORABLE BARRY JOZWIAK
HONORABLE MARK ROZZI
HONORABLE SARAH SPEED

PHILADELPHIA CITY HALL
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THURSDAY, MARCH 26, 2015
2:12 P.M.

WITNESSES:
Deanna Weaver, Julie Dugery, Suzanne Eng, Morgan Eng,
Kathryn Eng, Tricia Wertz, Katie Cassidy, Linell Patterson,
Gretchen LeClaire, Kristi Richardson
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CHAIRMAN MARSICO: Good afternoon, everyone. I'm Representative Ron Marsico, Chair of the House Judiciary Committee. Good afternoon, and welcome to this public hearing of the House Judiciary Committee. I'm going to ask the Members that have joined us today and staff to introduce themselves, starting with my far left.

ATTORNEY KANE: I'm Mike Kane. I'm Counsel to the Commission.

REPRESENTATIVE COSTA: I'm Representative Dom Costa, Union County 21st District.

REPRESENTATIVE STEPHENS: Todd Stephens, Montgomery County, 151st District.

REPRESENTATIVE DYMEK: Tom Dymek, Executive Director of the Committee.

CHAIRMAN PETRARCA: Joe Petrarca, Democratic Chair of the Committee, Westmoreland, Armstrong and Indiana Counties.

REPRESENTATIVE SPEED: Sarah Speed, Acting Deputy Director.

REPRESENTATIVE JOZWIAK: Representative Barry Jozwiak, 5th District and Berks County.

REPRESENTATIVE ROZZI: Mark Rozzi, Berks County.

CHAIRMAN MARSICO: Thank you, Members, for being
here. I'd like to ask everyone to please silence your cell phones. First of all, I'd like to thank the City of Philadelphia and the Philadelphia City Counsel for hosting us here today. We very much appreciate it. Also want to thank former Speaker of the House and City Councilman Denny O'Brien, good to see you, Denny. Thanks for having us here.

This will be the first of at least three hearings that this Committee will hold on the topic of capital punishment in Pennsylvania. In fact, in June, this Committee will hold a full public hearing on the topic of the death penalty. We will invite advocates who oppose the death penalty and hear from those who support the death penalty as well. We will invite all to explain their positions to the Committee.

In addition, after the Joint State Government Advisory Commission issues its report, which is study of the issue of capital punishment, this Committee will hold a hearing to review that report and hear commentary on its recommendations.

But this hearing today is going to be a little bit different. Today, we're not here to talk about the death penalty itself, today we are here to talk about the crimes, the losses of life, that led to someone being sentenced to the death penalty. Often lost in the
discussion of capital punishment is true concern for the
victims and their families. So today, we're going to hear
from several of those families. Some support the death
penalty, and some oppose it. But all share a shocking and
heart wrenching loss. I can only imagine the pain and
anguish the victims' families feel when someone that they
love is taken at the hands of another. Today, we're going
to hear about those losses and the lasting effect on the
families.

The reason for this hearing is to provide
collection, because I believe that to debate the pros and cons
of the death penalty, we first need to understand what sort
of terrifying acts led to the imposition of the death
penalty in the first place. We need to glimpse the effect
of those --- on those, the victims left behind. Their
spouses, their children, and their families. To debate
capital punishment, we need to first remember the people
who cannot participate in that debate. The innocent
victims that were murdered.

Today, the committee has before it a number of
families who have agree to testify. We thank you for your
courage in coming forward to talk about your very private
losses. Before the families begin to tell their stories,
we will hear from Deanna Weaver and Julie Dugery who are
going to set the stage of today's hearing.
Deanna Weaver is the Lancaster County Victim Witness and Co-Chair of the Legislative Policy Committee for the Crime Victims Alliance of Pennsylvania, and Julie Dugery is the coordinator of volunteers, Community Outreach and Public Affairs for the Network of Victims Assistance of Bucks County, and is Co-Chair of the Legislative Policy Committee for the Crime Victims Alliance of Pennsylvania. Before we bring you up here to testify, I'm going to ask Chairman Petrarca for remarks.

CHAIRMAN PETRARCA: Thank you, Chairman Marsico. As we discuss the death penalty in Pennsylvania in the legislature and in the courts, I guess I just want to thank everyone for being here today, and I'm sorry that you are here and have a story to tell, but as we work through these issues and continue to work through these issues, I just want to thank you all for being here.

CHAIRMAN MARSICO: With that, I'm going to ask Deanna and Julie to come up. You may begin when you're ready.

MS. WEAVER: Good afternoon. My name is Deanna Weaver, and I'm a victim advocate for the Offices of the District Attorney in Lancaster. For the past 21 years, I've been in the field of victim services. For the last 11 of those years I've had the privilege to walk in the sacred space of families of homicide victims as they suddenly find
themselves thrust in the criminal justice system. These families have taught me much I could not have learned without their willingness to share this journey with me.

In considering death penalty cases, the words worst nightmare comes to mind. Recurring worst nightmare. Imagine for a moment the most horrible thing that can happen in your life. If you are a parent, I'm sure loss of a child is probably the first thing that comes to mind. I can tell you in cases dealing with the murder of a child, parents share many common reactions. A parent should never bury a child. He was the center of my world. Am I still a mom when my child is gone? Parents of murdered children walk one of the darkest paths I know. Facing the future seems like a task beyond their abilities now that the very one who was their hope for the future is gone.

If you're not a parent, the loss of a spouse or partner is top of your list of the unspeakable. When your best friend is suddenly and violently gone, life is never the same. No one to share the milestones or the mundane. The inside jokes, the goofy memories, the intimate glances, gone. You are left to find your way in life without this person. I find it particularly heartbreaking in cases where the victim was really just getting to that good part of life. When the kids are grown, there's financial stability, time to travel, enjoy the grandkids, basically,
they've reached that best is yet to be part of that familiar verse. How do I do this is a question that echoes in many cases.

These are just some examples of what homicide does to those left behind. These families come to us, not of their own choosing, but because we are part of the system they are counting on to try to make sense of things. They turn to us in search of justice.

As advocates, we exist to provide support, information, and of course, advocacy. We are here to guide families through a system of which most people outside our field know very little. It doesn't take long for families to figure out the criminal justice system revolves around the rights of the defendant. This is a shocking realization to most, and nowhere is this more evident than in death penalty cases.

We have all heard it said that the wheels of justice turn slowly. In death penalty cases, it often seems to families the wheels are simply spinning, particularly post-sentencing in these cases. Families must wait, as defendants are scrutinized more closely in these cases, both leading up to trial, throughout the trial and penalty phase and then again, throughout the seemingly unending appeals process.

These cases take longer to get to trial, so
families must wait for the justice they seek. The trial itself means reliving the worst experience of their lives. Add to that the fact that they must do this in front of an audience in the courtroom. When family members are witnesses in the case, this creates yet another level of anxiety. Imagine sitting on the witness stand while you recount how you heard the gunshots that killed your spouse, listening to yourself almost unrecognizable in the 911 call, describing the horror that began in that moment. How can this be happening is the question shared by many of the families that we serve.

As advocates, we do our best to prepare the families for the courtroom in the system that is now the center of their lives. We meet with them, we spend hours with them, we provide written materials, we refer them to counselors and support groups. We explain the rights they have, and when those rights may be exercised. We describe in detail what to expect, who will be here, who will sit where, who will say what, what pictures will be shown. I vividly remember a moment with a parent when I motioned, just before court began to where the defendant would be seated, and how it struck me that I had just told this father that the person who killed his child would soon be seated just steps from him. How can this be happening, indeed.
Death penalty cases add another facet to our discussions with our families. We explain why their case is eligible for the death penalty, how a death penalty trial is different than other trials, and what a death sentence means in Pennsylvania. And again, we do our best to prepare families for this process.

We prepare them for the fact that the prosecutors must prove what legally sets this murder apart from others. What makes this case the worst of the worst? To us, that means proving an aggravating circumstance from a very specific and limited list. That, to families, translates into reliving some of the most painful details. He was only two. She was expecting her first child. He was killed in the line of duty. She was sexually assaulted and tortured.

We explain that the defense will argue against the death penalty, and to us that means the defense attempts to prove that mitigating factors exist. The prosecution must prove that those mitigating factors do not outweigh any aggraviator or aggravators proven by the Commonwealth. That, for families though, means listening for hours upon end to someone whose sole job is to find any possible reason that the defendant should not receive the death sentence. Unlike the aggravators, mitigating factors are not really from a specific and limited list, as there
is a catchall in that list. He struggled in school. He
was raised in a broken home. She was a drug addict. He is
a help to his young siblings. He is the father of children
who would miss him if he were gone. During the penalty
phase of the trial, families who are already exhausted from
long days and sometimes weeks of court, may tell us again
how lopsided things seem. Why do these things, mitigating
factors, count for the defendant? Oftentimes, some of
these same adversities apply to the victim, but this is not
something that is highlighted because it is not relevant to
the case. From a family's perspective, unfair is a word
which also often describes this process.

It is difficult for families to prepare for the
things I've already described. But probably the most
grueling aspect for families is this. It is never over.
And for over 300 loved ones across our Commonwealth, this
nightmare reoccurs for years and even decades.

In our earliest conversations with families, we
explain that in Pennsylvania, although the death penalty
exists in a legal sense in certain homicide cases, no one
is getting executed. We tell them that since the death
penalty was reinstated in 1976, only three have been
executed, the last in 1999, and all three of those had
waived their remaining appeals. Families are aware of the
tough road ahead when giving input to prosecutors and this
is weighted in the decision.

For a family of any homicide victim, and for other crime victims as well, appeal is a scary word. Just when you think this chapter of the journey is closed, an appeal can mean a reopening of that chapter, and as a result, reopening wounds. Fortunately, we are generally able to alleviate their fears and reduce their level of anxiety, because we are confident that convictions and sentences will stand in the vast majority of cases, and the appeals are limited.

For families in death penalty cases, however, the appeals process can be entirely difficult. Appeals can go on for years as defendants proceed through various venues. Again, families watch as numerous lawyers work for these defendants, scrutinize their case and find any reason why this sentence should be overturned. In working for these defendants, their one purpose in mind, to get rid of the death penalty, and bring them appellate relief. Meanwhile, the families we work with have no relief.

With every appeal, there is bound to be a retelling of the facts, a reliving of the trial, and reopening of these most painful wounds. And since death penalty cases are more likely to draw media attention, families must often deal with these raw emotions in public.

Families want justice and commit themselves to
this goal early on in the journey. It is not unusual for families, particularly parents and grandparents, to wonder who will see this through as they see the appeals drag on with no end in sight. Will anyone in the family live long enough to see justice carried out? Will they ever get a chance to close this chapter? Truth in sentencing is so important to crime victims, and this is certainly at the forefront of the death penalty discussion for families. To them, it seems, there is no truth in sentencing.

This waiting takes a toll, naturally, on families. Missed time from work as they travel to court repeatedly, waiting for the return of precious items that were taken as evidence, and certainly, exhaustion. Sometimes, they can't bear just one more hearing, so then they stay away and then they have to deal with the guilty feelings, sometimes, of not being there.

Through the years of waiting, many families are also very concerned about the lifestyle of these defendants. They want to know that these defendants are treated differently than other inmates, and that defendants sentenced to death do not have the same privileges as other inmates within the Department of Corrections. Families want to know that even if the death penalty is not carried out, there is at least a recognition that these defendants are set apart due to their most egregious actions and
convictions. So even while the death sentences are not carried out, the sentence does at least make some difference.

Finally, I think it is important to mention another concern I have heard specifically in dealing with families and the governor's recent action. Not every family is in favor of the death penalty, and some families would say that is not their main concern. However, what they do want to know is that this defendant who killed their loved one will never get out of prison. So should the death penalty no longer be an option in Pennsylvania, it is not a stretch for families to ask what, then, would become of a life sentence in Pennsylvania? Would it still be a natural life? Should there no longer be a death penalty, would we then see the Federal Defenders resources directed at doing away with true life sentences in the Commonwealth?

Crime Victim's Alliance in Pennsylvania has developed two recommendations with regard to capital cases. The first deals with a family's right to address the court during the penalty phase of a capital trial, and the second, addresses the limited number of family members allowed to witness an execution in Pennsylvania. I have included these in detail at the end, and I will not be reading them today.
I also bring you, lastly, an update from the Office of Victim Advocates. The Victim Advocate of the Commonwealth could not be present today, however, the office wishes to convey that their office has been in touch with over 300 victims, survivors and loved ones whose offenders are currently serving death sentences in Pennsylvania. The overwhelming majority, roughly 95 percent of them have expressed frustration and outrage over the moratorium imposed. Five percent of these families have expressed support for Governor Wolf and his actions. The OVA is currently conducting a formal survey with all of its registered victims to gain a better understanding of where the families and loved ones stand on the death penalty, alternatives and delays. They hope to have this information available to the legislature and the governor's office by early April.

I thank you very much and appreciate the time that you have taken to consider victims' families for this very important topic. Thank you. Ms. Dugery and I are here to field any questions.

CHAIRMAN MARSICO: Okay. Thank you very much. Questions from members, staff? Members? Thank you very much, appreciate your time and your being here offering testimony.

MS. WEAVER: Thank you very much.
CHAIRMAN MARSICO: Next to testify are the Eng family. Susan Eng, Morgan Eng and Katherine Eng. Suzanne?

Good afternoon. You may begin.

MRS. SUZANNE ENG: I'm Suzanne Eng.

CHAIRMAN MARSICO: Could you move the microphone a little closer? Thank you, Suzanne.

MRS. SUZANNE ENG: Is this good?

CHAIRMAN MARSICO: That's good.

MRS. SUZANNE ENG: I'm Suzanne Eng, the mother of Trista Elizabeth Eng, who was murdered July 12th, 1993 by Hubert Michael. I'm here to talk about the need to end the death penalty moratorium and the need to start realizing the death penalty. I'm not sure if this is what you had in mind on remarks, but I'm going to go ahead anyway.

CHAIRMAN MARSICO: That's fine.

MRS. SUZANNE ENG: It seems a little bit different from the first person.

The exorbitant cost relating to death row inmates is so often cited as the reason to remove the death penalty from sentencing possibilities. Why is this permitted to be a budget issue? I understand that supposedly New Jersey abolished the death penalty because of the budget. And I read somewhere that Governor Wolf has said Pennsylvania, quote, has received very little if any benefit from this massive expenditure, end quote. The cost is an inherent
price for punishing a criminal for his crime. Are we to
treat the murderers the same as thieves, or are we to
release all prisoners and incarcerate no more because it's
expensive to do so? Are we going to pick and choose who we
incarcerate depending upon the cost?

Well, as I think about it, I think the thing to
do when we're talking about saving money. We wouldn't need
as many attorneys, courts, judges, prisons, et cetera,
because we wouldn't be prosecuting criminals. Overhead
costs would shrink.

All right. I'm going back to the benefitting
part of the expenditure. Are we the people supposed to
benefit from punishing murderers on death row? I can put
no dollar value on the life of our Trista. How can you put
a dollar number on the life of your precious, beautiful 16
year old murdered child? It is beyond the number of stars
we see in the night sky.

How can you put a dollar value on the hours her
family has spent agonizing over the events of the last day
of her life. And how can you put a cost limit on the
punishment of the monster who took her life. Save the
money by limiting the appeals process, or elsewhere.

Our state is being consumed by violence and
lawlessness. And it is only going to get worse. The death
penalty should be carried out within a reasonable time
frame, on those who have confessed to capital crimes and for which there is irrefutable evidence that they did indeed commit the crimes. If that were the case, I believe that many would be killers just might think twice before committing heinous crimes against humanity. We could even save some of those important dollars. Isn't that deterrent worth it to possibly prevent the murder of more of our citizens?

The following are some possibilities to address the above mentioned issues. The appeals process must be drastically changed. It needs to be reworked at both the state and national levels. It won't happen overnight, but someone, someone must take the reins to begin improvement.

A capital case inmate is given a capital sentence not life in prison, for a reason. If there is a legitimate reason for an appeal, then hear it. However, appeals that are created on new issues occurring after sentencing do not deserve to be heard. An example might be mental health issues that were non-existent during the initial court sentencing. Because an inmate is sick, forgetful, sorry, or a really nice guy or just is getting pretty old is not a reason to adjust his sentence. I'm not sure about the feasibility or the reality of this.

Also, if the murderer is justly given the death sentence, as with the case of my daughter, Trista, why oh
why is he given years of opportunities to make the choice of whether he wants to live or die? It's not his choice to make.

Appeals from criminals and/or their attorneys on sentencing should be denied when a killer has confessed to his crime and it has been proven that he did the crime through DNA or other evidence, and the same goes for those who commit lesser crimes. Finally, defense attorneys should be considered when they take up the court's time on frivolous appeals and/or filing appeals that the prisoner does not want to make.

Okay. Second, let's look at the money issue. Okay. The expense of housing death penalty inmates should of course be considered. Limiting appeals might help. The cost of housing inmates should only be considered as a budgetary line item. Cutback on expenses elsewhere. Get rid of duplication of evidence. If ever the death penalty would be repealed, the only moral, just thing to do would be to continue to house those murderers in exactly the same way that they are housed now, with the same security level, and with the same very limited privileges. The cost will be the same as it is now. We must accept the price.

Lastly, consider the possibility again of deterrence. It is widely said that capital punishment does not deter crime. Well, of course not, not if it is not
applied. If you set up boundaries and continue to fail to 
enforce them, they will have no effect. Ask any parent.

I ask you to please consider finding a way to 
lift the moratorium and to reinstating the death penalty 
and applying it in a timely manner. I thank the House 
Judiciary Committee for your time and your willingness to 
listen to my remarks. Thank you.

CHAIRMAN MARSICO: Morgan, you're going to make 
comments?

MR. ENG: Yes, I am.

CHAIRMAN MARSICO: Go ahead.

MR. ENG: Good afternoon. My name's Morgan Eng. I'm the brother to Trista Elizabeth Eng who was murdered by Hubert Lester Michael. I was going to try to wing this today, but I don't think it's going to work, so ---

CHAIRMAN MARSICO: Take your time.

MR. ENG: --- I'm going to work with what I have.

CHAIRMAN MARSICO: We understand. Take your 
time.

MR. ENG: I was requested to speak to you, the House Judiciary Committee, regarding my own personal 
beliefs and testimonies as a victim of violence. My beliefs and opinions may or may not make a difference 
relating to the Pennsylvania's death penalty, but should be 
heard as well as everybody --- as well as every other
family or friend who has lost a loved one or a friend whose killer is now faced with a temporary prohibition. Whose life may now be spared, because someone thinks the death penalty is cruel, inhumane and unusual punishment, forgetting about the impacts and effects that is causing the victims who have lost someone to a despicable act of violence.

Trista Elizabeth Eng, my sister, daughter to Suzanne, and sister to Katherine. It has been 21 and a half years. This is the time that has passed since Hubert Lester Michael took her life.

A lot of people don't know exactly what happened to Trista, so I'm going to enlighten everyone right now. So let's take a step back and imagine this. You or your child was picked up by a stranger. Imagine you are tied up. Your hands are behind you, your legs are bound together. Unable to move, unable to speak. This man is angry at a woman for a rape charge that he committed in another state. This man then begins to rape you. You have absolutely no control over this situation, and once he's done, he begins to beat you. He might even beat you before he rapes you. He is punching you, he's kicking you, he's strangling you. You are helpless. You are alone and you're scared. And remember, you're 16 years old. No one is there to hold your hand and hug you and tell you
everything will be okay. You are helpless on the ground, crying, in pain, wishing your mom and your dad were there to lift you up and make the pain go away. So minutes go by. Maybe even hours. This monster who stole you from us has a panic attack, realizes that he quickly needs to get rid of this situation that he put himself in, so he decides to kill you. Not knowing what will happen next, he pulls his pistol out, while your back is turned he fires upon you, not once, not twice, but enough times to make sure you will not live to tell what he had done to you. Imagine your 16 year old daughter or son or any family member in this situation. Imagine yourself in this situation. Imagine you are the parent or the sibling, and how would you feel. How would you feel if for 21 and a half years, there was still no closure to your loved ones?

We now feel that the Governor Wolf is now making sure that our family and every other victim's family has no closure. He is allowing, or should I say, wanting these monsters to live on. Which brings me to the main topic of discussion which is why we are here today, that being the moratorium and why it should never have been permitted in the first place.

Trista Elizabeth Eng lost her life to such a criminal. Most persons have not had the experience that our family and other families have gone through.
Twenty-one (21) and a half years of appeals, stress, worrying about whether or not this is going to have closure that's pretty much been thrown out.

Trista's killer is alive and well. He eats three meals a day, being able to see the sun, able to sleep every night. Trista lost her life to this man and for some reason we are trying to keep him alive and well. Trista never knew what it was like to have the life that you and I have. She never had the joys of driving a car, falling in love, getting married, having children. She'll never have the opportunity to meet my daughters which are sitting in the room today. This so called shell of a man took everything from her. Her killer took all her hopes and dreams away from her. He took her away from her family forever. And he's still here, alive and well, probably reading a book or doing a crossword puzzle. Who knows. But he is alive.

For our government to put a moratorium on the death penalty to the criminals that have been found guilty of their atrocious crimes and have already been sentenced is ludicrous. Sure, the government wants to save money, sure the death penalty has flaws and loopholes. But all the sentencing to those who have had the judgement passed to them should still remain in effect and carried out. Not in six months, not in a year, or not in five years. But
immediately. These criminals have been found guilty and their punishment assessed. Whether or not I agree to the death penalty makes no difference. The government sentenced these criminals to what the facts stated, and abided to what was right for our amendments and constitution. And so very well should be carried out. If the governor wishes to change the rules all of a sudden, that's fine, but it should have been researched to more depth before sporadically placing a prohibition without true logic or reason, hence causing an uproar to the families, to the victims' families, not taking into consideration the impacts this will have.

What will happen to any new criminals who commit heinous crimes in the future? Will they be passed off and given a life sentence say for brutally killing someone? I guess they'll be able to have a social life in the general population with inmates who had DUIs, theft, or any other petty crimes.

We are in the 21st century now. The rules and governor have changed, and the laws have altered since the death penalty first took place. We have human rights activists who probably have never taken into consideration what these monsters they are trying to save have done, so in a sense, they are against the death penalty, never fully understanding why they are behind bars. But to kill
another human being and not suffer the penalties that are associated with that should not be altered. Those criminals who have bluntly and knowingly killed someone should be held in contempt to the fullest allowed by law. Carry out the verdict the judge and jury decided on, period. No appeals, no insanity pleas, no third circuits. These victims did not have a chance to appeal being raped, beaten or shot to death. They couldn't say time out, let me petition what you are doing to me. I don't agree with you raping me right now and beating me, so let's hold off for a year or two or even 21 and a half years and see if what you're doing to me is allowed by law, and have a panel of judges determine if you're allowed to do this to me. Trista didn't get that opportunity.

Our society is becoming too lenient when it comes to capital punishment, questioning, and I quote, the accuracy and fundamental fairness of Pennsylvania's capital sentencing system. Who is to question the fairness of the criminal who took the life of someone, potentially knowing very well they knew what they were doing at the time of the crime? Whether it be a minority, a black, a white, or an Asian, we are all human with a conscience, knowing deep down inside what they are doing wrong and illegal. And knowing there will be a punishment in the end. Trista's killer, Hubert Lester Michael knew very well what he was
doing during the time of the crime. He told his brother what he had done, he confessed to the killing, pleaded guilty to his crime and waiving all of his rights. He also planned a strategic escape from prison and was on the run for months until he got caught. This case should have been concluded and came to rest years ago. But human rights activists, defense attorneys trying to get a name for theirselves and a paycheck destroyed all hopes of having this come to a closure. Not knowing the long term effect this has caused us as well as draining the taxpayer's money and prolonging the situation.

Every year the State Department of Corrections spends an estimated $10,000 or more on every death row inmate on the country's fourth largest death row, compared to other prisoners. Anyone can find all this information through the internet. And the most recent to be executed in 1999 was only because he agreed to it by waiving his appeals. Since then, the state has housed roughly 200 inmates a year facing death sentences. And this is costing us over $2 million annually. And this is when executions are ceased. These numbers offer a glimpse into the expanse of a system in which a death row prisoner is far more likely to die of old age or illness than by lethal injection. They signify the added security costs involved in isolating these inmates, they are just a fraction of the
capital punishment cost of the taxpayers, given the astounding legal bills also tied into putting someone to death, not to mention the expenses for executions, manpower, safeguards and chemicals needed for the execution. All of this could be resolved if we followed the sentencing the judge passed quickly and efficiently, waiving any and all appeals. The death penalty has been in our society since the late 1700s, and since then there have been debates whether or not this particular way of justice is human or not. Pennsylvania can argue for years on end on how the death penalty plays a role in our society. And before the 1960s, the Fifth, Eighth and Fourth Amendments were construed as permitting the death penalty. In the 1960s, we all of a sudden decided that the death penalty was a cruel and unusual punishment and therefore unconstitutional under the Eighth Amendment, therefore suspending the death penalty once again.

Then after new cases arose after the 1960s through the 1970s, capital punishment began imposing new statutes and states began to restate the death penalty once again.

The death penalty is a necessary measure in order to obtain structure and balance in our society. By taking this away, in my opinion, allows criminals, rapists and murderers not to think twice about what they intend to do,
knowing they will never see the death penalty, and still
will live another day, regardless of the level of crime
that they commit and even be eligible for early parole. I
thank you.

CHAIRMAN MARSICO: Thank you. Members,
questions? I'm sorry. Kathryn? Sorry about that, go
right ahead.

MS. KATHRYN ENG: My name is Kathryn Eng, and
Trista was my sister. Almost 22 years ago she was the
victim of a very violent crime. Her attacker was Hubert
Lester Michael.

This rapist and murderer was found guilty and
sentenced to death by Pennsylvania's own justice system.
Among Michael's history of previous rape convictions, my
sister's murder was not the last of his crimes. After
being sentence to death, he escaped a correctional
institution and fled the state.

For 22 years now, my family has been undergoing a
tremendous amount of emotion. One thing we felt for
certain that would eventually come would be the justice
that was meant for my sister. Her justice was for her
murderer, Hubert Michael to be put together for the awful
crimes he committed against her. This was deemed by a
court that we, as citizens elected. Pennsylvania's justice
system is not perfect, but over the years it has been found
to be just at most times. Thanks to our hardworking attorneys who fought so hard to get justice served for these victims and victims' families. Now, with Governor Wolf's sudden moratorium on the death penalty, all that hard work seems for nothing. Our family may never have the closure we need for Trista's absence. But that's not --- that's because she was taken away from us in such an awful way. Hubert Michael's sentence to death may not be the closure our family needs, but it is the justice that we need and that Trista deserves.

Executions all over the world have always been controversial. However, a sentence to be put to death is only given to the very inhumane of all persons. It is a sentence that is made for knowingly competent criminals, who commit an act that is so unfair and heinous towards another life. By putting a moratorium on the death penalty, more competent adults will knowingly commit acts of crime and hatred, know that the worst penalty they will get will be life in prison. This life might not look so bad, considering they will have a place to sleep and food to keep them alive. This will not only increase the costs of our corrections system, but could increase the rate of crime. I feel that almost 22 years of appeal after appeal that were allowed for Hubert Lester Michael is a ridiculous waste of time and money. It has been almost 22 years that
our family has had to suffer waiting for justice to be made for Trista. Now that Hubert Michael's final appeal has been denied, his sentence is finally to be put forward and carried out. The governor has now put the moratorium on. Instead of putting a moratorium on the death penalty, Governor Wolf should research how to quickly and effectively carry out the sentences that were made instead of letting these criminals file appeal after appeal, adding more cost to the budget. I feel the only flaw with capital punishment is the sentence is not carried out in a timely manner. Yes, I agree, some defendants do deserve appeals if they don't plead guilty. However, when someone knowingly commits an act of cold blooded crime and has no remorse over his or her actions such as Hubert Michael, the sentence should be carried out immediately. When we sentence prison time to criminals who commit misdemeanors or felonies, they are immediately sent to prison. Why did Hubert Michael get all these second chances, when he didn't give Trista the chance to live? I am in opposition to Governor Tom Wolf's moratorium on the death penalty. I hope he is able to find the error in his decision to impose such a thing and hope he considers the effects that it is having on the many victims and their families.

CHAIRMAN MARSICO: Questions from Members?
Representative Stephens?

**REPRESENTATIVE STEPHENS:** Thank you, Mr. Chairman. And thank you, for being here today and sharing with us the background about your sister and daughter. We're certainly sorry for your losses and appreciate the courage you all displayed in presenting the facts, and in doing so, in a way to help us understand and really help us personify what is going on here and how this whole moratorium has impacted you and your feelings on it.

Just a couple of quick questions. In what county did this murder occur?

**MS. KATHRYN ENG:** York County.

**REPRESENTATIVE STEPHENS:** York County? Do you have a sense --- I know you said that all the appeals have been exhausted. Do you have a sense for when this monster is scheduled to be executed, or should be scheduled to be executed but for this moratorium? In terms of timeline, do you know where we are on this?

**MS. KATHRYN ENG:** We're near the end.

**MR. ENG:** We were pretty much at the end, the previous governor signed and it was scheduled I believe for November of last year, and of course he had another appeal and his appeals were denied. So, you know --- our family is worn out, you know, this has been over half my life, half my sister's life, and this is pretty much that ---
what we have in the back of our minds every day. We don't
know what it's like to have, you know, a normal life. We
go to courtrooms, we deal with victim advocates who are
great with us, but no family should go through this.
Whether or not I believe in the death penalty, I don't have
a comment either way, but for what the judge and the courts
sentenced, we should follow through with that. And if
Hubert Lester was given the death penalty, that is what we
should follow through with.

REPRESENTATIVE STEPHENS: I assume that the
district --- did you have something you want to add, ma'am?
Sorry.

MS. SUZANNE ENG: I understand that they must
have had another execution warrant put out to be signed by
the governor, and I also understand if the governor
refuses, that it will go I believe to the House.

REPRESENTATIVE STEPHENS: So have you --- I
assume you've been working with the York County District
Attorney's Office?

MS. SUZANNE ENG: Uh-huh (yes).

REPRESENTATIVE STEPHENS: And they've been
keeping you apprised of everything that's going on? I'll
reach out to them and just try to get a sense of the
timeline. You know, this is exactly why we wanted to have
this hearing, to make sure that folks in your situation
were given an opportunity to be heard, and bring this back to our attention. And this monster needs to be executed, and this is exactly the type of information and the type of testimony that frankly should have been sought before taking some kind of unilateral action to set aside jury verdicts and things like that. So I again, I appreciate you being here and your courage today. Thank you very much.

CHAIRMAN MARSICO: Hold on. Representative Costa I believe has a question. Representative Costa?

REPRESENTATIVE COSTA: Thank you, Your Honor. Thank you for being here. My deepest condolences for your loss. I'm a 28 year career police officer, retired from the city. I've seen it all. And just because we've put them away, they are the bottom of the barrel of criminals. And they deserve to go. Because obviously, this person escaped, was previously the victim of a rape, knew that if he didn't take a life, then he would have possibly had more of a problem. And I've seen it, I've seen an officer, police officer killed by Stanley Thomas, an officer from Allegheny County, one of our own officers in our Allegheny County, he is on the run. He killed a woman and a baby, never disclosed where the bodies were placed. And once in prison, he killed a captain of the prison guards. So even when we incarcerate, and we don't follow through with the
death sentence, which he was on death row, they are still a
danger to our correction officers and the people around
them. So we need to move forward with this, and we need to
stop the ridiculous appeals. We need to set a time frame.
If you don't have your appeals done in a certain amount of
time. If they're a good appeal, by all means, everyone has
that right. But if they're not, ridiculous appeals need to
be stopped, we need to start moving forward with the death
sentence to protect not only our people who are out there,
because it's not to say this is inappropriate and bar it.
These animals can't --- because it has happened. And it
will happen in the future. And again, we also have to
protect those men and women who are in those prisons
protecting us from them. So I want to thank you, and my
deepest condolences to you. Thank you.

CHAIRMAN MARSICO: Thank you very much. We are
very much saddened by your loss and we thank you again for
coming forward. That took a lot of courage to come here
and publicly speak about your loss, and we thank you for
your well thought out statements and appreciate your being
here. Thank you.

MS. SUZANNE ENG: Thank you.

CHAIRMAN MARSICO: Thank you. Okay. We have ---
next to testify are Tricia Wertz, widow of slain Reading
Police Officer Scott Wertz, and Katie Cassidy I believe is
going to come up with you; is that right? Katie Cassidy, daughter of Philadelphia Police Officer Chuck Cassidy, killed in the line of duty on October 30th, 2007. Welcome, begin when you like.

MS. WERTZ: Good afternoon. My name is Tricia Wertz, and I am the wife, or should I say widow of slain Reading Police Officer Scott Wertz.

In August of 2006 my world was turned upside down. My husband was shot and killed while on duty by a man who had been a criminal since he was 13 years old. His killer was 24 at the time he killed my husband and he was wanted.

In August of 2008 that killer who testified on his own behalf was fairly tried by a jury of his peers, found guilty and sentenced to death. At the time of Scott's death, we had two children. They were 7 and 12. This year will be seven years that Scott's killer will be on death row.

In the past seven years, I have learned through this whole process, that the death penalty system is definitely flawed. Flawed for the victims, and flawed for their families left behind. Not flawed for the killers.

Flawed, because we have to wait a lifetime because of the numerous appeals that these convicted killers are given, when our loved ones weren't even given a
chance by these convicted killers. Flawed because execution warrants are signed year after year for these killers, and none of them are actually executed, while we spend thousands and thousands of dollars on their appeals, housing, medical care, food, privileges, when it could be better spent on other needed things like education, health care or helping the family members of these victims. Flawed because every time an appeal happens, the families are victimized again.

When I heard about Governor Wolf's moratorium on the death penalty, I was surprised, upset and very disappointed. I didn't hear of him speaking to any of the families of the victims whose killers are on death row. Did he stop and think about our feelings and our rights? It appears not. We have the death penalty for a reason. We have the death penalty as the ultimate punishment for committing the ultimate and heinous of crimes. Unfortunately, most killers don't think about the consequences of committing a crime, yet alone being sentenced to death when that crime is committed. They don't think about it, I believe, mostly because they know it will probably never happen. What kind of deterrent would these criminals have if there isn't a death penalty? What kind of deterrent would there be for killing a police officer? Life in prison? A life in prison where they can
hang out with their buddies in general population, play cards, watch TV, be allowed to have a job, like my husband's killer, receive visitors, receive mail. All of the things that our loved ones can no longer do. Where are my loved one's rights? Where are my family's rights?

These criminals should not be given the opportunity to continue to hurt us by being given appeal after appeal after appeal, or even worse have a death sentence changed to a life sentence.

While we don't have enough time for me to go into great detail on how Scott's death has deviated and affected myself, our sons and our families, I would like to share two things with from the past eight years. Our youngest son for many years suffered from separation anxiety. I could go nowhere and he could go nowhere, not even school, without worrying that I was not going to come home again, like his dad. I had to resign from my job as a full-time teacher to be a full-time mom and dad. I had to take anti-anxiety medication. For a long time I was lost and confused. My happiness, dreams and sense of security were gone. I questioned everything and every decision I made. I mourned my husband but I also mourned the life that we would never have. Holidays, birthdays, major life events, haven't been and never will be the same. Quite frankly, we were robbed. Scott was robbed. Scott was robbed of his
life, and we were all robbed of a wonderful man. The City of Reading was robbed of an excellent police officer who was awesome at his job. I was robbed of growing old with my soulmate. Most importantly, my children were robbed of a life with their father. His death has affected us both mentally and physically, but with time, lots of help and counseling, we are doing much better.

Unfortunately, I have learned to expect the worse and hope for the best throughout this process. Instead of being bitter, angry and emotional every day of my life, I have chosen to live and be heard. Sure, there are times when I am angry as hell and bitter. Angry, because I no longer have my husband and my children no longer have their father. Angry because his killer is still alive, and probably will be for a long time. Angry because he can see his children and do all the things Scott can't. Bitter, because he is allowed an endless process of appeals funded by our tax dollars. Bitter because he has more rights as a criminal than I do as a victim. I choose to not let that anger and bitterness define me. I choose to speak for the victims so they have a voice. I choose to live for them. I will not let his killer take anything else from me and I will fight to keep the death penalty in place. Death is what our loved ones got, so death for these killers is just and fair. I'm going to stand up for what is right, just
like Scott stood up for what was right every day when he put on his uniform. Now our governor should do the same.

In closing, while justice was served in that Scott's killer was found guilty, the sentence should be carried out by executing his killer in a timely manner. I hope to see Scott's killer put to death in my lifetime. I had hoped it would happen in my parent's lifetime, but at this rate, I don't see that happening. Maybe it will happen in our children's lifetimes. I believe that the death penalty definitely needs to be looked at, but not for a moratorium, and not for those sitting on death row. It needs to be looked at and changed for the victims and their families so that they can stop being victimized, finally have closure, justice can finally be fully served and the sentence finally carried out. Thank you.

CHAIRMAN MARSICO: Thank you, Tricia. Katie?

MS. CASSIDY: Thank you for inviting us. I have a few words regarding a family member. My father was Chuck Cassidy, he was a Philadelphia police officer just seven years ago. I would like to sincerely thank the City of Philadelphia, the police department, FOP and the district attorney's office for their continued support. They were always, always there for my family and myself. When my father was killed, and the person responsible sentenced to death, we knew that it wouldn't bring him back to us, but
it provided us with a sense of closure that justice had been done. He was personally tried by a jury of his peers, and was sentenced to a life on death row, virtual isolation. It was very important to us that punishment not be altered. That my father's murderer is not provided a lifestyle that is any better than the one he has now. Whether he is ever executed is not as important to us as ensuring his life is not improved. That is our simple request. Thank you again for this opportunity to express our feelings in this matter. God bless all law enforcement and police.

CHAIRMAN MARSICO: Thank you, Katie. Questions? Comments, questions?

REPRESENTATIVE ROZZI: I have a comment.

CHAIRMAN MARSICO: Representative Rozzi.

REPRESENTATIVE ROZZI: I would just like to say I'm sorry. Scott was a hero for the City of Reading, and as I spoke to you earlier, that was personal to me, because we had that problem down that street there, and many people probably don't know this, but Scott was working on auto theft detail. We had a problem along that stretch. There is many businesses and one of those businesses was mine, and that night that he was working, you know, it wasn't because of the auto theft, he heard shots blocks away, and he ran to those shots. He didn't run away from them.
Scott Alan Wertz is a hero. And I can hear everything against the death penalty, but to me there is just one word that stands out for the death penalty, and that's justice. Thank you for being here today.

CHAIRMAN MARSICO: Representative Jozwiak?

REPRESENTATIVE JOZWIAK: Tricia, I knew your husband personally. He was a good man. He did a lot of things in life that you would be proud of. And you know, in law enforcement, you go to work, you don't know if you're coming home every day. And most days you come home and stay. Scott didn't come home. So thank you so much for being here, and thank you for your bravery and I agree with you, justice has to be done.

CHAIRMAN MARSICO: Chairman Petrarca? Any questions? Representative Costa?

REPRESENTATIVE COSTA: Thank you, Mr. Chairman. Ladies, thank you for being here. As a former police officer for our state, in 2002 I was shot. There's a bullet in the base of my brain. And I can only imagine what it would have done to my family. I know what the shooting did, so I can only imagine what it would have done. And back at that time when I was a police officer, an act of violence against a police officer was not nearly what they are today, and I think it's important, knowing that nothing's going to happen, there's no consequences.
I'm better off shooting a police officer trying to get away than I am surrendering and not facing the death sentence. So if indeed we don't do something about the appeals, the things that are going on now and moving forward, then it's all for nothing. Our public safety people stand more to be in extreme danger, over these people who do not care. So I would thank you and offer my condolences for the loss of both your dad, your husband and my partner. Thank you.

MS. WERTZ: I would like to add --- I'm sorry.

CHAIRMAN MARSICO: Go ahead.

MS. WERTZ: I actually just got a call from the Attorney General's Office, who tried Scott's case and they told me that just Tuesday, two days ago, that the state appeals are done, he is done with the state appeals. One of the reasons for his state appeals is that his attorneys made mistakes. It now goes to the federal system, and that's where he is now, on his federal appeals. They asked if I had any questions. My question was, who funds all these appeals, and they told me it's a lot of federal tax dollars that are doing this. So I think one of my concerns too is once the appeals are done in the state, why is it up to them? Those appeals are done, the state has made the decision, why does it go on to the federal? Why do they have a say once the state has made their decision?

CHAIRMAN MARSICO: Representative Stephens?
REPRESENTATIVE STEPHENS: I just asked --- I don't have the answer to that question, so I'm sorry.

MS. WERTZ: I understand.

REPRESENTATIVE STEPHENS: I could research it and get back to you. I could venture a guess, but I'm not going to do that, because being in a court, if I'm wrong, it'll be thrown back at me. But again, I just can't thank you guys enough for being here and doing such a terrific job here on behalf of your father and on behalf of your husband.

A quick question for you, I think I remember the day your father was killed. He was going into a Dunkin' Donuts if I'm not mistaken?

MS. CASSIDY: Yes. Actually before going to a soccer game.

REPRESENTATIVE STEPHENS: If I remember correctly, his killer had committed other crimes before, violent crimes, if I'm not mistaken.

MS. CASSIDY: Yes.

REPRESENTATIVE STEPHENS: And was that true, Tricia, also of your husband?

MS. WERTZ: Yeah. He was actually wanted at the time for pistol whipping his girlfriend prior --- a couple of weeks prior to Scott's death.

REPRESENTATIVE STEPHENS: I mean, I know we're
here to talk about the death penalty moratorium, but obviously, you know, these guys were violent guys to begin with, and you know, we need to do a better job of making sure that they don't have an opportunity to take other lives, which they did in this case. So again, I'm certainly sorry for your loss and appreciate your testimony here today.

CHAIRMAN MARSICO: Counselor Dymek?

ATTORNEY DYMEK: The Chairman just asked me to comment on the federal appeals, and the reason for that additional level of appeals is that the defendants have an opportunity to appeal in federal court as to whether their federal Constitutional rights had somehow been violated during the process. It's a very long process, I think everyone knows that, but the Chairman asked me just to explain that one piece.

CHAIRMAN MARSICO: Any other questions? Well, thank you once again, greatly appreciate you being here, and your time and your bravery, your courage to come up here publicly and testify. We know it had to be very tough for you, so we thank you and we're saddened by your losses. Thank you.

Next to testify is Linell Patterson, daughter of Terry Smith and stepmother Lucy Smith, murdered in 2001. Welcome.
MS. PATTERSON: Thank you so much for letting me share my story. My dad was funny. He was funny. When I was little, my favorite song to sing with him was Take Me Out to the Ball Game, hands down. He was smart, he was an engineer, he was an inventor. He taught my sister and me math. He loved to travel, he loved to play guitar, he loved to be with his family. When I was a teenager, he married Lucy, my stepmom, who was grabbed up by an elementary school to be their principal as soon as she came to the area. She was kind. She had a beautiful smile.

When I found out that Dad and Lucy had been murdered, I was a sophomore in college. And it was a devastating crime. It involved hours of torture with multiple weapons, duct tape, knives, hammers, guns, ultimately suffocation was how they both died. I still don't understand why my family was brutalized and killed that night by my stepbrother and some of his friends. I still have anger, I still have nightmares, I still have unanswered questions and I still miss my dad.

When the trials began we were told that a death sentence would be sought for Landon May. A boy who was about my age, who participated in killing my family. We were told that justice would be sought for us. This is a phrase that was echoed repeatedly throughout the trials, throughout all the newspapers, that justice would be sought
for me. Justice would be sought for me.

I went to the trials and it was hard. I sat in the position that I sit in now, like feet from Landon May. Really close. And at first I didn't know who was behind us, like a bunch of newspaper reporters, students, but on one of the breaks I met some of the women who were sitting just kind of over here. It was Landon May's family. And I recognize now that that this could have been a really awful meeting, but at that point in my life, no one else got it. No one else understood the sheer devastation and the horror and the anger, but these women got it. I immediately connected with them, and they were just as equally devastated as I was. They brought me comfort. And on top of that, they were really fearful that their loved one was going to be killed. When the death sentence was read, I will never forget the sound that came out of those women, because I had cried that cry for my family. And it is haunting to think that another death will take place for me. It is a burden that I carry.

Exploring what justice is over the past 14 years has been like being in a maze. To me, justice means keeping violent criminals in prison. It means re-strength in our communities after trauma, and investing in programs and resources that prevent future acts of violence. It also means providing victims' families with help when it
comes to understanding what to expect regarding grief and post traumatic stress and pretending nothing. The funerals and resources for the future. Often, victim's family members are grouped into one category. One that desires another death to obtain dealing with justice. Thank for giving us all a chance to share our individual stories. I know we each have different feelings, they're all valid. For myself, for myself only, another death will not facilitate my feelings. I will not feel justice when capital punishment has been implemented. It will not make me feel safer, it will not make me feel less angry. It will not bring me peace. It will not bring my family back. My family, who I so want to honor by living a life of joy. Not focused on their killers, but on healing.

Because you all feel differently, it seems appropriate to neutralize emotions from the debate and prudent to call a moratorium while exploring all the aspects of the policy. Thank you. Thank you so much.

CHAIRMAN MARISCO: Representative Stephens?

REPRESENTATIVE STEPHENS: Again, I just want to applaud your courage, you certainly bring a different prespecified to the discussion today, and you can feel the emotion and the feeling and I just appreciate the fact that you come here to share your perspective on this with us, because I do think it's important that we hear all
perspectives, and I think you bring out a very important component to the table today. Thank you for that.

MS. PATTERSON: Thank you.

CHAIRMAN MARSICO: Anyone else? I just want to add to that too, thank you for being here and sharing your views. And we wanted to get a balanced --- have a balanced hearing here today, and you certainly have provided that for us, and we appreciate your time and we are saddened by your losses, also. Thank you.

Next to testify is Gretchen LeClaire, surviving victim and spouse of Sergeant and Warrant Officer Joseph LeClaire, Junior, killed in the line of duty March 19th, 2004 in the first Judicial District of Pennsylvania. Welcome, Gretchen.

MS. LECLAIRE: Good afternoon, members of the House of Representatives Judiciary Committee. I want to thank you for inviting me to this hearing. My name is Gretchen LeClaire, and I come before you today because my husband Joe LeClaire was shot execution style by Darien Hauser while Joe and three other First Judicial District Pretrial Warrant Officers were serving a bench warrant at Hauser's apartment in the Northwest part of Philadelphia. Joe was executed by being shot twice, once in the head and once in the stomach while trying to protect himself behind furniture. Hauser was caught while fleeing the scene.
Three other warrant officers were also shot and wounded while trying to save my husband Joe from being killed.

Joe's execution happened at 2:05 a.m., March 19th, 2004 and today I want to tell you as a surviving spouse what I have gone through and what I'm still going through since Joe was executed on March 19th.

In speaking to other surviving victims, I want to say they have also gone through similar experience which I have gone through. Joe's execution happened at 2:05 in the morning. Joe and three other warrant officers entered the apartment at about 1:50 a.m. Joe was also a police officer for 24 years and had served as a military police officer in the United States Marine Corps, and with the Newport News Virginia Police Department.

My husband Joe's death has also affected our family and children.

I still relive my experience every day, because Joe doesn't come home anymore to be with me and share my life, I can't be with him. I can't share anything of my life with him anymore because he was executed doing his job for the people of Philadelphia.

I have not been able to move ahead in my life during the past 11 years and seven days. Joe was executed when I was 63 years old. I was planning on sharing the rest of my life with him in his retirement years. The only
thing that would help me start moving ahead in my life is
the execution of the person who took my Joe away from me. Until his execution is carried out, I have some comfort
knowing that he's on death row, sitting in solitary
confinement for 23 hours out of the 24 hours of a day,
sitting in a small prison cell and thinking every day about
why he's in solitary confinement, awaiting his date of
execution. I want to witness Darien Hauser's execution.

Governor Wolf and other legislators want to take
that away from me and other victims by imposing a
moratorium on the death penalty. Other victims and I are
going through additional unnecessary heartaches similar to
what I have been going through and what I have gone through
this past 11 years and seven days, and will continue to go
through until this execution is carried out.

I'm unable to clean my home. I am depressed
every day, and I have put on weight, and I am unable to eat
right, and sleep right. I get up from sleeping every night
around 1:50 a.m. and the only day I will be able to move
ahead is when I see Hauser executed.

Some people say that the prisoner might suffer if
the lethal injection doesn't work as it should. I have
been suffering for the past 11 years and seven days. If
the Governor and some members of the legislature feel that
this is cruel, then give the option to the convicted
criminals to be executed by lethal injection, firing squad, bullet through the heart may be cheaper in cost than the chemicals they're using, and death would be instantaneous, or execution by hanging. Other states give the option to the convicted.

Three executions have taken place in the last 48 years in Pennsylvania, and it said that to keep the prisoner on death row is costly. Why should prisoners be kept on death row for such a long period of time? It is true that six persons have been released from death row during the 48 years, one because of DNA, and five being released because of further court hearings. Were these on technical issues? DNA may have been the one true release, but the state has safeguards to save the innocent from being executed. My question is, why does the appeals process drag on for such a long period of time, in those cases where there is no doubt of the identity of the murderer, such as this case of my husband Joe, or the Pennsylvania State Trooper who was recently executed or Philadelphia Police Officer Wilson who was shot by two robbers recently?

Will those who are given a reprieve in the future be placed in general prison population, or will they be kept in solitary confinement as they currently are, with limited access outside their solitary confinement cell?
One question I have in reading the Senate Bill 493, what is the difference in penalty between the murder of first degree and murder of the second degree.

I again want to thank the members of the Judiciary Committee for giving me the opportunity to voice my concerns.

CHAIRMAN MARSICO: Are there questions? Thank you very much, we'll --- appreciate your being here, and we'll get --- not quite sure what Senate Bill 493 is, to tell you the truth, so we'll have to research that bill, and we'll get that information back to you. Okay? Thank you, and appreciate your courage as well. Sorry for your loss. Thank you. Kristi Richardson, widow of Michael Richardson, murdered January 19th, 2003.

MS. RICHARDSON: Good afternoon. I'm here today to give my testimony on how I feel about Governor Tom Wolf's decision to place a moratorium on the death penalty in Pennsylvania.

January 19th, 2003 will be a day I will never forget. It was the day my husband was murdered in cold blood. The murderer made a conscious decision to take his life and gave my husband no choice to live. That decision would forever change my life.

The police caught the man responsible at the scene of the crime, and arrested him. The following year,
all 12 jurors sentenced this man to death row. It was a relief to know that this person would be put away and not be free to harm others. I was satisfied with the verdict, knowing that the murderer would pay for his crime.

Five years passed, and former Governor Ed Rendell signed the execution warrant on August 31st, 2009. The date of execution was set for October 22nd, 2009. The murderer filed a stay of execution on September 14th, 2009, which deeply troubled me. I kept having flashbacks of all the painful memories surrounding this crime. This man should pay for what he has done. I know my husband will never come back but it would have given me some form of closure if that execution had been carried out.

Ed Rendell wrote to the state legislature in 2011 asking them to find a way to streamline the execution of the death penalty in Pennsylvania. His quote was, while Congress and this body have enacted goals to help curtail and streamline the appellate process in capital cases, the length of time between the imposition of the sentence and actual execution, if it occurs at all, can be decades and is still too long. Victim's survivors are frustrated, the police are frustrated. The lengthy appeals process not only costs taxpayers substantial money, but it also robs the victims' families and friends of peace of mind, and they get no closure, end quote.
Currently, Governor Tom Wolf has placed a moratorium on the death penalty because he feels the current system is error prone, expensive and anything but infallible. The Pennsylvania task force and advisory comission on capital punishment is current devising a report about the effectiveness of the death penalty, such as, is it cost effective? Is it doing the right thing? Is it fair, and is it an effective deterrent? Governor Wolf believes that there are more poor and racial minorities on death row and he wants this reviewed.

I feel that Governor Wolf needs to lift this moratorium and continue to sign death warrants as the prior governors have done. Change needs to come forth within the appeals process. Allow a judge to review immediately the issue the defendant has appealed, to both analyze and determine if it even warrants an appeal, or is just a request to buy time.

We the victims don't ask for much. What we do ask, and rightfully so, we want to see justice served. The jury has made their decision based on the preponderance of evidence, and they decided he deserved the death penalty. Now that this sentence has been given, it needs to be implemented. The system constantly fails us due to these long legal ramifications, which only leaves me with the feeling that justice will never truly be served. It is a
slap in the face to each victim and their family, for they
are not here to defend themselves, and the families must
continue to live through the nightmare all over again.

I will continue to fight to see justice prevail.
And I thank you for hearing my testimony.

CHAIRMAN MARSICO: Thank you, Kristi. And whose
the young lady sitting beside you?

MS. RICHARDSON: This is my oldest daughter
Christine, she is 24.

CHAIRMAN MARSICO: Hi, Christina. I'd like to
recognize Representative Mike Vereb who just came in.
Representative. Any questions? Thank you, once again to
all the testifiers today. We appreciate your testimony,
your coming forward. I know it was very emotional for all
of you and I can tell you right now it was emotional for
all of us, also. So the time you took in putting your
thoughts together and your recommendations and suggestions
are on the record. And we did receive some written
testimony from Leitha Lipford, Linda Burney, previous
innkeeper of Gateway Lodge, Megan Smith, Walt Everett,
Mandy Norwood, Vicki Schieber and Jason Ortiz of the Murder
Victims Families for Reconciliation National Office. So
any comments? Representative --- Chairman Petrarca,
comments?

CHAIRMAN PETRARCA: Thank you, Chairman. I too
want to thank everyone for being here and testifying, and I
guess I just want to make a few comments and offer a little
perspective here.

I think what Governor Wolf has done and maybe
what he hasn't done, he has not reprieved or pardoned
anyone on death row. And he has not offered sympathy to
anyone on death row in Pennsylvania. I believe, and I'm
not speaking for the governor, but I believe that what he
has said and is saying that as many of you know, better
than we do, that the system is --- the system's flawed. I
believe we've only had three people on death row executed
since 1976 or so, and I believe the last execution was in
1999. So I think --- I think everyone realizes, including
this governor that we have a problem. I believe there is
one person on death row in Pennsylvania has had six death
warrants signed. So hopefully as we move forward, again,
with --- I personally am a proponent of the death penalty,
but I think as we move forward, as has been listed by
Chairman Marsico and even some of our testifiers, the
administration, the governor's waiting for a report that I
believe the data for that report should be in within the
next month or two, and hopefully that report will follow
soon after. So again, I just wanted to offer a little
perspective and again thank everyone for being here.

CHAIRMAN MARSICO: Thank you, Bob.
Representative Stephens?

**REPRESENTATIVE STEPHENS:** Thank you, Mr. Chairman. Mr. Chairman, I want to thank you for putting this hearing together, and one of the things that I think has been missing, and respectfully, Chairman Petrarca, you know, I don't know of any victims' families who had an opportunity to weigh in on the governor before this moratorium was unilaterally imposed. And the fact that we are giving all of you and all of those that submitted testimony, regardless of where you are on the issue, the opportunity to be heard, I think is critical. To take action unilaterally without considering the feelings of those that are most deeply impacted by the decision I think is wrong. And that's why I think it's so important that we had this hearing today, we have these other two hearings coming up, and I think it's absolutely critical that those of you who testified, and those of you that have strong feelings on this issue or are impacted by this moratorium have an opportunity to be heard, and that's why we're here. So thank you for participating with us and sharing your insights, and again, thank you, Mr. Chairman for putting this hearing together.

**CHAIRMAN MARSICO:** Representative Vereb?

**REPRESENTATIVE VEREB:** Thank you, Mr. Chairman. Sorry I'm late. Certainly to all our victims, I think the
message is pretty clear that we are listening and will continue to listen. And the real goal here is to get to the bottom of the death penalty issues. As you know, I've introduced a resolution condemning the actions of the governor unilaterally putting a moratorium in place even though the resolution is strongly worded, it's strongly worded because I feel it represents the passion and the emotion of our victims. And while I did not consult with anyone, the district attorneys, the victims groups, I did get a chance to sit in last week and while there was a joint commission working, it's a year and a half late. I don't know when their next meeting is going to be, I talked with two members, they don't remember the last meeting they had. I did recommend to the governor that if we're going to get something done, it should involve our chairs of both parties and both chambers, judiciary, perhaps a smaller, more functional group of people to get together and make recommendations. And weeks, and/or months, not years, and certainly not a year and a half late. So I look forward to working with both chairmen of this committee and will continue to meet with the governor and his staff. Clearly the governor, and his own explanation being is his concern about what happens when warrants get to his table, and I don't believe reprieves or anything other than a temporary stoppage in the ultimate signing of the death warrant, and
in a moratorium the governor cannot use that reprieve to focus on the facts and the ramifications that are put in front of him by prosecutors, and frankly our civilians in this Commonwealth. So I thank you, sorry I'm late, but I do appreciate the exposure on this issue and again, our hearts to all the victims no matter how long ago your loss was, it's lodged in our memory today. Thank you.

CHAIRMAN MARSICO: Thank you, Representative Vereb. Once again, we want to thank the City of Philadelphia for allowing us to be here today, and once again, thank all of you for being here. This hearing is adjourned. Thank you.

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HEARING ADJOURNED AT 3:39 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

[Signature]

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