

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

4 BEFORE: HONORABLE RONALD S. MARSICO, CHAIR
5 HONORABLE TOM DYMEK, MAJORITY EXECUTIVE DIRECTOR
6 HONORABLE TODD STEPHENS
7 HONORABLE MIKE VEREB
8 HONORABLE DOM COSTA
9 HONORABLE JOSEPH PETRARCA, MINORITY CHAIR
10 HONORABLE MIKE KANE
11 HONORABLE BARRY JOZWIAK
12 HONORABLE MARK ROZZI
13 HONORABLE SARAH SPEED

14 PHILADELPHIA CITY HALL
15 COUNCIL CHAMBERS, ROOM 400
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17 PHILADELPHIA, PA 19107

18 THURSDAY, MARCH 26, 2015
19 2:12 P.M.

20 WITNESSES:
21 Deanna Weaver, Julie Dugery, Suzanne Eng, Morgan Eng,
22 Kathryn Eng, Tricia Wertz, Katie Cassidy, Linell Patterson,
23 Gretchen LeClaire, Kristi Richardson

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1 P R O C E E D I N G S
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3 CHAIRMAN MARSICO: Good afternoon, everyone. I'm
4 Representative Ron Marsico, Chair of the House Judiciary
5 Committee. Good afternoon, and welcome to this public
6 hearing of the House Judiciary Committee. I'm going to ask
7 the Members that have joined us today and staff to
8 introduce themselves, starting with my far left.

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

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

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

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

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

20 REPRESENTATIVE SPEED: Sarah Speed, Acting Deputy
21 Director.

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

24 REPRESENTATIVE ROZZI: Mark Rozzi, Berks County.

25 CHAIRMAN MARSICO: Thank you, Members, for being

1 here. I'd like to ask everyone to please silence your cell
2 phones. First of all, I'd like to thank the City of
3 Philadelphia and the Philadelphia City Counsel for hosting
4 us here today. We very much appreciate it. Also want to
5 thank former Speaker of the House and City Councilman Denny
6 O'Brien, good to see you, Denny. Thanks for having us
7 here.

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

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

21 But this hearing today is going to be a little
22 bit different. Today, we're not here to talk about the
23 death penalty itself, today we are here to talk about the
24 crimes, the losses of life, that led to someone being
25 sentenced to the death penalty. Often lost in the

1 discussion of capital punishment is true concern for the
2 victims and their families. So today, we're going to hear
3 from several of those families. Some support the death
4 penalty, and some oppose it. But all share a shocking and
5 heart wrenching loss. I can only imagine the pain and
6 anguish the victims' families feel when someone that they
7 love is taken at the hands of another. Today, we're going
8 to hear about those losses and the lasting effect on the
9 families.

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

20 Today, the committee has before it a number of
21 families who have agree to testify. We thank you for your
22 courage in coming forward to talk about your very private
23 losses. Before the families begin to tell their stories,
24 we will hear from Deanna Weaver and Julie Dugery who are
25 going to set the stage of today's hearing.

1 Deanna Weaver is the Lancaster County Victim
2 Witness and Co-Chair of the Legislative Policy Committee
3 for the Crime Victims Alliance of Pennsylvania, and Julie
4 Dugery is the coordinator of volunteers, Community Outreach
5 and Public Affairs for the Network of Victims Assistance of
6 Bucks County, and is Co-Chair of the Legislative Policy
7 Committee for the Crime Victims Alliance of Pennsylvania.
8 Before we bring you up here to testify, I'm going to ask
9 Chairman Petrarca for remarks.

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

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

20 MS. WEAVER: Good afternoon. My name is Deanna
21 Weaver, and I'm a victim advocate for the Offices of the
22 District Attorney in Lancaster. For the past 21 years,
23 I've been in the field of victim services. For the last 11
24 of those years I've had the privilege to walk in the sacred
25 space of families of homicide victims as they suddenly find

1 themselves thrust in the criminal justice system. These
2 families have taught me much I could not have learned
3 without their willingness to share this journey with me.

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

16 If you're not a parent, the loss of a spouse or
17 partner is top of your list of the unspeakable. When your
18 best friend is suddenly and violently gone, life is never
19 the same. No one to share the milestones or the mundane.
20 The inside jokes, the goofy memories, the intimate glances,
21 gone. You are left to find your way in life without this
22 person. I find it particularly heartbreakin in cases
23 where the victim was really just getting to that good part
24 of life. When the kids are grown, there's financial
25 stability, time to travel, enjoy the grandkids, basically,

1 they've reached that best is yet to be part of that
2 familiar verse. How do I do this is a question that echoes
3 in many cases.

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

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

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

25 These cases take longer to get to trial, so

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

12 As advocates, we do our best to prepare the
13 families for the courtroom in the system that is now the
14 center of their lives. We meet with them, we spend hours
15 with them, we provide written materials, we refer them to
16 counselors and support groups. We explain the rights they
17 have, and when those rights may be exercised. We describe
18 in detail what to expect, who will be here, who will sit
19 where, who will say what, what pictures will be shown. I
20 vividly remember a moment with a parent when I motioned,
21 just before court began to where the defendant would be
22 seated, and how it struck me that I had just told this
23 father that the person who killed his child would soon be
24 seated just steps from him. How can this be happening,
25 indeed.

1 Death penalty cases add another facet to our
2 discussions with our families. We explain why their case
3 is eligible for the death penalty, how a death penalty
4 trial is different than other trials, and what a death
5 sentence means in Pennsylvania. And again, we do our best
6 to prepare families for this process.

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

16 We explain that the defense will argue against
17 the death penalty, and to us that means the defense
18 attempts to prove that mitigating factors exist. The
19 prosecution must prove that those mitigating factors do not
20 outweigh any aggravator or aggravators proven by the
21 Commonwealth. That, for families though, means listening
22 for hours upon end to someone whose sole job is to find any
23 possible reason that the defendant should not receive the
24 death sentence. Unlike the aggravators, mitigating factors
25 are not really from a specific and limited list, as there

1 is a catchall in that list. He struggled in school. He
2 was raised in a broken home. She was a drug addict. He is
3 a help to his young siblings. He is the father of children
4 who would miss him if he were gone. During the penalty
5 phase of the trial, families who are already exhausted from
6 long days and sometimes weeks of court, may tell us again
7 how lopsided things seem. Why do these things, mitigating
8 factors, count for the defendant? Oftentimes, some of
9 these same adversities apply to the victim, but this is not
10 something that is highlighted because it is not relevant to
11 the case. From a family's perspective, unfair is a word
12 which also often describes this process.

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

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

1 is weighted in the decision.

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

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

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

25 Families want justice and commit themselves to

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

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

17 Through the years of waiting, many families are
18 also very concerned about the lifestyle of these
19 defendants. They want to know that these defendants are
20 treated differently than other inmates, and that defendants
21 sentenced to death do not have the same privileges as other
22 inmates within the Department of Corrections. Families
23 want to know that even if the death penalty is not carried
24 out, there is at least a recognition that these defendants
25 are set apart due to their most egregious actions and

1 convictions. So even while the death sentences are not
2 carried out, the sentence does at least make some
3 difference.

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

18 Crime Victim's Alliance in Pennsylvania has
19 developed two recommendations with regard to capital cases.
20 The first deals with a family's right to address the court
21 during the penalty phase of a capital trial, and the
22 second, addresses the limited number of family members
23 allowed to witness an execution in Pennsylvania. I have
24 included these in detail at the end, and I will not be
25 reading them today.

1 I also bring you, lastly, an update from the
2 Office of Victim Advocates. The Victim Advocate of the
3 Commonwealth could not be present today, however, the
4 office wishes to convey that their office has been in touch
5 with over 300 victims, survivors and loved ones whose
6 offenders are currently serving death sentences in
7 Pennsylvania. The overwhelming majority, roughly 95
8 percent of them have expressed frustration and outrage over
9 the moratorium imposed. Five percent of these families
10 have expressed support for Governor Wolf and his actions.
11 The OVA is currently conducting a formal survey with all of
12 its registered victims to gain a better understanding of
13 where the families and loved ones stand on the death
14 penalty, alternatives and delays. They hope to have this
15 information available to the legislature and the governor's
16 office by early April.

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

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

25 MS. WEAVER: Thank you very much.

1 CHAIRMAN MARSICO: Next to testify are the Eng
2 family. Susan Eng, Morgan Eng and Katherine Eng. Suzanne?
3 Good afternoon. You may begin.

4 MRS. SUZANNE ENG: I'm Suzanne Eng.

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

7 MRS. SUZANNE ENG: Is this good?

8 CHAIRMAN MARSICO: That's good.

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

15 CHAIRMAN MARSICO: That's fine.

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

18 The exorbitant cost relating to death row inmates
19 is so often cited as the reason to remove the death penalty
20 from sentencing possibilities. Why is this permitted to be
21 a budget issue? I understand that supposedly New Jersey
22 abolished the death penalty because of the budget. And I
23 read somewhere that Governor Wolf has said Pennsylvania,
24 quote, has received very little if any benefit from this
25 massive expenditure, end quote. The cost is an inherent

1 price for punishing a criminal for his crime. Are we to
2 treat the murderers the same as thieves, or are we to
3 release all prisoners and incarcerate no more because it's
4 expensive to do so? Are we going to pick and choose who we
5 incarcerate depending upon the cost?

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

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

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

23 Our state is being consumed by violence and
24 lawlessness. And it is only going to get worse. The death
25 penalty should be carried out within a reasonable time

1 frame, on those who have confessed to capital crimes and
2 for which there is irrefutable evidence that they did
3 indeed commit the crimes. If that were the case, I believe
4 that many would be killers just might think twice before
5 committing heinous crimes against humanity. We could even
6 save some of those important dollars. Isn't that deterrent
7 worth it to possibly prevent the murder of more of our
8 citizens?

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

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

24 Also, if the murderer is justly given the death
25 sentence, as with the case of my daughter, Trista, why oh

1 why is he given years of opportunities to make the choice
2 of whether he wants to live or die? It's not his choice to
3 make.

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

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

23 Lastly, consider the possibility again of
24 deterrence. It is widely said that capital punishment does
25 not deter crime. Well, of course not, not if it is not

1 applied. If you set up boundaries and continue to fail to
2 enforce them, they will have no effect. Ask any parent.

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

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

10 MR. ENG: Yes, I am.

11 CHAIRMAN MARSICO: Go ahead.

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

16 CHAIRMAN MARSICO: Take your time.

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

18 CHAIRMAN MARSICO: We understand. Take your
19 time.

20 MR. ENG: I was requested to speak to you, the
21 House Judiciary Committee, regarding my own personal
22 beliefs and testimonies as a victim of violence. My
23 beliefs and opinions may or may not make a difference
24 relating to the Pennsylvania's death penalty, but should be
25 heard as well as everybody --- as well as every other

1 family or friend who has lost a loved one or a friend whose
2 killer is now faced with a temporary prohibition. Whose
3 life may now be spared, because someone thinks the death
4 penalty is cruel, inhumane and unusual punishment,
5 forgetting about the impacts and effects that is causing
6 the victims who have lost someone to a despicable act of
7 violence.

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

12 A lot of people don't know exactly what happened
13 to Trista, so I'm going to enlighten everyone right now.
14 So let's take a step back and imagine this. You or your
15 child was picked up by a stranger. Imagine you are tied
16 up. Your hands are behind you, your legs are bound
17 together. Unable to move, unable to speak. This man is
18 angry at a woman for a rape charge that he committed in
19 another state. This man then begins to rape you. You have
20 absolutely no control over this situation, and once he's
21 done, he begins to beat you. He might even beat you before
22 he rapes you. He is punching you, he's kicking you, he's
23 strangling you. You are helpless. You are alone and
24 you're scared. And remember, you're 16 years old. No one
25 is there to hold your hand and hug you and tell you

1 everything will be okay. You are helpless on the ground,
2 crying, in pain, wishing your mom and your dad were there
3 to lift you up and make the pain go away. So minutes go
4 by. Maybe even hours. This monster who stole you from us
5 has a panic attack, realizes that he quickly needs to get
6 rid of this situation that he put himself in, so he decides
7 to kill you. Not knowing what will happen next, he pulls
8 his pistol out, while your back is turned he fires upon
9 you, not once, not twice, but enough times to make sure you
10 will not live to tell what he had done to you. Imagine
11 your 16 year old daughter or son or any family member in
12 this situation. Imagine yourself in this situation.
13 Imagine you are the parent or the sibling, and how would
14 you feel. How would you feel if for 21 and a half years,
15 there was still no closure to your loved ones?

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

23 Trista Elizabeth Eng lost her life to such a
24 criminal. Most persons have not had the experience that
25 our family and other families have gone through.

1 Twenty-one (21) and a half years of appeals, stress,
2 worrying about whether or not this is going to have closure
3 that's pretty much been thrown out.

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

18 For our government to put a moratorium on the
19 death penalty to the criminals that have been found guilty
20 of their atrocious crimes and have already been sentenced
21 is ludicrous. Sure, the government wants to save money,
22 sure the death penalty has flaws and loopholes. But all
23 the sentencing to those who have had the judgement passed
24 to them should still remain in effect and carried out. Not
25 in six months, not in a year, or not in five years. But

1 immediately. These criminals have been found guilty and
2 their punishment assessed. Whether or not I agree to the
3 death penalty makes no difference. The government
4 sentenced these criminals to what the facts stated, and
5 abided to what was right for our amendments and
6 constitution. And so very well should be carried out. If
7 the governor wishes to change the rules all of a sudden,
8 that's fine, but it should have been researched to more
9 depth before sporadically placing a prohibition without
10 true logic or reason, hence causing an uproar to the
11 families, to the victims' families, not taking into
12 consideration the impacts this will have.

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

19 We are in the 21st century now. The rules and
20 governor have changed, and the laws have altered since the
21 death penalty first took place. We have human rights
22 activists who probably have never taken into consideration
23 what these monsters they are trying to save have done, so
24 in a sense, they are against the death penalty, never fully
25 understanding why they are behind bars. But to kill

1 another human being and not suffer the penalties that are
2 associated with that should not be altered. Those
3 criminals who have bluntly and knowingly killed someone
4 should be held in contempt to the fullest allowed by law.
5 Carry out the verdict the judge and jury decided on,
6 period. No appeals, no insanity pleas, no third circuits.
7 These victims did not have a chance to appeal being raped,
8 beaten or shot to death. They couldn't say time out, let
9 me petition what you are doing to me. I don't agree with
10 you raping me right now and beating me, so let's hold off
11 for a year or two or even 21 and a half years and see if
12 what you're doing to me is allowed by law, and have a panel
13 of judges determine if you're allowed to do this to me.
14 Trista didn't get that opportunity.

15 Our society is becoming too lenient when it comes
16 to capital punishment, questioning, and I quote, the
17 accuracy and fundamental fairness of Pennsylvania's capital
18 sentencing system. Who is to question the fairness of the
19 criminal who took the life of someone, potentially knowing
20 very well they knew what they were doing at the time of the
21 crime? Whether it be a minority, a black, a white, or an
22 Asian, we are all human with a conscience, knowing deep
23 down inside what they are doing wrong and illegal. And
24 knowing there will be a punishment in the end. Trista's
25 killer, Hubert Lester Michael knew very well what he was

1 doing during the time of the crime. He told his brother
2 what he had done, he confessed to the killing, pleaded
3 guilty to his crime and waiving all of his rights. He also
4 planned a strategic escape from prison and was on the run
5 for months until he got caught. This case should have been
6 concluded and came to rest years ago. But human rights
7 activists, defense attorneys trying to get a name for
8 themselves and a paycheck destroyed all hopes of having
9 this come to a closure. Not knowing the long term effect
10 this has caused us as well as draining the taxpayer's money
11 and prolonging the situation.

12 Every year the State Department of Corrections
13 spends an estimated \$10,000 or more on every death row
14 inmate on the country's fourth largest death row, compared
15 to other prisoners. Anyone can find all this information
16 through the internet. And the most recent to be executed
17 in 1999 was only because he agreed to it by waiving his
18 appeals. Since then, the state has housed roughly 200
19 inmates a year facing death sentences. And this is costing
20 us over \$2 million annually. And this is when executions
21 are ceased. These numbers offer a glimpse into the expanse
22 of a system in which a death row prisoner is far more
23 likely to die of old age or illness than by lethal
24 injection. They signify the added security costs involved
25 in isolating these inmates, they are just a fraction of the

1 capital punishment cost of the taxpayers, given the
2 astounding legal bills also tied into putting someone to
3 death, not to mention the expenses for executions,
4 manpower, safeguards and chemicals needed for the
5 execution. All of this could be resolved if we followed
6 the sentencing the judge passed quickly and efficiently,
7 waiving any and all appeals. The death penalty has been in
8 our society since the late 1700s, and since then there have
9 been debates whether or not this particular way of justice
10 is human or not. Pennsylvania can argue for years on end
11 on how the death penalty plays a role in our society. And
12 before the 1960s, the Fifth, Eighth and Fourth Amendments
13 were construed as permitting the death penalty. In the
14 1960s, we all of a sudden decided that the death penalty
15 was a cruel and unusual punishment and therefore
16 unconstitutional under the Eighth Amendment, therefore
17 suspending the death penalty once again.

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

22 The death penalty is a necessary measure in order
23 to obtain structure and balance in our society. By taking
24 this away, in my opinion, allows criminals, rapists and
25 murderers not to think twice about what they intend to do,

1 knowing they will never see the death penalty, and still
2 will live another day, regardless of the level of crime
3 that they commit and even be eligible for early parole. I
4 thank you.

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

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

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

18 For 22 years now, my family has been undergoing a
19 tremendous amount of emotion. One thing we felt for
20 certain that would eventually come would be the justice
21 that was meant for my sister. Her justice was for her
22 murderer, Hubert Michael to be put together for the awful
23 crimes he committed against her. This was deemed by a
24 court that we, as citizens elected. Pennsylvania's justice
25 system is not perfect, but over the years it has been found

1 to be just at most times. Thanks to our hardworking
2 attorneys who fought so hard to get justice served for
3 these victims and victims' families. Now, with Governor
4 Wolf's sudden moratorium on the death penalty, all that
5 hard work seems for nothing. Our family may never have the
6 closure we need for Trista's absence. But that's not ---
7 that's because she was taken away from us in such an awful
8 way. Hubert Michael's sentence to death may not be the
9 closure our family needs, but it is the justice that we
10 need and that Trista deserves.

11 Executions all over the world have always been
12 controversial. However, a sentence to be put to death is
13 only given to the very inhumane of all persons. It is a
14 sentence that is made for knowingly competent criminals,
15 who commit an act that is so unfair and heinous towards
16 another life. By putting a moratorium on the death
17 penalty, more competent adults will knowingly commit acts
18 of crime and hatred, know that the worst penalty they will
19 get will be life in prison. This life might not look so
20 bad, considering they will have a place to sleep and food
21 to keep them alive. This will not only increase the costs
22 of our corrections system, but could increase the rate of
23 crime. I feel that almost 22 years of appeal after appeal
24 that were allowed for Hubert Lester Michael is a ridiculous
25 waste of time and money. It has been almost 22 years that

1 our family has had to suffer waiting for justice to be made
2 for Trista.

3 Now that Hubert Michael's final appeal has been
4 denied, his sentence is finally to be put forward and
5 carried out. The governor has now put the moratorium on.
6 Instead of putting a moratorium on the death penalty,
7 Governor Wolf should research how to quickly and
8 effectively carry out the sentences that were made instead
9 of letting these criminals file appeal after appeal, adding
10 more cost to the budget. I feel the only flaw with capital
11 punishment is the sentence is not carried out in a timely
12 manner. Yes, I agree, some defendants do deserve appeals
13 if they don't plead guilty. However, when someone
14 knowingly commits an act of cold blooded crime and has no
15 remorse over his or her actions such as Hubert Michael, the
16 sentence should be carried out immediately. When we
17 sentence prison time to criminals who commit misdemeanors
18 or felonies, they are immediately sent to prison. Why did
19 Hubert Michael get all these second chances, when he didn't
20 give Trista the chance to live? I am in opposition to
21 Governor Tom Wolf's moratorium on the death penalty. I
22 hope he is able to find the error in his decision to impose
23 such a thing and hope he considers the effects that it is
24 having on the many victims and their families.

25 CHAIRMAN MARSICO: Questions from Members?

1 Representative Stephens?

2 REPRESENTATIVE STEPHENS: Thank you, Mr.

3 Chairman. And thank you, for being here today and sharing
4 with us the background about your sister and daughter.

5 We're certainly sorry for your losses and appreciate the
6 courage you all displayed in presenting the facts, and in
7 doing so, in a way to help us understand and really help us
8 personify what is going on here and how this whole
9 moratorium has impacted you and your feelings on it.

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

12 MS. KATHRYN ENG: York County.

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

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

20 MR. ENG: We were pretty much at the end, the
21 previous governor signed and it was scheduled I believe for
22 November of last year, and of course he had another appeal
23 and his appeals were denied. So, you know --- our family
24 is worn out, you know, this has been over half my life,
25 half my sister's life, and this is pretty much that ---

1 what we have in the back of our minds every day. We don't
2 know what it's like to have, you know, a normal life. We
3 go to courtrooms, we deal with victim advocates who are
4 great with us, but no family should go through this.
5 Whether or not I believe in the death penalty, I don't have
6 a comment either way, but for what the judge and the courts
7 sentenced, we should follow through with that. And if
8 Hubert Lester was given the death penalty, that is what we
9 should follow through with.

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

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

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

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

21 REPRESENTATIVE STEPHENS: And they've been
22 keeping you apprised of everything that's going on? I'll
23 reach out to them and just try to get a sense of the
24 timeline. You know, this is exactly why we wanted to have
25 this hearing, to make sure that folks in your situation

1 were given an opportunity to be heard, and bring this back
2 to our attention. And this monster needs to be executed,
3 and this is exactly the type of information and the type of
4 testimony that frankly should have been sought before
5 taking some kind of unilateral action to set aside jury
6 verdicts and things like that. So I again, I appreciate
7 you being here and your courage today. Thank you very
8 much.

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

11 REPRESENTATIVE COSTA: Thank you, Your Honor.
12 Thank you for being here. My deepest condolences for your
13 loss. I'm a 28 year career police officer, retired from
14 the city. I've seen it all. And just because we've put
15 them away, they are the bottom of the barrel of criminals.
16 And they deserve to go. Because obviously, this person
17 escaped, was previously the victim of a rape, knew that if
18 he didn't take a life, then he would have possibly had more
19 of a problem. And I've seen it, I've seen an officer,
20 police officer killed by Stanley Thomas, an officer from
21 Allegheny County, one of our own officers in our Allegheny
22 County, he is on the run. He killed a woman and a baby,
23 never disclosed where the bodies were placed. And once in
24 prison, he killed a captain of the prison guards. So even
25 when we incarcerate, and we don't follow through with the

1 death sentence, which he was on death row, they are still a
2 danger to our correction officers and the people around
3 them. So we need to move forward with this, and we need to
4 stop the ridiculous appeals. We need to set a time frame.
5 If you don't have your appeals done in a certain amount of
6 time. If they're a good appeal, by all means, everyone has
7 that right. But if they're not, ridiculous appeals need to
8 be stopped, we need to start moving forward with the death
9 sentence to protect not only our people who are out there,
10 because it's not to say this is inappropriate and bar it.
11 These animals can't --- because it has happened. And it
12 will happen in the future. And again, we also have to
13 protect those men and women who are in those prisons
14 protecting us from them. So I want to thank you, and my
15 deepest condolences to you. Thank you.

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

22 MS. SUZANNE ENG: Thank you.

23 CHAIRMAN MARSICO: Thank you. Okay. We have ---
24 next to testify are Tricia Wertz, widow of slain Reading
25 Police Officer Scott Wertz, and Katie Cassidy I believe is

1 going to come up with you; is that right? Katie Cassidy,
2 daughter of Philadelphia Police Officer Chuck Cassidy,
3 killed in the line of duty on October 30th, 2007. Welcome,
4 begin when you like.

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

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

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

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

23 Flawed, because we have to wait a lifetime
24 because of the numerous appeals that these convicted
25 killers are given, when our loved ones weren't even given a

1 chance by these convicted killers. Flawed because
2 execution warrants are signed year after year for these
3 killers, and none of them are actually executed, while we
4 spend thousands and thousands of dollars on their appeals,
5 housing, medical care, food, privileges, when it could be
6 better spent on other needed things like education, health
7 care or helping the family members of these victims.
8 Flawed because every time an appeal happens, the families
9 are victimized again.

10 When I heard about Governor Wolf's moratorium on
11 the death penalty, I was surprised, upset and very
12 disappointed. I didn't hear of him speaking to any of the
13 families of the victims whose killers are on death row.
14 Did he stop and think about our feelings and our rights?
15 It appears not. We have the death penalty for a reason.
16 We have the death penalty as the ultimate punishment for
17 committing the ultimate and heinous of crimes.
18 Unfortunately, most killers don't think about the
19 consequences of committing a crime, yet alone being
20 sentenced to death when that crime is committed. They
21 don't think about it, I believe, mostly because they know
22 it will probably never happen. What kind of deterrent
23 would these criminals have if there isn't a death penalty?
24 What kind of deterrent would there be for killing a police
25 officer? Life in prison? A life in prison where they can

1 hang out with their buddies in general population, play
2 cards, watch TV, be allowed to have a job, like my
3 husband's killer, receive visitors, receive mail. All of
4 the things that our loved ones can no longer do. Where are
5 my loved one's rights? Where are my family's rights?

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

10 While we don't have enough time for me to go into
11 great detail on how Scott's death has deviated and affected
12 myself, our sons and our families, I would like to share
13 two things with from the past eight years. Our youngest
14 son for many years suffered from separation anxiety. I
15 could go nowhere and he could go nowhere, not even school,
16 without worrying that I was not going to come home again,
17 like his dad. I had to resign from my job as a full-time
18 teacher to be a full-time mom and dad. I had to take
19 anti-anxiety medication. For a long time I was lost and
20 confused. My happiness, dreams and sense of security were
21 gone. I questioned everything and every decision I made.
22 I mourned my husband but I also mourned the life that we
23 would never have. Holidays, birthdays, major life events,
24 haven't been and never will be the same. Quite frankly, we
25 were robbed. Scott was robbed. Scott was robbed of his

1 life, and we were all robbed of a wonderful man. The City
2 of Reading was robbed of an excellent police officer who
3 was awesome at his job. I was robbed of growing old with
4 my soulmate. Most importantly, my children were robbed of
5 a life with their father. His death has affected us both
6 mentally and physically, but with time, lots of help and
7 counseling, we are doing much better.

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

1 like Scott stood up for what was right every day when he
2 put on his uniform. Now our governor should do the same.

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

16 CHAIRMAN MARSICO: Thank you, Tricia. Katie?

17 MS. CASSIDY: Thank you for inviting us. I have
18 a few words regarding a family member. My father was Chuck
19 Cassidy, he was a Philadelphia police officer just seven
20 years ago. I would like to sincerely thank the City of
21 Philadelphia, the police department, FOP and the district
22 attorney's office for their continued support. They were
23 always, always there for my family and myself. When my
24 father was killed, and the person responsible sentenced to
25 death, we knew that it wouldn't bring him back to us, but

1 it provided us with a sense of closure that justice had
2 been done. He was personally tried by a jury of his peers,
3 and was sentenced to a life on death row, virtual
4 isolation. It was very important to us that punishment not
5 be altered. That my father's murderer is not provided a
6 lifestyle that is any better than the one he has now.
7 Whether he is ever executed is not as important to us as
8 ensuring his life is not improved. That is our simple
9 request. Thank you again for this opportunity to express
10 our feelings in this matter. God bless all law enforcement
11 and police.

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

14 REPRESENTATIVE ROZZI: I have a comment.

15 CHAIRMAN MARSICO: Representative Rozzi.

16 REPRESENTATIVE ROZZI: I would just like to say
17 I'm sorry. Scott was a hero for the City of Reading, and
18 as I spoke to you earlier, that was personal to me, because
19 we had that problem down that street there, and many people
20 probably don't know this, but Scott was working on auto
21 theft detail. We had a problem along that stretch. There
22 is many businesses and one of those businesses was mine,
23 and that night that he was working, you know, it wasn't
24 because of the auto theft, he heard shots blocks away, and
25 he ran to those shots. He didn't run away from them.

1 Scott Alan Wertz is a hero. And I can hear everything
2 against the death penalty, but to me there is just one word
3 that stands out for the death penalty, and that's justice.
4 Thank you for being here today.

5 CHAIRMAN MARSICO: Representative Jozwiak?

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

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

16 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.
17 Ladies, thank you for being here. As a former police
18 officer for our state, in 2002 I was shot. There's a
19 bullet in the base of my brain. And I can only imagine
20 what it would have done to my family. I know what the
21 shooting did, so I can only imagine what it would have
22 done. And back at that time when I was a police officer,
23 an act of violence against a police officer was not nearly
24 what they are today, and I think it's important, knowing
25 that nothing's going to happen, there's no consequences.

1 I'm better off shooting a police officer trying to get away
2 than I am surrendering and not facing the death sentence.
3 So if indeed we don't do something about the appeals, the
4 things that are going on now and moving forward, then it's
5 all for nothing. Our public safety people stand more to be
6 in extreme danger, over these people who do not care. So I
7 would thank you and offer my condolences for the loss of
8 both your dad, your husband and my partner. Thank you.

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

10 CHAIRMAN MARSICO: Go ahead.

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

25 CHAIRMAN MARSICO: Representative Stephens?

1 REPRESENTATIVE STEPHENS: I just asked --- I
2 don't have the answer to that question, so I'm sorry.

3 MS. WERTZ: I understand.

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

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

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

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

19 MS. CASSIDY: Yes.

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

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

25 REPRESENTATIVE STEPHENS: I mean, I know we're

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

8 CHAIRMAN MARSICO: Counselor Dymek?

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

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

23 Next to testify is Linell Patterson, daughter of
24 Terry Smith and stepmother Lucy Smith, murdered in 2001.
25 Welcome.

1 MS. PATTERSON: Thank you so much for letting me
2 share my story. My dad was funny. He was funny. When I
3 was little, my favorite song to sing with him was Take Me
4 Out to the Ball Game, hands down. He was smart, he was an
5 engineer, he was an inventor. He taught my sister and me
6 math. He loved to travel, he loved to play guitar, he
7 loved to be with his family. When I was a teenager, he
8 married Lucy, my stepmom, who was grabbed up by an
9 elementary school to be their principal as soon as she came
10 to the area. She was kind. She had a beautiful smile.

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

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

1 for me. Justice would be sought for me.

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

20 Exploring what justice is over the past 14 years
21 has been like being in a maze. To me, justice means
22 keeping violent criminals in prison. It means re-strength
23 in our communities after trauma, and investing in programs
24 and resources that prevent future acts of violence. It
25 also means providing victims' families with help when it

1 comes to understanding what to expect regarding grief and
2 post traumatic stress and pretending nothing. The funerals
3 and resources for the future. Often, victim's family
4 members are grouped into one category. One that desires
5 another death to obtain dealing with justice. Thank for
6 giving us all a chance to share our individual stories. I
7 know we each have different feelings, they're all valid.
8 For myself, for myself only, another death will not
9 facilitate my feelings. I will not feel justice when
10 capital punishment has been implemented. It will not make
11 me feel safer, it will not make me feel less angry. It
12 will not bring me peace. It will not bring my family back.
13 My family, who I so want to honor by living a life of joy.
14 Not focused on their killers, but on healing.

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

19 CHAIRMAN MARSICO: Representative Stephens?

20 REPRESENTATIVE STEPHENS: Again, I just want to
21 applaud your courage, you certainly bring a different
22 prespecified to the discussion today, and you can feel the
23 emotion and the feeling and I just appreciate the fact that
24 you come here to share your perspective on this with us,
25 because I do think it's important that we hear all

1 perspectives, and I think you bring out a very important
2 component to the table today. Thank you for that.

3 MS. PATTERSON: Thank you.

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

10 Next to testify is Gretchen LeClaire, surviving
11 victim and spouse of Sergeant and Warrant Officer Joseph
12 LeClaire, Junior, killed in the line of duty March 19th,
13 2004 in the first Judicial District of Pennsylvania.
14 Welcome, Gretchen.

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

1 Three other warrant officers were also shot and wounded
2 while trying to save my husband Joe from being killed.

3 Joe's execution happened at 2:05 a.m., March
4 19th, 2004 and today I want to tell you as a surviving
5 spouse what I have gone through and what I'm still going
6 through since Joe was executed on March 19th.

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

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

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

22 I have not been able to move ahead in my life
23 during the past 11 years and seven days. Joe was executed
24 when I was 63 years old. I was planning on sharing the
25 rest of my life with him in his retirement years. The only

1 thing that would help me start moving ahead in my life is
2 the execution of the person who took my Joe away from me.
3 Until his execution is carried out, I have some comfort
4 knowing that he's on death row, sitting in solitary
5 confinement for 23 hours out of the 24 hours of a day,
6 sitting in a small prison cell and thinking every day about
7 why he's in solitary confinement, awaiting his date of
8 execution. I want to witness Darien Hauser's execution.

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

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

21 Some people say that the prisoner might suffer if
22 the lethal injection doesn't work as it should. I have
23 been suffering for the past 11 years and seven days. If
24 the Governor and some members of the legislature feel that
25 this is cruel, then give the option to the convicted

1 criminals to be executed by lethal injection, firing squad,
2 bullet through the heart may be cheaper in cost than the
3 chemicals they're using, and death would be instantaneous,
4 or execution by hanging. Other states give the option to
5 the convicted.

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

22 Will those who are given a reprieve in the future
23 be placed in general prison population, or will they be
24 kept in solitary confinement as they currently are, with
25 limited access outside their solitary confinement cell?

1 One question I have in reading the Senate Bill
2 493, what is the difference in penalty between the murder
3 of first degree and murder of the second degree.

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

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

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

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

24 The police caught the man responsible at the
25 scene of the crime, and arrested him. The following year,

1 all 12 jurors sentenced this man to death row. It was a
2 relief to know that this person would be put away and not
3 be free to harm others. I was satisfied with the verdict,
4 knowing that the murderer would pay for his crime.

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

14 Ed Rendell wrote to the state legislature in 2011
15 asking them to find a way to streamline the execution of
16 the death penalty in Pennsylvania. His quote was, while
17 Congress and this body have enacted goals to help curtail
18 and streamline the appellate process in capital cases, the
19 length of time between the imposition of the sentence and
20 actual execution, if it occurs at all, can be decades and
21 is still too long. Victim's survivors are frustrated, the
22 police are frustrated. The lengthy appeals process not
23 only costs taxpayers substantial money, but it also robs
24 the victims' families and friends of peace of mind, and
25 they get no closure, end quote.

1 Currently, Governor Tom Wolf has placed a
2 moratorium on the death penalty because he feels the
3 current system is error prone, expensive and anything but
4 infallible. The Pennsylvania task force and advisory
5 comission on capital punishment is current devising a
6 report about the effectiveness of the death penalty, such
7 as, is it cost effective? Is it doing the right thing? Is
8 it fair, and is it an effective deterrent? Governor Wolf
9 believes that there are more poor and racial minorities on
10 death row and he wants this reviewed.

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

18 We the victims don't ask for much. What we do
19 ask, and rightfully so, we want to see justice served. The
20 jury has made their decision based on the preponderance of
21 evidence, and they decided he deserved the death penalty.
22 Now that this sentence has been given, it needs to be
23 implemented. The system constantly fails us due to these
24 long legal ramifications, which only leaves me with the
25 feeling that justice will never truly be served. It is a

1 slap in the face to each victim and their family, for they
2 are not here to defend themselves, and the families must
3 continue to live through the nightmare all over again.

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

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

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

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

25 CHAIRMAN PETRARCA: Thank you, Chairman. I too

1 want to thank everyone for being here and testifying, and I
2 guess I just want to make a few comments and offer a little
3 perspective here.

4 I think what Governor Wolf has done and maybe
5 what he hasn't done, he has not reprieved or pardoned
6 anyone on death row. And he has not offered sympathy to
7 anyone on death row in Pennsylvania. I believe, and I'm
8 not speaking for the governor, but I believe that what he
9 has said and is saying that as many of you know, better
10 than we do, that the system is --- the system's flawed. I
11 believe we've only had three people on death row executed
12 since 1976 or so, and I believe the last execution was in
13 1999. So I think --- I think everyone realizes, including
14 this governor that we have a problem. I believe there is
15 one person on death row in Pennsylvania has had six death
16 warrants signed. So hopefully as we move forward, again,
17 with --- I personally am a proponent of the death penalty,
18 but I think as we move forward, as has been listed by
19 Chairman Marsico and even some of our testifiers, the
20 administration, the governor's waiting for a report that I
21 believe the data for that report should be in within the
22 next month or two, and hopefully that report will follow
23 soon after. So again, I just wanted to offer a little
24 perspective and again thank everyone for being here.

25 CHAIRMAN MARSICO: Thank you, Bob.

1 Representative Stephens?

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

23 CHAIRMAN MARSICO: Representative Vereb?

24 REPRESENTATIVE VEREB: Thank you, Mr. Chairman.

25 Sorry I'm late. Certainly to all our victims, I think the

1 message is pretty clear that we are listening and will
2 continue to listen. And the real goal here is to get to
3 the bottom of the death penalty issues. As you know, I've
4 introduced a resolution condemning the actions of the
5 governor unilaterally putting a moratorium in place even
6 though the resolution is strongly worded, it's strongly
7 worded because I feel it represents the passion and the
8 emotion of our victims. And while I did not consult with
9 anyone, the district attorneys, the victims groups, I did
10 get a chance to sit in last week and while there was a
11 joint commission working, it's a year and a half late. I
12 don't know when their next meeting is going to be, I talked
13 with two members, they don't remember the last meeting they
14 had. I did recommend to the governor that if we're going
15 to get something done, it should involve our chairs of both
16 parties and both chambers, judiciary, perhaps a smaller,
17 more functional group of people to get together and make
18 recommendations. And weeks, and/or months, not years, and
19 certainly not a year and a half late. So I look forward to
20 working with both chairmen of this committee and will
21 continue to meet with the governor and his staff. Clearly
22 the governor, and his own explanation being is his concern
23 about what happens when warrants get to his table, and I
24 don't believe reprieves or anything other than a temporary
25 stoppage in the ultimate signing of the death warrant, and

1 in a moratorium the governor cannot use that reprieve to
2 focus on the facts and the ramifications that are put in
3 front of him by prosecutors, and frankly our civilians in
4 this Commonwealth. So I thank you, sorry I'm late, but I
5 do appreciate the exposure on this issue and again, our
6 hearts to all the victims no matter how long ago your loss
7 was, it's lodged in our memory today. Thank you.

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

13 | * * * * * * * * *

14 HEARING ADJOURNED AT 3:39 P.M.

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1 CERTIFICATE
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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.

Maele Mazzagano

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