

Written Statement of Nancy Leichter
Hearing before the Pennsylvania House Judiciary Committee
Re: House Bill 1410
October 30, 2023

My name is Nancy Leichter. I am the daughter of Leonard Leichter, who died after a carjack robbery in 1980.

My parents had two children, my brother and me. He is an ex-Marine, was a nuclear engineer. While we are close, we have disagreed on various issues over the years. But one thing we both agreed on, was that after 40 years in prison, Reid and Wyatt Evans deserved to be released from prison, which they were.

Growing up in Philadelphia as a middle-class white child, I never dealt with the criminal justice system. I barely knew it existed. But then something happened that affected me profoundly. I personally experienced criminal justice in Pennsylvania.

In 1980, teenaged brothers, Reid and Wyatt Evans, made the fateful decision to accompany their friend in a carjack robbery. They had no idea their victim had a heart condition. When he told them that and asked to be let out of the car, the brothers dropped him at a phone booth where he was able to call for help.

Unfortunately, my beloved father had a massive heart attack and died three hours later. Completely devastated by the loss of my father, my family felt justice was done when they were convicted of the crime. They were tried as adults, received the mandatory sentence required by law in Pennsylvania for 2nd degree felony murder, life in prison without parole.

Before their trial, the Evans brothers had been offered a plea deal of 10-20 years. Their court appointed attorney recommend they reject it, telling them he thought he could get them a better deal. He could not and did not. And so, they languished in prison for just over 40 years.

As the years went by, my view of their sentence changed significantly. I began to think about them. Who were they? What had their life been like before that terrible night? They were 18 & 19 years old with the brains of teenagers, not fully developed. They were reckless and stupid. In thinking of myself as a teenager, I was reckless and stupid myself. I didn't cause anyone's death, but if I had done something like what they did (I didn't), I don't believe I would have received the same sentence they did. And the more I learned about them and the criminal justice system, the more I knew I had to try to do what I could to help get them released.

They had applied for commutation of their sentence and had been turned down. They had shown compassion to my father by taking him to the phone booth. They were accomplices to the crime, did not kill him or intend for him to die, didn't even know he had died until they were arrested. They had received poor legal advice, and they never should have received the LWOP sentence in the first place. Pennsylvania has the 2nd most people in the world who are serving life or virtual life sentences and will never leave. Reid & Wyatt Evans did not deserve to die in prison.

They were granted a second hearing. I wrote a letter to the Board of Pardons and testified by Zoom in full support of their release. Along with my advocacy and the advocacy of organizations like the Amistad Law Project, Reverend Mark Kelly Tyler of Mother Bethel AME, and others who believed they should be released, their sentences were commuted, they were released and they are out now, working full time, living with their 91 year old father, on lifetime parole.

There are many things I could say about the statistics that put people in prison for severe sentences. But while the circumstances that put them in prison for life are many, these situations are not rare. The Evans brothers were not the only poor teenagers without proper resources, who did not actually kill the victim but were merely present during the crime, or were a driver or a lookout, and were given an extreme sentence.

I am not minimizing what they did, nor the devastation it caused my family. My mother lost the love of her life and was never the same. I lost a beloved father who was a businessman, accomplished artist, avid golfer, and mostly a great father and person who loved his family. But I can be both heartbroken at the enormous loss of my father 40+ years ago, and also heartbroken by the unfairness of the harsh sentences the Evans brothers received.

When I testified before the Board of Pardons, there were about 9-10 people on the Zoom - prison staff, DOC people as well as the board. After I testified in support of their release, the meeting was opened for questions and comments. I remember one board member who kept saying one brother did not "present himself well", was very quiet, wasn't consistent at an interview the night before the general hearing where I spoke. Didn't present himself well? This person didn't even know the brothers, and the people on the prison staff, who were with them on a regular basis and knew them well, got along with them very well, said they had spotless records, no behavioral problems, they never denied what they did, they had completed their GED's, had taken college courses, had learned a trade, and they had no problem recommending them for release.

And I learned that the Board of Pardons is not accountable to anyone. If they say no, they do not have to say why. As it turned out, that person was not present at the vote. So it is indeed possible that he could have voted no and it seemed (to me) he may have been headed in that direction. And if he had voted no, all the work they had done on themselves for almost 40 years, all of my support, as the daughter of the victim, all the work many other advocacy groups, a church pastor had done, and the prison staff recommended release, it's conceivable that this one person (who didn't even know them) could have shut down the entire clemency process for a reason we would never know, and they would most likely still be in prison today - and that would have been wrong, unfair, unjust, terrible.

I strongly support changing the required Board of Pardons clemency vote from unanimous to three fifths, because I know the case of these two brothers is not rare or unusual. There are many more people deserving of second chances. I, myself, know of cases.

Although we believe justice is done when a sentence is initially handed down, what about justice on the back end? The Evans' certainly deserved to be punished for their participation in the crime, and they were, but at some point, there must be justice for those, like the Evans', who deserve a second chance. Surely.

Thank you.
