

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION**No. 143** Session of
2015

INTRODUCED BY VEREB, STEPHENS, MARSICO, CUTLER, BAKER, BARRAR,
DELOZIER, DUSH, FEE, GINGRICH, GREINER, GROVE, HARHART,
HARPER, A. HARRIS, HEFFLEY, HICKERNELL, IRVIN, JAMES,
JOZWIAK, M. K. KELLER, KNOWLES, KRIEGER, LAWRENCE, MAJOR,
McGINNIS, MENTZER, METCALFE, MILLARD, B. MILLER, OBERLANDER,
PYLE, QUIGLEY, SACCONI, SANKEY, SAYLOR, SONNEY, STAATS,
TALLMAN, TAYLOR, TOEPEL, WATSON, MILNE, HACKETT, GILLEN,
MURT, FARRY AND KLUNK, MARCH 4, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 8, 2015

A RESOLUTION

1 Condemning Governor Tom Wolf's unconstitutional action to usurp
2 the authority of the General Assembly to make the laws and of
3 the judiciary to administer justice by declaring a moratorium
4 on capital punishment in Pennsylvania and calling upon
5 Governor Wolf to reverse this action and to carry out his
6 constitutional duty.

7 WHEREAS, On February 13, 2015, approximately two weeks before
8 the scheduled execution of convicted murderer Terrance Williams,
9 Governor Tom Wolf announced that he was granting a reprieve of
10 that execution; and

11 WHEREAS, Even the Governor has conceded that there is no
12 doubt as to the guilt of Terrance Williams or as to the
13 monstrosity of his violent crimes; and

14 WHEREAS, The Governor has not suggested that there was any
15 miscarriage of justice in the Williams case; nor that the duly
16 enacted laws of Pennsylvania relating to Williams' trial,

1 including the preconviction and postconviction procedure, failed
2 Williams in any way; nor that the subsequent Federal court
3 review of his case was anything less than robust and thorough;
4 nor that the aggravating circumstances in Williams' case were
5 insufficient to merit the penalty of death under the duly
6 enacted laws of Pennsylvania; nor that Williams was in any way
7 the victim of unfair or prejudicial treatment; nor that Williams
8 has in any way attempted to redeem himself; and

9 WHEREAS, Governor Wolf has also declared that he will issue
10 reprieves in all future capital cases that are presented to him
11 for warrants, in a concerted effort to impose a blanket
12 moratorium on the death penalty in Pennsylvania; and

13 WHEREAS, ON JUNE 3, 2015, GOVERNOR WOLF ISSUED A REPRIEVE FOR <--
14 THE SCHEDULED EXECUTION OF HUBERT MICHAEL, A MAN WHO CONFESSED
15 TO AND WAS CONVICTED IN THE KIDNAP, RAPE AND MURDER OF A 16-
16 YEAR-OLD GIRL, DEMONSTRATING THE GOVERNOR'S INTENTION OF
17 IMPOSING A BLANKET MORATORIUM ON THE DEATH PENALTY IN
18 PENNSYLVANIA; AND

19 WHEREAS, The grounds for a reprieve are, and only ever have
20 been during the history of Pennsylvania law, a temporary stay of
21 a criminal judgment for a defined period of time for the purpose
22 of allowing a defendant to pursue a legal remedy or enabling the
23 executive branch time to arrange for an execution; and

24 WHEREAS, The reprieve that Governor Wolf has granted is
25 actually, by the Governor's admission, a subterfuge by which he
26 is ~~illegally~~ refusing to impose Terrance Williams' sentence, <--
27 which was legally and properly imposed, as leverage in order to
28 extract from the General Assembly legislation that conforms to
29 the Governor's personal specifications with regard to the reform
30 of Pennsylvania's criminal law; and

1 WHEREAS, This is not only an improper use of a gubernatorial
2 reprieve, but is also an affront to the coequal branches of
3 government and to the residents of Pennsylvania who elect
4 Representatives to create the law, judges to interpret and
5 uphold the law in order to ensure that justice is served in each
6 individual case and a Governor to faithfully execute the law;
7 and

8 WHEREAS, The Governor's cavalier action in unilaterally
9 declaring a moratorium on capital punishment exhibits an
10 astounding disregard for the additional and unnecessary
11 heartache he has now caused to the family and loved ones of
12 Terrance Williams' victims, and for the families and loved ones
13 of all the victims of all of the inmates currently on death row,
14 as Governor Wolf has promised each and every one of these
15 inmates that he will grant them the same reprieve until his
16 legislative demands are met; and

17 WHEREAS, The Governor's action in standing side by side with
18 the inmates on death row, fighting to overturn their sentences
19 even as he expresses confidence in their guilt, makes a mockery
20 of his claim that he "stands with victims of violence"; and

21 WHEREAS, Governor Wolf's assertion that he "stands with all
22 those who have suffered" even while he chooses to ignore
23 sentences imposed by juries across this Commonwealth and instead
24 to extend the lives of those who have willfully and violently
25 taken the lives of others rings false and is an affront to
26 victims everywhere; and

27 WHEREAS, Victims of violent crime deserve to know that a
28 sentence properly imposed will be faithfully carried out, and
29 the residents of Pennsylvania deserve to know that their laws,
30 properly enacted, will be faithfully executed by their Governor;

1 therefore be it

2 RESOLVED, That the House of Representatives condemn Governor
3 Tom Wolf's unconstitutional action to usurp the authority of the
4 General Assembly to make the laws and of the judiciary to
5 administer justice by declaring a moratorium on capital
6 punishment in Pennsylvania and call upon Governor Wolf to
7 reverse this action and to carry out his constitutional duty;
8 and be it further

9 ~~RESOLVED, That the Governor's action in granting a reprieve~~ <--
10 ~~in the case of Terrance Williams is an illegal act and an~~
11 ~~unconstitutional violation of the separation of powers; and be~~
12 ~~it further~~

13 RESOLVED, That no Governor of this Commonwealth can be
14 allowed to nullify a duly enacted law, unilaterally reverse a
15 legally and properly imposed verdict and substitute his own
16 judgment for decades of exhaustive judicial review based on
17 nothing more than his own personal disapproval with the
18 legislative and legal processes that make up the rule of law in
19 this Commonwealth.