



PENNSYLVANIA INNOCENCE PROJECT

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Governor Tom Wolf
508 Main Capitol
Harrisburg, PA 17120

Via E-Mail

Dear Governor Wolf:

We write to express our deep concern regarding the effect of COVID 19 on prisoners in Pennsylvania—particularly on the incarcerated innocent—and to ask you to consider exercising the reprieve power enshrined in Article IV, § 9 of our Constitution to protect the most vulnerable prisoners in state custody during this crisis as well as those who work in the prisons.

Unfortunately, some people trapped inside our state prisons during this pandemic should not be there at all. *See, e.g., “Innocent Prisoners Are Going to Die of the Coronavirus,” The Atlantic (Mar. 31, 2020), available at <https://www.theatlantic.com/ideas/archive/2020/03/americas-innocent-prisoners-are-going-die-there/609133/>.* Our clients are men and women who have substantial, evidence-based claims of actual innocence; we represent only those whose cases we have reviewed carefully and concluded are meritorious. These actually-innocent individuals have cases pending in the court system, before conviction integrity units, and before the Board of Pardons. Many of our clients have served for decades, are aging, and/or have significant health issues that make them particularly vulnerable to contracting and dying from this virus.

Because the virus has, understandably, caused the legal system to slow to a near-halt, we now face the horrifying reality that actually-innocent Pennsylvanians like our clients may die while incarcerated in our prisons if this situation is not addressed immediately. We recognize and appreciate the work that Secretary Wetzel is doing to decrease the population of Pennsylvania’s state prisons. But his authority

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is limited when it comes to clients like ours, who are serving lengthy sentences—often life without parole. In addition, our understanding of the legislation being proposed related to state prisoners is that it likely would not assist our clients or those similarly situated.

In this time of crisis, we therefore urge you to use your power to grant reprieves to appropriate candidates. Allowing actually-innocent, particularly vulnerable individuals to be temporarily relocated from custody in prisons to home arrest with monitoring will prevent them from dying in prison before their claims of innocence can be fully addressed by the justice system. It also will protect not just their health but also the health of all who are directly involved with the prison system. Safe social distancing practices are impossible in the prison environment. Keeping the aging and infirm in prison at this time may result in the serious illness and death of such prisoners, taxing the already-stretched prison health system as well as outside hospitals. It also will increase the risk to the staff of the Department of Corrections who continue to work in state prisons throughout this crisis.

Thank you for your consideration of this request and for all that you are doing for Pennsylvania citizens through your thoughtful and compassionate leadership in this difficult, unprecedented time.

Sincerely,

/s/ Samuel W. Silver
Samuel W. Silver
Board President

/s/ Nan Feyler
Nan Feyler
Executive Director

/s/ Nilam A. Sanghvi
Nilam A. Sanghvi
Legal Director

cc: Secretary John Wetzel, Pennsylvania Department of Corrections

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