

A Simple Analogy

Fans of television crime shows from the 1960's and 1970's can recall story lines where the most shocking fictional criminals evaded justice because of a "technicality". Paradoxically, statutes like the Amended PCRA have turned upside-down that kind of absurdity. Presently, district attorneys use every device or excuse to prevent a court from deciding a prisoner's claims on the merits.

Impact Of The PCRA

Did you know that in 1995, then newly elected Governor Thomas J. Ridge convened a special legislative session supposedly "to improve the impact of crime upon society"; or, was it to "expedite the death penalty"; or, was there some other motive? Whatever the motive, the Amendments to the PCRA were devised and passed with very little debate. The most onerous section of the Amended PCRA is a statute of limitations that forces a defendant to file a PCRA petition within one year of the conclusion of a direct appeal (otherwise known as a time-bar). Thirteen years later (2009), Pennsylvanians can do an "after-action" review. The Amended PCRA has not improved the impact of crime or expedited the death penalty (only two prisoners have been executed over the period and both insisted upon their own demise). In fact, proponents of the Amendments cannot credibly argue that the Amendments have contributed to justice.

Who Do The Amendments Affect?

The 1995 Amended PCRA affects all prisoners; however, indigent prisoners are disadvantaged the most because financial resources so heavily influence a defendant's ability to gather facts and marshal the facts into a PCRA petition. Illiterate and unlearned prisoners will find it nearly impossible to navigate and understand the complexities of the PCRA. A prisoner who files a petition or appeal just one (1) day late will have the matter dismissed because of the time-bar. There are very few excuses for an untimely petition (or appeal) that a court will accept. Otherwise, an untimely PCRA petition must satisfy one of the statute's "exceptions".

What Is The PCRA Initiative?

The PCRA Initiative was created in June 2006 at SCI Graterford by prisoners who are affected by the 1995 Amendment to the Post Conviction Relief Act (PCRA), particularly the one-year statute of limitations.

The Goal Of The PCRA Initiative

The goal is to educate prisoners, the public, legislators, academicians, etc., about the unjust effects of the Amendments (Please See Overview). The ultimate goal is to induce the legislature to amend or repeal the most onerous sections of the Act and restore due process of law, access to the courts and an adequate remedy for constitutional errors or violations as guaranteed by the Pennsylvania Constitution.

The PCRA Initiative Proposes

In order for the PCRA statute to be more amenable to the economic and educationally disenfranchised minorities incarcerated in Pennsylvania and less restrictive generally, the PCRA statute should be amended to include:

- a. an extension of the current 60-day deadline in which to file a petition (42 Pa. C.S.A., 9545(b)) to a period of one (1) year. (This would be comparable to current federal standards and allow ample time for a prisoner to compile the necessary documents to support his claim for relief, the financial resources required to pursue his claim in the courts, and properly prepare a petition for submission to the courts); and
- b. the inclusion of an exception in the PCRA statute for a judicial determination of a miscarriage of justice, which would allow the court to address claims of gross Constitutional error or other violations that have resulted in wrongful convictions.

To Accomplish These Changes

The PCRA Initiative is currently planning a Public Rally to educate the public on the costs and consequences of over incarceration. Over incarceration results in wrongful convictions and wrongful incarcerations, which is the essence of the phrase "a miscarriage of justice which no civilized society can tolerate".

Escalating Costs Of New Prison Construction And Current Policies

The Pennsylvania Department of Corrections (D.O.C.) has become one of the Commonwealth's largest industries, and one very costly to taxpayers. In 1995, the total cost for the D.O.C. was **817.5 million dollars**. The most recent budget has allotted **2 billion dollars**.

Denial Of Access To The Courts

Unaffordable filing fees, time constraints for filling appeals and procedural gimmicks are just a few ways that the Legislature and Courts have **closed courthouse doors to those who are innocent or wrongly convicted**.

Juvenile Life Without Parole (JLWOP)

Juveniles have less culpability than adults because of immaturity, negative influences, and outside pressures, including peer pressures. A **JLWOP sentence amounts to 50 years or more of incarceration**, at taxpayers' expense, without any thought being given to a matriculation process

Aged And Geriatric Prisoner Population

The numbers of prisoners 50 years of age or older has continuously grown in Pennsylvania. It costs as much as three times the average to incarcerate an older prisoner due to health care and special needs. **Studies show that criminal behavior decreases as offender's age.**

Count Us Where It Counts (U.S. Census Counts)

Recent news articles reported that at least eight (8) districts in Pennsylvania have state representatives they would not otherwise be entitled to but for the controversial census math. For example, District No. 147 in Montgomery County has a state representative **only because of the 3,000 plus prisoners confined at Graterford prison.**

Judicial Corruption

Luzerne County judges were receiving illicit payments to **send juveniles to a particular institution whether the kids deserved it or not**. The involvement of a Pennsylvania Supreme Court Justice in construction of a new Juvenile justice center in Philadelphia

Re-Entry Programs

Statistically, 67% of offenders return to prison within 3 years of their release. Approximately 80% return for minor infractions of parole rules. About 20% of the 67% returning offenders return with new convictions. This is costing taxpayers millions in state revenue.

Contact Info:

Lifers Inc.

P.O. Box 244

Graterford, PA 19426

610-489-4151 EXT. 2297



LIFERS INCORPORATED

PCRA INITIATIVE

LEGAL BROCHURE

MISSION STATEMENT

The mission of the Lifers, Inc. Post Conviction Relief Act (PCRA) Initiative is to ensure that all convicted prisoners in Pennsylvania will have meaningful access to the courts for redress of constitutional claims, as stated in the Pennsylvania Constitution. We seek to enlighten prisoners and the public about the draconian effect of the 1995 Amendments to the State Post Conviction Relief Act (PCRA) remedy; to acquire the public's support in our struggle to reverse the overly restrictive PCRA Statue of Limitations through legislative repeal or judicial relief.

There should be no time constraints for correcting an injustice!

By:

Kevin S. Mines
Founder

Floyd Wilson
Chairman