

#AP-1969/A Fundamentally Fair Republic

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for



Re: Death and Life  
Sentences in Pennsylvania

To Be or Not To Be

A Fundamentally Fair Republic

from

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I am a PA prisoner in a PA prison, but PA prisoners  
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"Fairness is the cornerstone of justice."

---- (Page 5)



Many sound arguments have been made for and also against the ultimate and irrevocable sentences of death and life imprisonment without the possibility of parole. So, how are we as individuals, a society, and a government to decide whether we keep or abolish these sentences?

To be sure, our record proves we are regrettably, shamefully, and deplorably incapable as imperfect humans working within our imperfect system of justice to keep death and life imprisonment without the possibility of parole sentences on the books without unfairly, inhumanely, and cruelly inflicting these ultimate and irrevocable sentences upon innocent people wrongfully convicted of murder in contradiction with our fundamental value judgement as a society that it is better for 10 guilty people to go free than for 1 innocent person to suffer in prison. In other words, as long as we have the sentences of death and life imprisonment without the right to parole reviews, we will continue to execute innocent people and force other innocent people to suffer behind bars until they die right along with the guilty. The discovery of DNA evidence has proven this to be true.

If it weren't for DNA evidence, we would have executed some innocent individuals in recent years. We would have executed them feeling certain of their guilt beyond a reasonable doubt. In each of those cases, we would have been dead wrong. In each of those cases, we would have committed murder.



Even worse, if it weren't for DNA evidence, we would still be cruelly forcing some other innocent people to suffer the torments and tortures of imprisonment for the rest of their lives serving life without the possibility of parole sentences. Reminiscent of the sentiments expressed by the American patriot Patrick Henry along with the Biblical patriarch Job, death would be better than suffering a lifetime of indignities and inhumanities behind bars without liberty and justice, yes, possibly up to 20, 30, 40, 50, 60, 70, or more years of anguish before finally suffering death by incarceration along with the guilty which is exactly what is happening to some other unfortunate Americans right now.

This proof of cruelty is overwhelming and incontrovertible. There is simply no doubt about it now. Since a fundamental value judgement of our society is that it's better for 10 guilty people to go free than for 1 innocent person to suffer in prison, it is incumbent on us to abolish death and life without the possibility of parole sentences. Otherwise, we're just a bunch of hypocrites with no qualms about continuing to strip innocent fellow citizens of their civil rights, liberties, and freedoms forevermore by so unfairly, inhumanely, and cruelly forcing them to suffer in our prisons until their dying day with death or life imprisonment without the right to parole review sentences. This is untenable, unconstitutionally cruel, and wholly unacceptable injustice.

Over the past several decades, hundreds of innocent people



sentenced to death or life imprisonment without the possibility of parole have been completely exonerated with exculpatory DNA evidence across our country. Since DNA evidence doesn't exist in many cases to be tested, these people represent only the tip of this iceberg of injustice. There are more wrongfully convicted innocent people sentenced to death or life imprisonment without the possibility of parole who are now suffering in our prisons without any realistic hope of relief. Sadly, some have already perished behind bars without liberty and justice.

Executing innocent people and forcing other innocent people to suffer for the rest of their lives in prison with death or life without the right to parole review sentences is tantamount to throwing babies out with their bathwater. Such cruelty is just as indefensible, intolerable, and unconscionably unconstitutional here in the United States as it is in more than 2 dozen civilized democracies around the world which have already abolished these cruel punishments in accord with our shared fundamental value judgement that it is better for 10 guilty people to go free than for 1 innocent person to suffer in prison.

So, given that we're all imperfect people prone to making such grievous mistakes within our imperfect system of justice, the controversey is now settled. The extreme sentences of death and life imprisonment without the possibility of parole violate our U.S. Constitution's prohibition against cruel and unusual



punishments and the simple prohibition against cruel punishments in our own state Constitution especially since we know the severe sentence of life imprisonment with the right to parole reviews is ample to keep irretrievably corrupt, depraved, and incorrigible killers guilty of horrendous murders incarcerated for the rest of their lives as was the case with Charles Manson of Helter Skelter fame in California and others of his ilk across our country.

So, until and unless our republic can guarantee no innocent people will ever be executed or forced to suffer for the rest of their lives behind bars for crimes they didn't commit, the cruel, draconian, ultimate, and irrevocable sentences of death and life imprisonment without the possibility of parole reviews still favored by totalitarian governments like Russia, China, and North Korea must now be declared constitutionally null and void and abolished from the Commonwealth of Pennsylvania. Such sentences are an affront to our fundamental value judgements as a society. They cast aspersions on the truth, justice, and egalitarianism of our great American Dream.

Justice can exist without vengeance. In some cases, it may even exist without retribution and just deserts. However, justice cannot exist without fairness. Fairness is the cornerstone of justice. There is nothing at all fair about wrongfully convicted innocent people suffering behind bars until they die with death or life without the right to parole review sentences. Nothing.



## Walter Ogrod

Walter Ogrod is just one of a number of wrongfully convicted innocent Pennsylvanians who have fortunately been exonerated with exculpatory evidence and released. Walter suffered through over a quarter-century behind bars before being completely cleared of all charges with DNA evidence and released without a plug nickel.

Walter Ogrod is a mentally challenged Pennsylvania man who Philadelphia police coerced into confessing to a crime he didn't commit, to wit, the heinous rape and murder of a four-year-old girl. In other words, one of our most vulnerable citizens was browbeaten, bullied, and victimized by police. Then, rather than condemning and correcting this egregious injustice, Pennsylvania prosecutors and judges condoned it by convicting Walter without even allowing for any DNA testing in dereliction of their sworn duties to uphold the laws of our Commonwealth and Constitutions in accordance with the truth, justice, and egalitarianism of our great American Dream. If it weren't for the repeatedly-broadcast Dateline TV show about Walter's case, Governor Wolf's Moratorium on capital punishment, and also the election of a fair District Attorney, Larry Krasner, in Philadelphia, Walter would have been executed, no, **MURDERED!** That's the ugly "finality" Pennsylvania police, prosecutors, and judges were hell-bent on achieving in Walter's case rather than the "justice for all" we have pledged for one another as fellow Americans. The fundamental fairness of justice should always trump finality. Sadly, however, there are other wrongfully convicted innocent individuals still suffering in our prisons sentenced to life or death without any realistic hope of relief because DNA evidence simply doesn't exist in their cases to be tested. Ironically, Walter was fortunate to receive the death penalty because this resulted in him being blessed with a single cell, heightened constitutional protections, and a free legal defence team to appeal his case. Otherwise, he would most likely have suffered death by incarceration with a life sentence along with other hapless lifers. Death and life without the right to parole review sentences must be abolished in Pennsylvania.