

GRATERFRIENDS

JULY/AUGUST 2026 ISSUE

Response to the Updates to the Board of Pardons Clemency Applications

Wilbur Brown of SCI Camp Hill

While reading the article “Updates to Board of Pardons Clemency Applications” in the January/February 2026 issue of Graterfriends, it made me think that the people who run the Board of Pardons have no idea what they are doing. Under NEW UPDATES it states the following:

“More emphasis on court debt needing to be paid off- this has become a larger factor in the Board’s decision.”

This statement lacks the professionalism that is required for this position. Clemency should be based on the applicant’s rehabilitation, remorse, taking responsibility, and the chances of reoffending. Not court costs!

While incarcerated, the applicant has no control over court costs and fines. The DOC automatically deducts 25% of money in an inmate’s account. This

money is taken without the inmate’s consent. The Board should think about this: For every \$1,000 owed in court costs, an inmate will have to work 4,000 hours to pay it off.

Clemency/Pardons should be based using intelligent decision making skills and not because you have a God Like Complex over a person’s life. I have been in prison over two decades and have seen people get denied for reasons that literally hurt my brain. The Board’s recommendation or denial must be based on the complete record of the person’s past as well as the present. All records, reports and yearly evaluations must be fully reviewed. Interviews with past bosses, unit managers, and block staff must be done. The opinion of the District Attorney should carry zero weight. There is a chance that they were not even the one on the case.

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Lifeline’s Sport-A-Thon Sponsored Drive

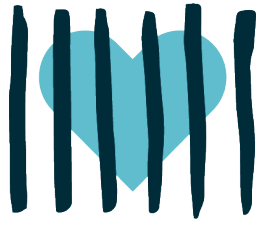
The Lifeline Organization at SCI Coal Township hosted its second annual Sport-A-Thon event on September 10, 2025. The purpose of this event was to raise funds to help support families impacted by pediatric cancer. It was attended and supported by men at SCI Coal Town-

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An Overview of the PENNSYLVANIA PRISON SOCIETY

Who We Are

Founded in 1787, The Pennsylvania Prison Society is the nation's oldest human rights organization. Our mission for 239 years has been to promote the health, safety, and dignity of people impacted by mass incarceration. In 1828, the Prison Society was granted access to all people in state or county custody in PA – we remain the only non-governmental organization in the United States with our level of statutory access to people in prison. Although some of our specific programs have evolved over time, we remain committed to responding to the needs of incarcerated people and their loved ones. Today, we use that access to monitor prison conditions, assist people in prison with individual issues they raise, build connections to family and community, and educate the public about the largely hidden world of prisons.

How do I contact the Prison Society?

You may write to us at 230 South Broad Street, Suite 605 Philadelphia, PA 19102. You can also have your loved ones call our family support helpline at anytime: 215-564-4775. Our team can assist to answer questions about specific facilities, policies, general issues, and concerns. Our team is small and we are not able to provide legal assistance, but we will do our best to help you get the information and resources you need. Unfortunately, at this time as an organization we are generally not able to use ConnectNetwork to correspond with people confined in SCIs.

What is Prison Monitoring?

The Prison Society is the only non-governmental organization in the country with a legal right to meet privately with any person incarcerated in their state. Each month, we receive hundreds of reports concerning access to healthcare, abuse, property, conditions of confinement, treatment, and other issues. Our trained volunteer prison monitors can meet with anyone incarcerated in Pennsylvania state or county prison to hear their concern in detail and engage in follow-up advocacy.

Out of respect for one's privacy and safety, we will never send a prison monitor without an explicit request for a visit from an incarcerated person or their loved one. During a visit, a prison monitor will meet with the person in custody one-on-one to discuss and document their situation. Following the visit, volunteers are empowered to speak with prison administration on their behalf to try to improve the situation. It is important to note that we are not lawyers and cannot assist with legal issues or casework.

What about re-entry services?

For individuals returning to the Philadelphia area, The Prison Society does have a mentoring program available designed to help ease the transition from incarceration back to communities by providing a strong social support network. We hope to expand this to other regions in the state in the future.

What happens when I share what's going on in prison?

We are grateful to the countless people in custody and their families who help promote prison transparency across the Commonwealth. Beyond working to address concerns on an individual and/or facility level, the information you provide drives our vital conversations with Pennsylvania legislators, allied organizations, and the public. As we work to educate others and engage in systemic advocacy, it is vital that this is led by the experiences and opinions of the people closest to the problem- you! Your voices directly informed our current advocacy to end the \$5 medical copay for incarcerated people, as well as our work to remove barriers to family visits.

What happens when I write to you?

We will always do our best to assist you. You can write to us to request resources, report conditions at a state or local facility, or request a prison monitor. The Prison Society is not a legal organization and can not provide specific legal advice or representation. However, our correspondence volunteers thoroughly respond to each and every letter we receive with information about other resources and organizations. We can also help you navigate different issues related to education, free books and other creative programs, reentry services, mental health resources, pen pal programs, and more.



About GRATERFRIENDS

Launched in 1981 by Joan Gauker and adopted by the Prison Society in 2002, Graterfriends is a critical outlet for incarcerated people to share their opinions and experiences. We are proud to have built a powerful community with you over these past two decades and encourage you to continue submitting to Graterfriends.

We reserve the right to edit submissions. Original submissions will not be returned. Allegations of misconduct must be documented and statistics should be supported by sources. All submissions should be no more than 500 words, or two double-spaced pages. Letters more than 200 words, or one double-spaced page, will not be published in their entirety and may be shortened for clarity and space. To protect Graterfriends from copyright infringement, please attach a note, on your submission, stating that you are the original author of the work and that you give us permission to edit and print; date and sign the declaration.

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From the Mail Room

Graterfriends accepts submissions regarding prison legislation, life, and creative endeavors. We do not accept submissions that are offensive in nature and target specific individuals. All letters must be signed for consideration. Names will be withheld from letters on rare occasions. While Graterfriends seeks to preserve the integrity of your work, we reserve the right to edit submissions as we see fit. Allegations of abuse or misconduct may be censored or omitted for your protection and safety.

continued from cover page.

Any person who thinks they are the same person they were 20 years ago is not living in reality. Most Lifers and long-termers have changed because they want to. They have put their criminal past behind them.

For the record, the two men who came here from Central Office to hold a seminar about the Clemency process and how it works were, in fact, highly informed professionals and, in my opinion, should be on the Board. Don't let power go to your head. Life is way too short. If you live in the past, you will never move forward. Pennsylvania has a history of living in the past. It is time to take a step forward.

Sweat Lodge Update

D. Rambo Arnold of SCI Benner

SCI Benner prison held their 8th Sweat Lodge Ceremony on September 25, 2025. It was the Full Moon Fall Equinox for Inmate Native American Indian Sacred Purification in the Sacred Sacrament of Baptism by water in Native Spiritual Rehabilitation. The ceremony was run by Chief Ammon Badley—Anishinaabeg. We had praying, singing, drumming, and a pipe ceremony, with three blessed guests as fire tenders. We had 15 inmates who attended, but only three inmates in the prison were allowed to go into the sweat lodge. Our inmate Fire Keeper was Running Deer B., our Pipe Carrier was Raven W., and our Herb Keeper-Smudger was Rambo A. We all had a great time, with a clean sky and an Eagle who flew above and around us, heading north. There was also a big flock of Canadian geese flying south. The Creator and Five Spirits kept us warm in the morning by the Sacred Fire, accompanied by our prayer, singing, honoring them.

Forward Progress Will Not Be Deterred

Khalil Hammond of SCI Phoenix

Hello to all who are reading this. My name is Khalil Hammon and I am a prisoner of the Pennsylvania Department of Corrections, currently housed in the Intensive Management Unit at SCI Phoenix.

For the past 12 years, I've been kept in solitary confinement under an indefinite (undetermined) status known as the Restricted Release List, which is said to be for "the worst of the worst." However, I haven't done anything that would warrant this label. In truth, the hierarchy of the PADOH holds disdain for me because I continue to challenge their abuses of power against me and others! This has resulted in an ever-evolving cycle of oppressive tactics meant to break me. I've been physically attacked by staff on multiple occasions, often while in handcuffs and unable to defend myself, and had my personal property destroyed.

In March 2024, I became the lead plaintiff in Pennsylvania's largest class-action lawsuit, filed by the Abolitionist Law Center. It addresses many issues surrounding prolongation in solitary confinement and how the DOC's officials have weaponized it against prisoners, including those suffering from mental illness despite the known potential for harmful adverse effects. Since the filing of our suit, meant to achieve change, SCI Phoenix officials have shown me just how much change is unwanted. They've manipulated others to create hostility and even falsified a negative report against me to sabotage my personal progression forward. I anticipated this type of response from DOC personnel. Still, I have no fear nor will I be deterred. Change is coming whether they like it or not.

While our fight for human conditions continues in

court, it is our societal support that deters institutional corruption!!!!

Time is a Forest Where Lost People Wander

Stephen Burton of SCI Houtzdale

Once you understand time in its proper perspective, navigating it will become manageable. You won't become overwhelmed. We are confined to the realm of time that's between the past and the future. Yesterday is always behind us along with all of the events that have taken place, and it's unable to be altered. The emotional results of the past are normally nostalgia or regret. There are past situations that we would love to correct. There are also treasured moments that we would love to experience again.

In contrast, tomorrow is always before us carrying a wide range of possibilities. The future invokes feelings of hope or fear. We tend to plot, plan, and calculate thoughts that we believe will manipulate our future. As a former athlete and soldier, I learned two great lessons. The first was the true meaning of fear, which is false evidence appearing to be real: that is, when situations look worse than they really are. That is why it's important to operate with hope. Here is an acronym for hope: Hold Onto the Possibilities in Everything.

2025 may have been good, bad or even uneventful, but the true blessing is that you made it through. With a new year comes moments of sunshine, but expect winds of change and the occasional storm. Trust Jesus in 2026 because He will be with you. Invite Him into your heart.

God bless you, and much success in 2026.

Forgotten Seniors

James R. Cruz Jr of SCI Fayette

I find often that seniors doing time are forgotten or ignored, reason being is it is my opinion that seniors should be given an automatic lower bunk status no matter their health.

Also, after a certain age, seniors doing time, whether having time in or not should also be given a z- code, single cell status so that "WE" seniors do

not have to babysit the new clientele coming into the system, we are too old for that stuff, yet D.O.C. seems to still make us baby sitters for a younger generation coming into the prison system, and it is not my responsibility, nor the senior's responsibility to school them. Just leave us old heads alone and let us do our time and not the time of others.

Challenging the Constitutionality of Clemency in Pennsylvania

Burt Hudson of SCI Greene

Justice can exist without vengeance. Justice can even exist without retribution. However, justice cannot exist without the objectivity, impartiality, and egalitarianism of fairness.

In the United States, we've pledged liberty and justice for all with the rule of the majority prevailing as a fundamental value. The only exception to this majority rule is the requirement for an "impartial" jury of one's peers to reach a unanimous, unfavorable determination to convict the accused in a criminal case. This one appropriate exception has existed to help ensure justice throughout Pennsylvania's history; until now.

As a direct result of tough-on-crime waves sweeping through the nation, in 1997, Article IV Section 9 of the Pennsylvania Charter was amended in two important ways. First, it mandated a crime victim be a member of the Pardon Board. Secondly, to recommend an applicant for clemency in cases involving sentences to death and life imprisonment, the Pardon Board must come to a unanimous favorable decision. Should we amend the state charter again to mandate that a wrongfully convicted, innocent individual (victim) who was sentenced to death or life imprisonment then cleared through DNA evidence decades later sit on the jury in all first degree murder trials? Tough-on-crime proponents who pushed for these changes to replace majority rule in pardon decisions unquestionably understand how unfair, unbalanced, and unconstitutional it would be to require such an exonerated individual to sit on an impartial jury in first degree murder trials where conviction requires unanimous decisions from a jury. This would result in convictions dropping quite dramatically, as dramatically as clemency recommendations for applicants sentenced to

death or life imprisonment have dropped since the 1997 amendments were passed.

These 1997 amendments provide each and every member of our Pardon's Board the solo power to deny an applicant sentenced to death or life imprisonment a recommendation to be considered for clemency by the Governor with their own unfavorable determination. That is tantamount to providing all 12 members of the jury in a first degree murder trial the power to convict with their own single, solitary, and unfavorable determination against the accused be adding insult to such an injury by also requiring one of those jury members to be a crime victim to boot as these amendments now mandate for the Pardon's Board? This is especially repugnant to the fairness of justice when we consider the fact the Pardon's Board is already stacked against applicants with the foremost prosecutor in Pennsylvania, the Attorney General, being a member of the Board.

This exemplifies the fundamental fairness of majority rule in our democratic republic. Indeed, what could possibly be fairer, more balanced, and more constitutional than simply requiring an unfavorable majority determination against an applicant to deny them a recommendation for clemency and conversely requiring a favorable majority determination for an applicant to grant them a recommendation for clemency? Isn't this especially so when the Governor must still decide whether or not to mercifully use his clemency power to pardon or commute an applicant's sentence?

Many individuals were encouraged to plead guilty to second degree murder with assurances from their lawyers (and, often, from the prosecutors and judges in their cases) that by admitting guilt, accepting responsibility, demonstrating remorse, and turning their lives around during incarceration would put them on track for clemency and parole. They'd serve around 15 years behind bars, then a simple majority on the parole board would recommend clemency. This is also an affront to justice.

Victory Against the Parole Board

Christopher Toland of SCI Laurel Highlands

Recently, I had a legal victory against the Parole Board in the Pennsylvania Supreme Court which benefits all of us.

In 2017, I filed a petition for review in the Commonwealth Court arguing that the Parole Board violated my due process rights and ex post facto rights in their numerous parole denial decisions despite my exemplary prison record. The Board filed preliminary objections to my petition which the Commonwealth Court overruled in 2021. See *Toland v. PBPP*, 263 A.3d 1220 (Pa. Cmwlth. 2021).

I served discovery requests on the Board including two sets of interrogatories and a request for the production of documents from my parole file. The Board objected to almost all my inquiries, with a significant number of their objections premised in whole or in part on their regulation at 37 Pa. Code 61.2 which states that records, reports, and other written things and information, evaluations, opinions, and voice recordings in the Board's custody or possession touching on matters concerning a probationer or parolee are private, confidential, and privileged. In February 2024, the Commonwealth Court ruled that the regulation does not prevent me from getting records from my parole file in discovery. See *Toland v. PBPP*, 311 A.3d 649 (Pa. Cmwlth. 2024). The Board appealed this decision to the Supreme Court.

In October, the Supreme Court unanimously ruled that the Parole Board lacked authority to create an evidentiary privilege. The Court found no constitutional, common law, or statutory source for the claimed privilege. Thus 37 Pa. Code 61.2 does not create an evidentiary privilege upon which the Parole Board can rely to foreclose disclosure in discovery. See *Toland v. PBPP*, 2025 LEXIS 1593.

Recently, I received the documents I was seeking from my parole file. Upon reviewing them, I have found numerous things which I think will help me in supporting my claims. I can see why the Board does not want us to know what is actually in our files.

I know there are many of you like me who have been denied parole year after year for the same boilerplate reasons and told to achieve the same two directives of maintaining DOC parole support and conduct-free behavior at the next interview. With this

Supreme Court decision in my case, the once impenetrable shield of the Board's regulation stating that anything in the Board's custody or possession is private, confidential, and privileged has been shattered, and the Board can no longer hide their malfeasance from being discovered.

If you have been consistently denied parole time after time for no reason, don't just sit back and do nothing by thinking next time it will be different. Use my case as a blueprint to start your own legal action against the Board. When you get to the discovery stage, you may be surprised to see what actually is in your parole file.

COVID is Over

Darnell McKelvie of SCI Benner

During the Covid-19 epidemic, the Department of Corrections (DOC) implemented numerous policy restrictions that limited our movements to protect everyone from that unknown airborne virus. In mid-2023, the World Health Organization (WHO) announced that the Covid-19 pandemic no longer constitutes a public health emergency. The prisons are covid-free, yet some of the policies are still in effect. The most damaging of those policies are the visiting regulations.

Prior to Covid, we were having all day visits for decades. They've been reduced to three hours. Before Covid, a visitor could come any time during visiting hours. Now, a visitor has to schedule it 3 days in advance. The DOC didn't take into consideration that there are visitors who are not computer literate or acquainted with today's technology. This visiting policy is a hardship because there are many people, including senior citizens, who do not have the know-how or means to schedule a visit. The visiting room used to be filled. Now, it's less than half full and some days, it looks like a ghost town.

I have a buddy who was receiving visits twice a month from his elderly parents. With the new policies in effect, he hasn't had a visit since 2020. His minimum is far away and his mother is having some health issues, so if this visiting policy doesn't revert, he may not see his mother again alive. I hope and pray that isn't the case, but I know there are many prisoners in his predicament.

Covid is over; let's get back to normal operations.

Lifeline's Sport-A-Thon Sponsored Drive

George Rahsaan Brooks of SCI Coal Township

The Lifeline Organization at SCI Coal Township hosted its second annual Sport-A-Thon event on September 10, 2025. The purpose of this event was to raise funds to help support families impacted by pediatric cancer. It was attended and supported by men at SCI Coal Township. This roughly six hour fundraiser fostered a fun environment, featuring a 5K run, 3-on-3 basketball tournament, cornhole tournaments, 3-Point shooting contest, and various field games. All attendees contributed to the cause by paying an attendance fee and buying tickets for photos, candy and t-shirts. All money raised by this event was donated to the Pediatric Cancer Foundation of Lehigh Valley (PCFLV).

PCFLV is dedicated to supporting families through every stage of the pediatric cancer journey with compassion and integrity. PCFLV awards scholarships to children affected by cancer as well as bereaved children. PCFLV also arranges hospital visits and distributes gas and grocery cards to ease financial burdens.

Therapeutic Community & Plea Agreements

S.A. Heiser of SCI Laurel Highlands

Almost every DOC facility has a therapeutic community, or what we term a "TC program," that is generally mandated by prescriptive programming and typically takes four months to complete. Lately, here at SCI Laurel Highlands, some mandated TC inmates are not being enrolled in the TC program in time to finish it before reaching their minimum parole eligibility date. This issue has led to the Parole Board denying parole for failure to complete the mandatory TC program; the Board generally issues a Board Action Sheet, or "Green Sheet," saying the inmate will receive a "parole review" upon completion of the TC program.

A problem arises in being denied parole at the eligibility date: if the inmate is mandated to complete the TC program whose completion exceeds the specified date of parole eligibility, then the plea agreement is consequently violated. So, what legal

remedy is the more appropriate to take?

Go to the law library and see, *Commonwealth v. Hainesworth*, 82 A.3d 444, 447 (Pa. Super. 2013). See also, *Commonwealth v. Coleman*, 320 A.3d 1217, 1222 (Pa. Super. 2024), which explains that plea agreements remain contractual and are to be analyzed under contract-law standards. Interpretation of a contract is a legal question subject to de novo, plenary review: see *Commonwealth v. Kerns*, 220 A.3d 607, 612 (Pa. Super. 2019).

Sharing Knowledge and Experience

LeRoy Thomas Jr of SCI Huntingdon

Hello, this is the first time I ever shared my feelings publicly. My father being a Black man and my mother being a white woman, I've seen hate by both sides. I was eight years old playing in the park, I went to the bench to get a drink. My father asks me what I was doing. I told him I was playing with a white boy. I got smacked in the mouth. My dad growing up in the 50s seen his fair share of hate. Holding on to that hate would've gotten him nowhere in life. He told me don't ever talk about someone by their color. You get to know that person and what's in their heart. I would never forget that. So going to school learning about Black history, it was cool, but the hate from whites confused me. My family didn't act like that (on my mom's side). I asked questions, read things, and was exposed to the ugliness at a young age, but I did not have hate in my heart because of the difference in pigmentation. The first time I ever got called the N-word was from a Black man. The first time I ever had a gun pulled on me was from a Black cop in Crafton, PA on my birthday 7-14-09. It is perception that us Black folk are wild, loud, out of control. It's propaganda in the media for the government that we need to be contained. Science and history show us that anyone human with pigmentation is our (Black folk) kinfolk. Two white people can't make Black but two Black people can make dark to light babies to white babies, which is called albino. No matter what Black on Black, white on Black, or Black on white, we killing kinfolk. No race is greater than the other; we are made the same and loved by God.

In Reference: Article on Conviction Integrity In Philadelphia

Hanif Chamber of SCI Pine Grove

I've been incarcerated since April of 2001 as another victim of a flawed, sadistic system. Corrupted homicide detectives, convoluted police investigations and witness testimony, ineffective assistance of counsel, insufficient ballistic reports, and a District Attorney office led by Lynne Abraham is a disastrous recipe for conviction.

Exonerations reveal recurring factors that are present in wrongful convictions. The only way to correct any flawed system is to study cases of failure to understand what went wrong. Then, propose remedies and reforms to prevent recurrence.

There is no reason why the criminal justice system should not do what the industry and transportation sectors do when there is a major accident or failure: launch a thorough investigation. Procure all relevant evidence and testimony to identify precisely how an innocent person came to be convicted of a crime.

The conviction of an innocent person is the justice system's equivalent of a catastrophe, a plane crash, or a bombardment of the wrong target. It must be fully investigated. We were and we are targets.

Have faith in freedom.

Information for Persons Serving Felony Murder (Second Degree) Life Without Parole Sentences

Defender Association of Philadelphia

This is information about the Pennsylvania Supreme Court decision in Lee is being included in this edition of Graterfriends. Also included is a sample P.C.R.A. that can be filled out and filed if you are out of time to file a P.C.R.A. We will discuss timeliness below.

The following information comes from a group of lawyers, law professors, sentencing experts and paralegals, including the legal team that litigated the Lee decision, who have been working since the Lee decision came down to brainstorm the best legal arguments for securing resentencings for everyone affected by the decision. Here is our current belief about what the state of the law is and what steps people may want to consider.

Generally Applicable Information: The big issue for the great majority of people serving life without parole for Felony Murder (also called Second Degree Murder) is that the Lee court did not state clearly that the decision was retroactive. Under the P.C.R.A., if you are currently out of time to file your first P.C.R.A. this creates a problem, because the P.C.R.A. permits filing for relief only within one year after a right is made retroactive by the Pennsylvania Supreme Court. For people in that situation, we have suggestions as well as a P.C.R.A. that can be filed in such a circumstance.

We are also in a situation where the Court “stayed” (held back) its “mandate” that would make the decision enforceable, to see whether the Legislature will act. The Legislature did not act. The Court declined to extend the stay, so now the Lee decision is in force. If the Legislature eventually acts we may have a new law that either changes life sentences to a term of years or otherwise makes people parole eligible after spending a specified time (for example, 25 or 30 or 35 years) in prison. If that becomes the law then your case will be one where you will be able to apply for parole when eligible and will likely not be personally

resentenced.

Until the legislature acts, here are our thoughts:

If Your Case Is On Direct Appeal: Please ask your lawyer about how to proceed, such as adding the issue that you are serving an illegal sentence to your Brief or Petition for Allowance of Appeal. We are working to distribute information to defense attorneys about raising claims under Lee. Your sentence is clearly an illegal sentence now and there is no retroactivity issue, and illegal sentence claims are non-waivable.

If Your Case Has Finished The Direct Appeal And You Have Not Yet Filed Your First P.C.R.A.: You should include a claim in your P.C.R.A. that your sentence is illegal and that Lee is retroactive. One published Superior Court OPINION has held that an illegal sentence claim may be raised on P.C.R.A. There is even a risk that if you do not raise it on your timely P.C.R.A., if you later try and raise it after a ruling by the Supreme Court that Lee is retroactive, you may be held to have waived your claim. Please see the P.C.R.A. template for language about raising a claim under Lee. It will be available in every prison law library.

If You Have Filed A Timely P.C.R.A. Petition That Is Pending: Please discuss with your attorney adding about adding a claim that your sentence is illegal under Lee, and that Lee is retroactive. One published Superior Court OPINION has held that an illegal sentence claim may be raised on P.C.R.A. There is even a risk that if you do not raise it on your timely P.C.R.A., if you later try and raise it after a ruling by the Supreme Court that Lee is retroactive, you may be held to have waived your claim. If you have filed a timely P.C.R.A. but do not yet have counsel or are proceeding pro se, please move to amend your P.C.R.A. to add this claim. See the P.C.R.A. template (in the law library) for lan-

guage about raising a claim under Lee.

If You Are Beyond The Time For Filing A P.C.R.A.:

As was explained above, the problem we face is that the P.C.R.A. treats any petition you will now file as untimely because the Supreme Court has not yet made its ruling retroactive and there is no other exception to the time bars that could apply. This claim is likely not going to succeed with many judges because of the statutory time bar. The Superior Court – although not the state Supreme Court – has previously held that the P.C.R.A. time bar applies even if the claim is that your sentence is illegal.

That leaves 3 options:

1. You may wait for the outcome of a PA Supreme Court ruling about whether Lee applies retroactively. Some members of our legal team are preparing a Petition asking the Supreme Court to act if the Legislature does not ‘fix’ this for people currently serving life sentences. If the Court accepts the Petition and acts, then its decision will apply to everyone, so you don’t need to file your own.
2. You may wait and see if the Legislature acts. If it does, you will then likely be parole eligible at some point.
3. You may file a P.C.R.A. Petition with the claim your life without parole sentence is unconstitutional and that Lee applies retroactively or that the P.C.R.A. time bar is unconstitutional in this situation. This claim is likely not going to succeed with many judges because of the statutory time bar. Please see the Untimely P.C.R.A. Template in this Graterfriends (or the law library for language about raising a claim under Lee.

This is the best information we can provide at this time.

**IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA :

V. :

:

Petition for Post-Conviction or Habeas Corpus Relief

To The Judges Of The Court Of Common Pleas:

I _____, move for relief from an unconstitutional sentence of life imprisonment without possibility of parole imposed without “an assessment of culpability,” *Commonwealth v. Lee*, 357 A.3d 356, 357 (Pa. 2026), and represent:

1. Petitioner is _____, inmate number _____, incarcerated at _____

2. I was convicted of and sentenced for
 - a. _____
 - b. _____
 - c. _____
 - d. _____
3. The date on which I was sentenced was _____
4. I was convicted:
 - a. By a jury _____
 - b. By a judge without a jury _____
 - c. On a plea of guilty _____
 - d. On a plea of *nolo contendere* _____
5. I am serving a sentence of life without the possibility of parole on the charge of second degree murder.
6. The judge who presided on my case and imposed the sentence was _____
_____.
7. The court, caption, term, and number of any proceeding (including appeals, prior post-conviction collateral proceedings, and federal court proceedings) instituted by the defendant to obtain relief from conviction or sentence, are
 - a. Superior Court direct appeal _____
 - b. Pennsylvania Supreme Court direct appeal _____
 - c. First P.C.R.A. _____

- d. Appeal from first P.C.R.A.(Superior Court) _____
- e. Appeal from first P.C.R.A. (Supreme Court)_____
- f. Subsequent P.C.R.A.
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- g. Federal Habeas _____
- h. Appeal from Federal Habeas _____
- i. Other _____

8. As to any pending appeal or post-conviction proceeding

- a. I have no pending matter _____
- b. I do have a pending case ____
 - i. The pending case is _____

9. The name of each lawyer who represented me at each stage is

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

10. Petitioner is serving a patently illegal mandatory (LWOP) sentence for his felony murder conviction. In *Commonwealth v. Lee*, 357 A.3d 356, (Pa. 2026), the Pennsylvania Supreme Court held that sentencing schemes that impose a mandatory sentence of life without parole for felony murder violate Article I, Section 13 of the Pennsylvania Constitution, which prohibits “cruel punishments.” *Id.* at 379. Petitioner’s sentence should be vacated and a constitutional sentence imposed.

11. Lee holds that it is impermissible cruel punishment, Pa. Const., Art.I, Sec.13, to condemn those convicted of felony murder to life without parole without an individual assessment of whether the individual deserves that punishment. *Id.* at 395-96. Petitioner never received an individualized evaluation of his blameworthiness.

12. Petitioner’s sentence is patently illegal because it is contrary to “black letter law” established by *Lee*. *Commonwealth v. Holmes*, 933 A.2d 57, 67 (Pa. 2007).

Grounds for Relief

I. *LEE* IS A SUBSTANTIVE RULING, AND THEREFORE APPLIES RE-TROACTIVELY TO PETITIONER’S SENTENCE.

13. To determine whether a ruling applies retroactively, Pennsylvania courts generally apply the framework established in *Teague v. Lane*, 489 U.S. 288 (1989). See, e.g., *Commonwealth v. Washington*, 142 A.3d 810, 813 (Pa. 2016). Under *Teague*, new substantive rules apply retroactively, while new procedural rules generally do not.

14. A substantive rule “decriminalize[s] conduct or prohibit[s] punishment against a class of persons.” *Washington*, 142 A.3d at 813 (citing *Montgomery v. Louisiana*, 577 U.S. 190 (2016)). *Montgomery* held substantive rules apply retroactively because they “necessarily carry a significant risk that a defendant . . . faces a punishment that the law cannot impose upon him.” 577 U.S. at 206.

15. Lee announced a substantive rule applicable to a class of individuals like Petitioner who are serving mandatory LWOP sentences for felony murder. Cf., e.g., *Scott v. Pennsylvania Board of Probation and Parole*, 284 A.3d 178, 194-95 (Pa. 2022) (explaining that a challenge to the statute denying the possibility of parole (LWOP) for second degree murder was a categorical challenge to a sentence because it applies to a class of offenders).

16. Lee presents “analogous circumstances” to *Miller*, which addressed “the resentencing of juveniles convicted of first degree murder who had been sentenced to life imprisonment without the possibility of parole....” Lee, at 397. The U.S. Supreme Court subsequently held that *Miller* announced a substantive rule of constitutional law and therefore applied retroactively on collateral review. *Montgomery v. Louisiana*, 577 U.S. 190, 212 (2016). Because Lee is a substantive ruling it must be applied retroactively.

II. PETITIONER IS ENTITLED TO RESENTENCING BECAUSE HE IS SERVING A PATENTLY ILLEGAL SENTENCE.

17. *Commonwealth v. Holmes*, 933 A.3d 57 (Pa. 2007) held that where a sentence is obviously illegal, trial courts have “inherent power to correct patent errors despite the absence of traditional jurisdiction. *Id.* at 65. *Holmes* held that a patent sentencing error that invokes a court’s inherent power is one that is contrary to the record or “black letter law.” *Id.* at 67.

18. Petitioner’s case squarely falls within class of cases amenable to the exercise by a trial court of the inherent power to correct “patent errors.” *Id.* at 65. Because of the Court’s holding in *Lee*, Petitioner’s sentence is patently and obviously illegal as a matter of black letter law.

III. THE APPLICATION OF THE PCRA TIME BAR WOULD VIOLATE SEPARATION OF POWERS AND PETITIONER’S DUE PROCESS RIGHTS.

19. A PCRA petition is untimely unless it falls within one of the three exceptions provided in the Act. Only one arguably applies here: “the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and

has been held by the court to apply retroactively.” 42 Pa.C.S. §9545 (b)(iii). Because the Pennsylvania Supreme Court has not as yet held that Lee is retroactive there is a statutory time bar. However, applying the time bar in Petitioner’s case would be unconstitutional, because 1) it would run afoul of separation of powers mandated by the Pennsylvania Constitution, and 2) it would violate Petitioner’s due process rights.

A. VIOLATION OF SEPARATION OF POWERS.

20. The time bar of 42 Pa.C.S. §9545 violates the separation of powers. Petitioner indisputably has a valid claim on the merits pursuant to Lee, which should be applied retroactively, but he cannot make the claim because subsection (iii) prohibits him from even filing a PCRA petition indefinitely, until another case puts retroactivity squarely before the Pennsylvania Supreme Court, and it decides the issue. This could take years. See, e.g., *Commonwealth v. Taylor*, 283 A.3d 178, 188 (Pa. 2022).

21. The time bar of subsection (iii) applied here is in direct conflict with the holding of *Holmes*. Because the Legislature is demanding a heightened level of review of retroactivity, the statute unconstitutionally impinges on the independence of the judiciary and would violate the separation of powers guarantee of the Pennsylvania Constitution.

22. It is a judicial function to decide when a court’s decisions are to be applied retroactively. The Legislature is barred by separation of powers from providing limits on how the judiciary, including lower courts, treats its own decisions. See, e.g., *Pennsylvania Company, etc. v. Scott*, 29 A.2d 328, 329-30 (Pa. 1942) (“under our system of the division of governmental powers the legislature cannot invade the province of the judiciary by interfering with judgments or decrees previously rendered.”); *Greenough v. Greenough*, 11 Pa. 489 at *5 (1849) (holding that a statute cannot provide for retroactive application if it would overrule a judicial decision).

23. Legislative enactments may not restrict core judicial functions. See, e.g., *Commonwealth v. McMullen*, 961 A.2d 842, 850 (Pa. 2008) (holding that a statute purportedly providing for a penalty for indirect criminal contempt was unconstitutional as “an offense against the court’s inherent authority” to punish for contempt); *Commonwealth v. Mockaitis*, 834 A.2d 488, 499-500 (Pa. 2003) (concluding that a statute directing courts to effectuate issuance of ignition interlock restricted driver licenses violated separation of powers).

24. The Pennsylvania Supreme Court has not yet resolved whether the judiciary’s inherent authority recognized in *Holmes* trumps the PCRA’s purported jurisdictional time restrictions. In *Commonwealth v. McGee*, 302 A.3d 659 (Pa. 2023), the Pennsylvania Supreme Court granted review to decide this precise issue, but ultimately declined to reach that question. *Id.* at 669 and n. 17. However, the two Justices who did reach the issue concluded that the judiciary’s inherent constitutional authority to correct patent illegalities cannot be constrained by legislative enactment. *Id.* at 670 (Wecht, J., dissenting). As they plainly put it, “[b]oth the separation of powers doctrine and *Holmes* prevent the application of the PCRA’s time limitations to limit the court’s inherent power.” *Id.* at 678.

B. VIOLATION OF DUE PROCESS RIGHTS.

25. The Due Process Clauses of both the United States and Pennsylvania Constitutions protect against fundamentally unfair governmental action. See *Commonwealth v. Bennett*, 930 A.2d 1264, 1273 (Pa. 2007) (holding that “due process requires that the post-conviction process be fundamentally fair”).
26. The Pennsylvania Constitution provides even greater substantive due process protections than its federal counterpart and requires a genuine correspondence between legislative means and ends. See, e.g., *Ladd v. Real Estate Commission*, 230 A.3d 1096, 1098 (Pa. 2020).
27. Common Pleas courts are fully capable of determining whether a constitutional rule applies retroactively. See, e.g., Pa.R.A.P. 302 (providing that issues are waived if not raised in the lower court); *Commonwealth v. Bishop*, 217 A.3d 833 (Pa. 2019) (holding that a constitutional issue of first impression was waived on appeal because it was not raised in the lower court).
28. As the Pennsylvania Supreme Court has explained, due process requires that PCRA litigants be afforded an “opportunity to present claims at a meaningful time and in a meaningful manner.” *Bennett*, 930 A.2d at 1273 (citation omitted). Application of Section 9545 here denies PCRA relief “at a meaningful time.” Requiring Petitioner to service his mandatory LWOP sentence indefinitely would violate due process.

IV. AN ALTERNATIVE GROUND FOR RELIEF IS HABEAS CORPUS.

29. The writ of habeas corpus occupies a unique and protected place in Pennsylvania law. See Pa. Const., art. 1, § 14; 42 Pa.C.S. A. §6501. The writ has historically served as the primary mechanism for challenging unlawful restraints on liberty and ensuring judicial review of detention that no longer conforms to law.
30. The adoption of the PCRA substantially narrowed the role of habeas corpus in criminal cases. See 42 Pa.C.S. § 9542. Pennsylvania courts have held that relief under the writ of habeas corpus remains available only where no remedy exists under the PCRA. *Commonwealth v. Peterkin*, 722 A.2d 638, 640 (Pa. 1998)(citing 42 Pa.C.S. § 6503); *Commonwealth v. Turner*, 80 A.3d 754, 770 (Pa. 2013).
31. Petitioner’s challenge of the retroactivity rule in Section 9545 of the PCRA presents a situation without a remedy under the PCRA, therefore habeas relief is appropriate based on a court’s inherent authority to correct a patently illegal sentence is consistent with the 42 Pa.C.S. §9542 proviso that “[t]his subchapter is not intended to limit the – availability of remedies in the trial court”
32. I request a hearing, and that counsel be appointed.

Wherefore, for each and every or any of the foregoing reasons, this Court should vacate Petitioner’s sentence and schedule a resentencing hearing.

Respectfully submitted,

Access to Medical Devices, Medical Supplies, and Disability Aids

Pennsylvania Institutional Law Project

Throughout our lives, everyone will likely face a time where they need medical devices, medical supplies, or disability aids. During incarceration, you have a constitutional right to receive medical care, such as medications and treatments, but this also includes supplies or devices to manage a medical condition. You may need a CPAP machine for sleep apnea, wrist braces for carpal tunnel, catheters or adult underwear to manage incontinence, hearing aids and batteries for them, or orthopedic or diabetic shoes. The examples are numerous.

In addition to your right to receive medical care, while you are incarcerated you have a right to receive accommodations for your disabilities, whether short or long term, which includes access to medical devices, supplies, and disability aids that you may need in order to participate in the day-to-day activities of prison living.

Title II of the Americans with Disabilities Act (“ADA”) prohibits public entities, including prisons, from discriminating against qualified individuals with disabilities in the provision of programs, services, and activities. Under the ADA, prisons are required to make “reasonable modifications” for people with disabilities. The ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities, such as walking, eating, sleeping, communicating, participating in programming, and more.

The ADA is intended to apply broadly to individuals with a wide variety of conditions that interfere with their daily life. If you are not sure if the ADA applies to your situation, ask yourself:

1. Do I have a physical or mental condition that prevents me or makes it very difficult for me to get through my day?
2. Am I able to go to yard, eat my meals, communicate with others, read, write, get dressed, and move around the institution or am I unable to do so or severely restricted in doing so because of my condition?
3. Do I have access to the programs and services offered at the institution, or am I unable to access them due to my condition?

If you do have a physical or mental condition that substantially limits one or more of your daily activities, you may be in a position to request accommodations for that condition.

For example, let’s say you have urinary incontinence and require a regular supply of catheters and adult underwear in order to manage your condition each day, confidently go to yard and activities, and sleep through the night without concern of soiling your clothing or bed. However, you are not provided with enough supplies to be able to be away from your cell for long periods of time and are therefore unable to regularly participate in yard, dayroom, or other activities at the institution. You also have issues at night; with limited supplies, you often wake up with a soiled bed and are not provided enough changes of bed sheets.

In this situation, you have a physical impairment – incontinence – and the insufficient supplies substantially limit your ability to participate in daily prison activities. You can request that the prison provide you an accommodation – an adequate amount of supplies to manage your condition so that you can fully participate in prison activities.

If you believe the ADA applies to your situation, but you are not sure what types of accommodations you can request, keep in mind that the ADA requires prisons to make “reasonable modifications” to prison practices and rules so that you can participate in these daily activities. The ADA also requires that this determination be made on a person-by-person basis, so the accommodation you request does not need to be something already provided to others.

To request an accommodation for a disability in the PA Department of Corrections, you should use the “Disability Accommodation Request Form” (DC-ADM 006 Attachment 2-A).

The form asks you to describe your physical or mental disability, identify the activities you wish to do that you cannot do because of your physical or mental disability, and describe, in detail, the action you want the DOC to take to allow you to be able to perform those activities and how it will allow you to do so. This form should go to the Corrections Healthcare Administrator at your Facility.

If the prison denies any of your requested accommodations after you submit this form, you should file a grievance within 15 working days of the denial and appeal a denial of your grievance as outlined in DC-ADM 804.

Whether you have a temporary injury or a chronic

condition, you deserve to be able to go through your daily life with the accommodations you need to succeed, and the ADA protects your right to do so.

If you have any issues getting the accommodations you need, and specifically if you are having difficulty getting medical supplies or accommodations for managing incontinence, please feel free to write to us at the Pennsylvania Institutional Law Project:

Philadelphia: 718 Arch Street, Suite 304 South, Philadelphia PA, 19106

Central PA: 115 Farley Circle, Suite 110, Lewisburg, PA 17837

Pittsburgh: 247 Fort Pitt Blvd, 4th Floor, Pittsburgh, PA 15222

Submissions Timeline Update

In order for our team to put together Graterfriends and get it out to all the facilities within the months of the submission (for example- getting May/June to you during the months of May or June), we work on a very advanced timeframe.

On average, submissions that are to appear in an issue will appear 6 months after the time they are received by our office.

Thank you for your patience- Graterfriends is a majority volunteer-run newsletter and we strive to be as timely and current as possible.



Buses Are Back.

The Prison Society is providing low-cost rides for your loved ones from Philadelphia to six state correctional institutions: **SCI Benner, SCI Frackville, SCI Laurel Highlands, SCI Mahanoy, SCI Muncy, and SCI Somerset.**

Tell your loved ones to purchase tickets one of two ways:

- **Online:** Visit www.prisonsociety.org/services/transportation
- **In-person:** 230 S. Broad Street, Suite 605, Philadelphia, PA 19102 (Monday - Friday, 9 AM - 5 PM)
- **Call** our office at 215-564-4775.

REQUESTS FOR RESOURCES

In lieu of a list, please request resources directly with this form. Please allow one month for a response.

Pennsylvania Prison Society
ATTN: Resources

230 South Broad Street, Suite 605
Philadelphia, PA, 19102

Complete and mail to the Pennsylvania Prison Society:

Name, ID Number, Facility

If Applicable: Returning County for Re-entry Resources

Resource Description

Note: The Prison Society does not offer financial assistance

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We welcome comments and suggestions from all readers.
Please complete this form and mail it to the Pennsylvania
Prison Society.

Pennsylvania Prison Society
ATTN: Resources
230 South Broad Street, Suite 605
Philadelphia, PA, 19102

Name, ID Number, Facility

Comments and Suggestions

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