

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 AMENDED, HOUSE OF REPRESENTATIVES, JUNE 10, 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,
17 including the preconviction and postconviction procedure, failed

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

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

12 WHEREAS, On June 3, 2015, Governor Wolf issued a reprieve for
13 the scheduled execution of Hubert Michael, a man who confessed
14 to and was convicted in the kidnap, rape and murder of a 16-
15 year-old girl, demonstrating the Governor's intention of
16 imposing a blanket moratorium on the death penalty in
17 Pennsylvania; and

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

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

30 WHEREAS, This is not only an improper use of a gubernatorial

1 reprieve, but is also an affront to the coequal branches of
2 government and to the residents of Pennsylvania who elect
3 Representatives to create the law, judges to interpret and
4 uphold the law in order to ensure that justice is served in each
5 individual case and a Governor to faithfully execute the law;
6 and

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

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

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

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

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

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