

TO WHOM THESE PRESENTS MAY CONCERN:

My name is Melvin White, and I hereby provide my consent to have this statement inserted in the Abolitionist Law Center letter to United Nations' Experts and shared on social media platforms. I am currently a 65 year old, serving Death By Incarceration (DBI) for an unintended tragic homicide that occurred over 40 years ago when I was just 23 years old. Nevertheless, throughout my 40+ years of incarceration, I never gave up hope that time would reveal one way or another that life sentences as being imposed by Pennsylvania courts warrant some type of remedy, as prisons are built not for jobs sake, but for housing those who continue to engage in criminal activities.

I begin by pointing out that My homicide case involved a true love one (The Decease, May She Rest In Peace) who I identified as my soul mate, to whom we shared one son. I shared two (2) other sons with another woman who passed away from heart failure in 2017. All three (3) of our combined sons born in the 70's and 80's are now adults raising children of their own. Under these trying circumstances, I could do no more or less than take every available opportunity to improve my education and family relations with children and grandchildren in hopes to one day be in a position to participate in their lives for the years missed from doing so while incarcerated.

Personally My direct appeal process was both flawed and incomplete where material trial transcripts required for direct appeal were somehow destroyed prior of direct appeal, in addition before that appeal mishap favorable material evidence was withheld from the defense by the commonwealth prior to my trial which I'm still to this date trying to have disclosed. In all, due to a flawed state appeal, serving a life sentence is a long journey of development as you are really left to rehabilitate one's self even though the chances to utilize the gift of learning or higher education are slim to none for most, when looking at the commutation process numbers.

For this reason it was hoped that juvenile lifers recently release with a second chance, in past years, would have taken on the task of looking back and championing the DBI argument, as they remain under a DBI sentence without statutory authorization or I should say without lawful classification as explained below.

Continuing on as an elder, I intend to concentrate my future energies on aiding other elders in such services as emergency home repairs, internet education, dietary needs, food and supply shopping and Uber transportation too and from appointments. I would like to have my grand-children, grand-neices and grand-nephews assist me while learning hospice skills early on and that we all grow older and will eventually require such help in services.

Speaking of which, this statement is put forth to make a sound argument for my release as well as the release and hopeful end of a hopeless idle situation in fulfilling a so-call DBI sentence for over 2,600 prisoners who reformed their lives for decades, and who matured over the years, notwithstanding that The Pennsylvania Constitution, according to The Pennsylvania Declaration of Rights guarantees redemption to every citizen. Because life sentencing in Pennsylvania is presently imposed without proper classification, all we can ask is that our fellow citizens address the law requiring that life sentencing in pennsylvania be imposed by classification as required by law and authorized by Title 18 Pa.C.S. § 104; 105; 106(a)(b)(2).

There are two distinct but conjoined questions to ask regarding DBI.

- (1) WHAT IS THE DEFINITION OF A LIFE SENTENCE OR LIFE IMPRISONMENT ? - and
- (2) WHAT PENNSYLVANIA STATUTE PROVIDES THAT MATCHING DEFINITION ?

If the distinct differences are not publically made clear, pennsylvania courts will continue to impose without jurisdiction what appears to be unlawful DBI sentences upon unclassified defendants for sentencing purposes which serves no other purpose but blind revenge without any reasonable measurement, and something not ascribed by constitution or statute.

What is presently needed in this regard is an independent legal expert to champion addressing the distinction between a felony non capital life sentence (Life Imprisonment Penalty) and a capital life sentence or DBI (Life Imprisonment Penalty) in order to end the practice of mixing up the two by having Pennsylvania Courts enforce the sentencing statutes as they are and not how someone wants to interpret them as someone name Frederick Page recently expressed in the Movement Magazine, Issue #46, page 18 and I quote:

BE MINDFUL THAT PEOPLE DRIVE THE VEHICLE BY WHICH THERE ARE FLAWS. ALL LAWS AND POLICIES ARE NOT AS FLAWED AS SOMETIMES IS THE PEOPLE'S CONSCIOUSNESS TO THE HUMAN NARRATIVE THAT WE SHARE. THAT IS TO SAY, AT TIMES THE ANSWER IS IN THE ALREADY WRITTEN LAW, BUT THE PERSPECTIVE OF THE LAW IS ALWAYS A MATTER OF INTERPRETATION WHICH BEGINS INSIDE ONE'S HEART. THE HEART IS THE CATALYST OF INJUSTICE, JUST AS IT IS AND CAN BE THE CATALYST FOR JUSTICE."

(REFLECTIONS OF DBI SENTENCING GENERALLY)

Particular to The State of Pennsylvania: its' sentencing statutes provides two (2) distinct life sentences i.e.: one created in 1972 i.e: Title 18 Pa.C.S. § 1102(a),(b) supplying a cap (Maximum Limit) for homicide cases and the other created strictly for capital cases in 1973 in accordance with 18 Pa.C.S. § 1311 that does not supply a cap (Maximum Limit). Although neither the 1972 or 1973 sentencing statutes' provide parole (Which Constitutes A Life Sentence) the 1972 statute nevertheless provides a maximum cap release date ending the penalty (Life Sentence or Life Imprisonment) while the 1973 statute has no scheduled release cap or maximum date for ending the penalty.

This is an important distinction that must be acknowledged, that is to say, besides the different creation dates of these (2) distinct statutes - How do we distinguish the two life imprisonment sentences ? The distinctions may be found by way of sentencing classification as being either a felony case or capital case, in that with a capital case the prosecution initially goes before a preliminary hearing judge and thereby establish a prima facie case for classifying the homicide case as a death penalty (Capital) case which allows them to pick a death qualified jury or judge, which ever the type trial the defendant decides he or she be tried before.

On the other hand, classification of a felony are established by any homicide case without the aggravating circumstances aimed at warranting the death penalty. This means that without the proper classification distinguishing the capital homicide cases or to the contrary non capital cases, allows the trial court to later proceed through the sentencing phase with the assumed labeling of general murder for sentencing purposes. General murder is a non legal term purposely used for including both felony and capital cases under one concept of murder for sentencing purposes i.e.: those with a maximum cap and those without a maximum cap (DBI), where we find the mix-up of both life sentences.

Phrased differently, without the proper classification during the preliminary hearing stages for charging homicide cases, sentencing ensures the outcome that DBI will be the certain result, where there wont be a viable release mechanisms for women and men convicted of non capital homicides. All we can ask is that The United Nation Experts bring to light the flawed practice in pennsylvania of non-classification outlined herein and bring an end to the vague socall charge of general murder which excludes the lawful classification process, thereby mixing up capital and felony homicides as being the same for sentencing purposes without clear statutory definition.

Properly phrased in Pennsylvania according to 18 Pa.C.S. § 104 which provides in part:

"FOR ALL OTHER KINDS OF MURDER [BESIDES CONVICTION FOR CAPITAL MURDER] OR THOSE WITHOUT SPECIFICATION OF DEGREE, EQUALS MURDER OF THE THIRD DEGREE" PURSUANT TO 18 Pa.C.S. § 106(5) OR PENALTY IN ACCORDANCE WITH 18 Pa.C.S. § 1103(c).

Compare Commonwealth of Virginia Penal Sentencing Statute providing:

"MURDER OTHER THAN CAPITAL MURDER IS MURDER OF THE FIRST DEGREE; PUNISHABLE AS A CLASS 2 FELONY.. AND IS PUNISHABLE BY CONFINEMENT FOR NOT MORE THAN FORTY YEARS [MAXIMUM]."

In The Commonwealth of Virginia you also have life without parole; natural life (DBI) with the chance for commutation as well as life with parole. The question remains, why does these statutes clearly distinguish the capital murder penalties from all other types of murder ? Because capital murder penalties has a unique and separate penalty statute i.e.: CRIMES AND OFFENSES, CHAPTER 13 (1973) and then under CHAPTER 97 i.e: Title 42 Pa.C.S. § 9711 as opposed to all other murders under CRIMES AND OFFENSES CHAPTER 11 (1972).

The main take away of this statement in all that is expressed pertaining to DBI sentencing is that Title 18 Pa.C.S. § 1102(a)(b) must be applied with Title 18 Pa.C.S. § 104, 106 of the CRIMES AND OFFENSES LAW, for purposes of both charging and penalizing pennsylvanians through lawful classification and further it states that any laws found in conflict thereto must be resolved in favor of life and liberty. PERIOD !!!

This should hopefully dispell the illusion as well that the DBI sentence serves as a deterrent or serves as retribution for violent crimes when in fact we have men and women doing time in pennsylvania under a virtual life sentence that amounts to maximum felony penalties times 3 and sometimes 4 and the culprit in fact never even committed a homicide or a violent act.

There are also those who plead the case that DBI stands because a life was lost, however we have multiple losses of life in vehicular homicide cases and yet the culprit only gets charged with involuntary or voluntary manslaughter which are appropriately enforced by charge under statute in most of those cases. So where does this harsh DBI penalty stem from ? NOW WE KNOW WE HAVE WORK TO DO IF WE WISH TO END THE PRACTICE OF IMPOSING DBI PENALTIES IN PENNSYLVANIA

Thanks for your humble consideration in this struggle of urgent concern to end DBI in pennsylvania in particular and The United States in general.

Sincerely Yours