

## Death By Incarceration, It's Real

After 18 months preparing for a trial on an open count of criminal homicide, and underlying charges. I was convicted of 2nd Degree Murder and sentenced to Life Without the possibility of parole. My life was over at 24 years old, really 22 when I was arrested.

However, I adapted to prison life fairly well. I hit the Law Library and learned what I could. The law is completely foreign to me, but some oldheads schooled me on both the law and how to conduct myself in here. They said I was in for the fight of my life, boy were they not kidding. 20 years later, and having all my appeals denied up through to the U.S. Supreme Court, I'm still going but now have to plead for mercy from the Board of Pardons. The emotional rollercoaster of hopeful appeals almost broke me.

The brief breakdown of my case is a story of a drunken night gone terribly wrong. I went with a newly made friend to post obscene photos of his ex on her fiancée's truck. He forgot the pictures, so we vandalized the truck and I followed him in the house. He set furniture on fire. My first reaction was we have to get out of here. The end result was his 5 year old son died in the fire. We both got convicted of 2nd Degree Murder, which carries LWOP under Statute §3301. He plead guilty to his and testified against me. I was convicted mostly because I would not cooperate with the police against him. My own attorney told my mother that he believed I was more of a danger to society than my codefendant over this, because even after they put the intent to seek the death penalty on me I still wouldn't cooperate against my codefendant.

Once in a Law Library in State Prison I learned that they could have never given me the Death Penalty because a 1st Degree Murder conviction is needed to uphold Capital Punishment. In this case that would mean I would have had to set a fire with the intent to Kill. I never set a fire let alone with an intent to kill. So my conviction of 2nd Degree Murder under Pennsylvania's Perpetration of a Felony Murder Rule was the worst I could have gotten.

I started to see the impact of the deceptive game played by the powers to be over my life. As I continued to research and go through the Appeal Process the deception grew tipping the scales of Justice further from my reach. The Judge in my case was a member of the fire company that responded to the fire, and the Deputy Chief was a 1st responder and the victim's uncle. He ultimately found his nephew and carried him out of the house. His friend was the Judge who convicted me. My attorney convinced me go in front of this Judge without a jury under the guise of taking the Death penalty off of the table. A penalty only on the table as a bargaining chip. It served its purpose, because I was ignorant of the Law. And this same Judge is the entity that offered my codefendant the deal to testify against me in open court at his guilty plea hearing. I came close to getting it over turned on the recusal issue, however the issue was considered procedurally defaulted.

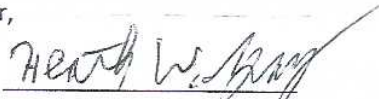
I fully understand that I made poor decisions on the night in question, and prior. My moral standards of not being a snitch cost me my life. Had I cooperated with the police I probably wouldn't have even been charged. Even more importantly, I could have put the fire out or any number of other actions, that would have saved young Kalib's life. So I deserve punishment. I understand and accept that. The real question is, "Am I irretrievably corrupt to the point that I deserve to die in prison?". According to Pennsylvania Law, I do. Knowing that has an impact on a person that you can only understand when you've been there.

This event has impacted the victims family in an unrepairable way. I get that, and I've also felt the impact it's had on my family too. There's no winners here. I have family members who wrote me off as being dead to them. My mom has suffered the pain of being labeled the one who raised a murderer. May I add only by title and sentence. Labeled by a conviction, though I never killed anyone. So the pain and suffering of Death By Incarceration does not stop at the fences here. And won't even stop at my death. My family will always bare the burden of having a convicted murderer in the family.

The biggest injustice I see is the failure to have safeguards for individualized sentencing. In Pennsylvania it doesn't matter if your a serial axe murderer, or a getaway driver in a robbery gone bad. Your both dying in prison. It's a mandatory Law, with no individualization to the role you played. We are all deemed irretrievably corrupt mandatorily. And even though we are condemned to Death By Incarceration, we still try to become better people. Because the impact of our crimes opened our souls, not because the prison rehabilitated us. We started growing up and making better choices, aging out of crime. The Sentence itself has impacted many of us. But not to the point of no return. We are capable of being productive members of society. Our sentences are stricly punitive, not rehabilitative. No matter how much growth we show, our sentences say until death. So yes that's cruel. Yes that's more cruel than the Death Penalty. And yes it has impacted me very deeply.

Sincerely,

Prisoner,

  
Heath W. Gray FP-0237