

Petition for General Pardon Non-Violent Marijuana Offense

**Presented to Gov. Wolf, Lt. Gov. Fetterman and
The PA Board of Pardons on July 7, 2022**

<https://www.plsephilly.org/wp-content/uploads/2022/07/Marijuana-Amnesty-Petition-July-2022.pdf>

The Individual Petitioners

“Each of us has been convicted of a crime that you, the Governor and the Pennsylvania Board of Pardons, have determined merits expedited consideration for clemency because it involved marijuana or paraphernalia and did not involve any violence, or threat of violence, to anyone else – a crime which the Board of Pardons terms a “non-violent marijuana-specific conviction”. None of us have ever been convicted of any other crime. All of us have fully completed our sentences – many of us decades ago. Despite that, we each continue to struggle because of our criminal records, which prevent us from achieving our potentials as individuals, as parents and other caregivers, as workers, and as fully contributing members of society.”

Jenna Henry, Centre County

In March 2010, Jenna Henry was 20 years old. She had been raised in an abusive household with alcoholic parents, was struggling with substance use disorder herself, and was living in poverty with a young child. When a friend asked her if she knew where he could get some marijuana, Jenna sold him some – an eighth of an ounce, for \$60. It turned out that her friend was a confidential informant. One year later, Jenna was charged with three felonies and one misdemeanor for that one sale. She was given a choice: conviction for a misdemeanor and spend three months in jail, or plead guilty to a felony and spend two years on probation. Being young, scared, and a single mother, she opted for the felony; but since completing the sentence, that one act has made it impossible for her to get financial assistance to go to college, impossible for her to volunteer in her son’s school, impossible even to get an AirBnB account. Despite these challenges, she has transformed her life, spending all of her free time helping people overcome their past, as she has. She applied for a pardon 17 months ago, attaching letters of support from well-known and well-respected public figures who attested to all she is doing to make her community better. She is still waiting for her hearing.

Robert Kinney, Bucks County

Twenty-four years ago, Robert Kinney was arrested for, and pleaded guilty to, selling marijuana to an undercover police officer and a confidential informant. In the decades since, he has raised three children and supported his family as a long-distance truck driver – a job that he may not be able to resume after a recent injury. His drug conviction is preventing him from obtaining a promotion to a management position with his company, as well as from alternate employment as a bus driver. Robert originally applied for a pardon in 2008 but was denied – with no reason given. He has applied again, hoping to finally put his marijuana conviction behind him.

Basil Lester, Philadelphia County

In March of 2017, Basil Lester was arrested and charged with possession with intent to deliver after a small amount of marijuana was found in the car of a friend he was accused of selling it to. Facing the possibility of up to four years of jail time if convicted of a felony, Basil pleaded guilty to a misdemeanor and was sentenced to probation. That one conviction ended his plans for a job as a security officer. Instead, he has been self-employed, starting a landscaping service and a clothing line for medical workers. A dedicated father who is passionate about helping young people in his

community through the Houseman Recreation Center, he also founded the nonprofit organization "The Reconstruction of Self Destruction". His application for a pardon should be filed soon.

Latoya Phifer, Allegheny County

Almost 22 years ago, Latoya Phifer had just graduated from high school, was living with a friend, and selling marijuana so she could get her own apartment and buy a car. Her arrest was her first and only time she's ever been arrested. Represented by a public defender because she didn't want her parents to know, she pled guilty. Branded a drug felon by her public rap sheet, she was unable to find meaningful work and instead had to work multiple low-paying jobs to raise her two children. She submitted her application for a pardon in February 2021 with help from Pittsburgh Community Services, Inc. (PSCI), one of the state's first Pardon Hubs, and it was granted by Governor Wolf in April 2022.

Theodore Zurla, Luzerne County

Ted Zurla occasionally smoked marijuana when he was young, as all his friends did. Once, when he was 19 and at a friend's house, his friend asked him to deliver some marijuana to a girlfriend. Having a car, he did and brought the \$100 she gave him back to his friend. It turned out the other girl there was an undercover police officer. Eight months later, he was arrested and brought to the police station for questioning. Since he never sold marijuana, he denied doing so; but as they asked him more questions, he remembered and told the police what had happened. He was released. Almost ten months later, he was summoned to court where he was again honest and pled guilty. That was in March 2002. Over the past 20 years, he has never again been arrested, much less convicted of any offense. That one conviction, though, has caused him to miss out on many job opportunities. He is now a successful mortgage loan originator and investor in Florida, but the drug felony continues to limit his career, housing and recreational opportunities. His application for a pardon was filed earlier this year.

Latisia Noaks, Erie County

In 2008, the father of Latisia's two sons called her from prison in Erie County to say he was in danger because he owed someone some money, and he needed her to bring him some marijuana to sell. Innocent, trusting, and in love, she did – and the dogs sniffed it when she went through security. She was arrested and initially promised entry to a diversion program, but unrepresented at the hearing, she instead pled guilty to a misdemeanor so she could go home to her two young children. She's never been in trouble again. Over the years, she's applied for many jobs, but that one drug conviction put not only those jobs, their better salaries and health care out of reach, but also disqualified her from obtaining a Section 8 housing voucher or qualifying for other affordable housing for her family. Her and her sons still live together, contributing to pay the higher monthly (private) rents. For Latisia, now in her early 40s, a pardon will allow her to finally pursue a career in health care (where she has earned a certificate), to obtain better housing, and to stop being reminded every day of the man who left her and her sons a very long time ago. Applying for a pardon in 2021, she received a 5-0 vote at the Board of Pardons' merit review in June, and now is waiting for her public hearing to be scheduled.

Albert Byrd, Lancaster County

In 1974, Albert Byrd was 19 years old and walking down the street in Lancaster when he was stopped by the police on suspicion of robbery. Knowing nothing about that, he agreed to go to the police station and be interviewed. When he got there and emptied his pockets, the police saw a roach clip; and when they ripped open his pack of cigarettes, they found three marijuana cigarettes. He pled guilty to possession of marijuana – a conviction that made it impossible for him to pursue many better jobs over his lifetime that would have made it much easier for him and the three children he raised by himself. Now almost 67, he's applied for a pardon to finally clear his record.

Hector Hernandez, Cumberland County

In July 2014, Hector Hernandez drove a friend to Camp Hill prison so that she could visit a family member. While parked there he consented to a random search of his car, and one packet of marijuana was found among the things his friend had left in the car. Unable to afford an attorney and thinking he was at risk of being convicted of a crime that would result in the loss of his driver's license, he pleaded guilty before the magisterial district justice to possession of drug paraphernalia. That conviction resulted in Hector getting fired from his job at McDonald's, failing a background check after starting work as a technician for the Pennsylvania Lottery, and being denied several jobs with security firms – not only keeping him from better-paying jobs to support his growing family over the past eight years, but also from joining the armed forces, a goal he continues to have. He has never smoked cigarettes, much less marijuana. He is working on his pardon application and hopes to submit it soon.

Robert Roth, Erie County

On August 25, 1988, when he was 23 years old, Robert Roth sold 5.5 grams of marijuana to an undercover police officer for \$40. He was selling marijuana because he was tired of seeing his mother struggle with bills. He was charged with two felonies, pleaded guilty, and was sentenced to 11 ½ to 23 months in jail and five years on probation. He served his time and was released from probation early in recognition of his demonstrated efforts to change. Since then, he has not been involved with any criminal activity, but he still struggles with the personal and social stigma of being labeled an ex-offender even to this day, three decades later. He is currently employed as a bookkeeper for a hotel and is qualified to manage one, but his record prevents that.

Richard Allen, Delaware County

Richard Allen was just 18 when he was stopped, frisked and arrested for possession of the marijuana that the officer found in his backpack. He was convicted of a misdemeanor and sentenced to 15-30 days in jail. The next year, he was a passenger in a friend's car when it was stopped for a traffic violation; and when he subsequently consented to a search of his bedroom, the police found marijuana there. He pled guilty to possession of more than one ounce (a felony) and was sentenced to a maximum of 23 months in prison. After completing his sentence, Richard has worked in restaurants, helped raise his two daughters while his wife completed her military training, and successfully obtained a commercial driver's license; but he has been unable to secure better employment because of his record – which has also made it impossible for him to obtain better housing for his family. He submitted his pardon application in February 2022; to date, the Board of Pardons has only acknowledged receiving it.

Christian Dulin, Bucks and Montgomery Counties

The first time Chris Dulin got arrested and charged with possession of marijuana, in October 2015, he was 19 years old and riding a train from Philadelphia to visit his family in Bucks County when a SEPTA police officer smelled marijuana in his bag. Not long after, the car he was riding in got stopped and searched, and Chris ended up being charged for the marijuana found in a backpack that wasn't his. Those, plus two other charges from stop and frisks, all happened within ten months, and all came to trial and sentencing at the same time, resulting in his incarceration. Since then, he has earned his forklift license, safety flagger license, OSHA-10 and locator technician certifications – but it still has been very difficult to live a normal life, going through two rounds of interviews, receiving offer letters, just to see them rescinded a few weeks later. He cannot work side jobs for Uber or DoorDash and hasn't found a good apartment that will rent to him. Earlier this year, he almost lost his current job as a utility locator after the background check came back with his convictions. Thankfully, the company agreed that he was a good employee and has kept him on; but he hopes one day to go back to school and become a nurse – a career that his past puts beyond his reach. He applied for a pardon earlier this year.