

TELLING YOUR STORY TO THE BOARD OF PARDONS



A Guide to the Pennsylvania Commutation Application



Right to Redemption



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A letter to those I left behind:

Dear Brothers,

For those of you who don't know me, my name is Terrell Woolfolk. For 30 years, minus the last 6 months, I was known as Terrell Carter. In December 1992 I was tried and convicted of 2nd Degree Murder and subsequently condemned to a mandatory sentence of Death By Incarceration (Life Without Parole).

For decades I struggled to regain my freedom. I understood, though, that there were only a few paths to freedom that were possible: through the courts and the appeal process, commutation, escape, or death. All of these options except the last were extremely rare. Not many were able to overturn their convictions, none have escaped, and from 1995 to 2019 only 11 out of the 5,000 men women and children who were condemned to die in prison were able to get their sentences commuted.

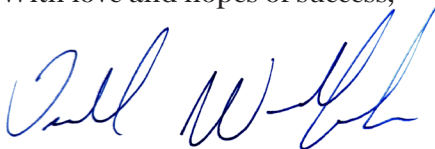
To die in prison was a very real possibility for me, but not an option. Escape was not possible, and commutation existed only as a pipe dream. So for 24 years I fought a battle in the courts. But, I was handed denial after denial after denial. I kept fighting though, I kept believing that I would not die in prison. I refused to give in to the paralyzing despair inherent to my circumstance.

In 2019 Lt. Governor John Fetterman took office and became chair of the Board of Pardons and things began to shift. All of a sudden, the pipe dream became a possibility. During Lt. Governor Fetterman's term Commutation became tangible, and we all watched as 53 of our brothers and sisters began to go home. A sense of hope was renewed, and many of us filed, myself included.

July 18, 2023, after 30 years, my bid for commutation was successful and I walked out of Phoenix a free man. It was a bittersweet moment. Although I was extremely happy, at the same time I felt an intense sadness for I had left behind men that I truly loved. Men that I knew better than my own family members, men that I grew up and who watched me grow. I suffered from an acute sense of survivor's guilt because there were friends and family who I couldn't take with me. Men who were just as deserving at another chance at life, as I was. Men who would die lonely deaths behind the razor wire fences of penitentiaries across the state. I made a vow to myself that I would do everything that I could on the outside to help my brothers get to a space of freedom. Hopefully the creation of this guide will be what's needed to open the cracked door of commutation wider.

This guide represents what I've learned after successfully navigating my way through this process. It is my sincere hope that this guide might empower you to tell your story and that I will get a chance to see you walk through those prison gates just like I did.

With love and hopes of success,



Terrell Woolfolk



NEVER
GIVE UP

Introduction

For some people, writing is uncomfortable. I hope that the exercises and advice in this guide will help ease your anxiety and help you find your voice as a writer. You can hate writing all you want, but if you want to get out of prison, you are going to have to make the time to do it. What you write is going to determine whether or not you go home. This is the reality.

You can't control the DOC or the BOP. The only thing that you can control is what you do. Your focus needs to be on putting forth the best possible articulation of your story. Most people are rejected at the Merit Review stage which is based only on the papers. What you write is significant.

You must give this process the amount of time that it deserves. There is no such thing as over-preparing. This takes a tremendous amount of effort. If you have a question, you need to reach out to the people who know you best and ask for their input. You are not in this alone. There are people around you who can help, but you have to ask.

We are all storytellers and this application is your opportunity to tell your story. The commutation application is divided into two parts. Part one is about the facts that led to your sentence. The second part is a personal statement about who you are today. This guide reflects that structure. In each part, I offer general guidance and suggestions, describe common traps and pitfalls, and offer an example of how to put those recommendations into practice.

SECTION 1: What happened in your own words

The Board has your entire file. They have read transcripts from your trial. What convicted you is the truth in their minds. Don't stray from that.

Stick to the facts that are in the record and recount them clearly. This is not the time to make a new argument as you would if you were writing a brief or raising an appeal.

You must find ways to express remorse in your description of what happened.

Find opportunities to take responsibility. Don't hide from accountability by wearing a cloak of lesser culpability.

Make no excuses, blame no one else, and take full responsibility even if you weren't the direct cause of somebody's death.

For example: "I am just as responsible as the man that pulled the trigger because I had the power to stop him and I didn't. Had I exercised my influence, Mr. ___ would still be here."

SECTION 2: Personal statement

The structure of this section of the guide is based on the old version of the application, which asked applicants to respond to two specific questions. The questions helped to focus applicants' thoughts and orient them to what the Board cares most about. The application no longer includes these specific questions, but I believe that addressing the original questions ensures nothing goes unsaid. I encourage you to use these two questions as a method for organizing your statement.

For what reasons are you seeking clemency?

On the older version of the application the Board provided 5 categories for applicants to consider including: age, health, re-enter the community, spend time with family, and other. I recommend you address all of the categories that apply to your situation.

Category 1: AGE – The Board sees this category in two parts. First, your chronological age and second, how much time you have spent in prison. You should address both parts.

Chronological Age (How has aging helped you transform?)

Time moves at a different pace in prison. It is slow, methodical, and the days feel indistinguishable. It's not impossible to lose track of the years in the monotony of an incarcerated existence and even forget a birthday. It is a suspension of time. But time is what provides space for introspection. The slow pace of prison gave you the chance you needed to reflect and mature. It gave you an opportunity to go inward and figure out who you are. And in that time you have aged. You are not the 22 year old anymore who only thought of himself. You used your time wisely and you need to show them that wisdom.

How we see our past selves and how the Board sees our past selves is completely different. The Board looks at our past and they perceive us by our actions. We judge ourselves differently because we know more about ourselves than the Board can. But to the Board your conviction defines you. Accept that this is what they believe about you. Don't waste time trying to convince them that you were a good person when you committed the crime. Your job throughout the entire commutation process is to convince them that you are no longer that person. Naturally, we want to separate ourselves from who we were back then. We understand that our

history will always be a part of who we are and that the past can paint a picture that doesn't match who we are today. Because of that we don't want anyone to confuse the past with the present. So we provide context trying to explain why we were the way we were. We want to explain who we were in those moments because we understand that people look at us today and judge us based on what we did yesterday. We want to get as far away from that as possible because we feel a need to explain that we aren't bad people. So we try to provide context. But context will sound like an excuse.

We have to accept the fact that the Board thinks that we were bad people. Our job is not to convince them that we weren't bad. Our job is to convince them that we are not that same person now.

Here a few writing prompts to help you put this transformation into words:

Wisdom and experience helped me understand the pain that I am responsible for causing because...

Picture yourself at the time you were arrested – who was that person? What was most important to him?

Now, who are you today and how has aging and experience helped you move from that younger version of yourself to the present version?

Be careful not to make excuses or what might be perceived as an excuse.

For example: “In 1982 all I thought about was myself and what I could take from other people. I never thought of the irreparable harm that I could cause. It was all about me all the time. For the last 40 years I have [describe the things that you have done to move out of that space and into the space of transformation and redemption]. As a man of 64 I understand how devastating acts of selfishness and violence can be. I remember the younger version of myself. He didn't have any idea how his decisions affected others. I see that clearly now. So, when I make a choice today, I am always thinking about how it will impact others and how I may be judged for that decision. This deliberation slows me down and allows for better decision making. Time and reflection are what allowed for this transformation. Time is what allowed me to move from an impulsive selfish person to an older more considerate selfless individual.”

How many years have you been in prison?

This aspect of aging allows you to talk about the length of time spent incarcerated and the ways that it forced you to recognize your vulnerabilities and failures, which helped you become a better version of yourself.

Be careful not to fall into the trap of victimhood here. You don't want to shift the center of gravity to yourself. You can't focus on how you have suffered. It is about how you have changed.

When you talk about the length of your incarceration and how you have suffered as a result of it, you should seek to describe the suffering only in the sense that it reflected back your selfishness. It allowed you to see, “I am not living in a world only populated by myself.”

For example: “For the past 40 years that I have been in prison I lived through both my parents' passings. The pain of that forced me to reflect on the trauma that I have caused because of my selfishness. Had I just been more considerate of others I would not have had to spend 40 years in prison, Mr. ____ would still be alive, and I could have been home by my parents' sides holding

their hands as they transitioned.”

Category 2: HEALTH – Here you can provide a detailed description of any health concerns you have.

You don't need to go into a lot of detail here. If you have health issues you should describe them. This is not the place to discuss inadequate medical care. It is really a chance to illustrate that you are not a threat. This is also the opportunity to describe how you would seek treatment for both mental and physical health conditions upon release. This allows you to show the Board that you understand how to care for yourself.

Category 3: RE-ENTER COMMUNITY – This is your opportunity to show the Board that you understand that your actions affected not just one family but an entire community and that you are prepared to atone for those harms.

We all come from places; No one was born in prison. We all were born and raised in communities.

What does that community mean to you and if you could return to it, how would you want to contribute to it?

This is an opportunity to recognize that the harm you caused was not just to an individual and his family but to an entire community.

In articulating your reasons for why you think that your sentence should be commuted, think carefully about why re-entering the community would be important. Think about the harm and how you can make amends. Your answer should be rooted in that question.

People can contribute in many ways: mentorship, being an indispensable member of the community, taking care of elders, and modeling good citizenship by staying out of trouble. If you can anchor your vision of the contribution you will make upon release in the skills you have acquired in prison or the experiences that you have had there, it will show the Board that you are prepared to re-enter as a community leader and that rehabilitation works.

For example: “Re-entering the community is another reason why I am seeking commutation. Because of my rehabilitation and how my life has been transformed I truly believe that I can serve my community in a positive way. I believe that I can be fully engaged in the care of my community by contributing to anti-violence strategies and programs. I also believe that because of the seriousness of my crime that I owe a debt to my community. I will attempt to repay that debt by continuing the work that I have become a part of in prison, which consists of helping young people avoid the pitfalls that ruin lives. If the Board feels that I am worthy of a second chance, one of my goals is to be to young people what many of the elders in prison were to me and hopefully become someone who saves lives instead of being one responsible for destroying them.”

Category 4: SPENDING TIME WITH FAMILY – In the same way that you understand that your actions affected an entire community, you can use this space to describe the pain that you caused your loved ones and what you plan to do to make amends.

You can use this as an opportunity to express your love and appreciation for your family. You can talk about being young and selfish and taking family for granted. You can also talk about how you never considered your family when you made decisions that caused harm and the subsequent pain that your conviction would cause them.

If you are a parent, this is an opportunity to articulate your intention to live the rest of your life making up for the abandonment of your child. You may be looking at it like you didn't leave them on purpose, but ultimately you chose to do a particular thing knowing the consequences of it and did it anyway. That was a choice. Your choice led to your absence. This is a painful reality but to have the presence of mind to articulate that, shows maturity and remorse.

If you are married or in a long-term committed relationship, you can talk about how much it would mean to be reunited with a person who has been in your corner and shown you unconditional love, and how much your release would mean to them. You can articulate that you understand now that your incarceration partly incarcerated them too.

You can tell the Board that you would be grateful for the chance to return home so that you can provide love to people who have shown you nothing but love and support through the worst period of your life and to reestablish frayed bonds. Your freedom in a sense means freedom for your family as well.

For example: "Because of my youthful selfishness I abandoned my family. My mother is 70 years old and because of all the pain and heartache that I've caused her, sometimes I feel undeserving to be called her son. I pray that this Board can find the mercy to commute my sentence because I owe my family so much and I would like nothing better than to be able to spend the rest of my days demonstrating that I am no longer that selfish young man that took them for granted, but instead that I have grown into a man who understands that I don't live in a world populated by just myself and that I deeply appreciate them."

Category 5: OTHER - Provide any other reasons for why you are seeking clemency. If there are no other reasons, that is fine.
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General Advice: Avoid anything that sounds like entitlement. Be careful not to let entitlement creep into your language. Don't let the feeling that somebody owes you something be expressed. That can come out easily. Because the process that resulted in conviction was unfair, we tend to become lost in that space of unfairness. Our narrative gets derailed and we focus on the unfairness. What happens when we get stuck in that space is it seems like we have forgotten the pain that we caused and it becomes all about us and how unfairly we were treated. Stay focused. It is not about what happened to you or the unfairness of the process that brought you here.

When talking about yourself, never pass up an opportunity to talk about or rather acknowledge the fact that you're responsible for bringing a lot of pain into the world.

What efforts have you made to rehabilitate or improve yourself?

I encourage you to tell your story of transformation here. Any story of change has to begin with where you are coming from, who you were, and why it was necessary for you to change. Who you were - describe who you were as young person and how you became someone who ended up causing harm to someone else.

Be careful. You should not blame your circumstances but you can and should describe them. The circumstances play a role but they are not excuses, but simply context.

It is easier for the Board to blame the individual (you) than to confront the painful context that gave rise to the violence. This is how the Board simplifies what we know is a very complicated story. You need to accept this.

For example: “I come from an extremely impoverished environment that bred abusive relationships that I experienced and observed. As a result of that I developed addictions to drugs and alcohol which left me ripe for poor decision making. Nevertheless, my neighborhood, my family, my addictions do not change the fact that I am responsible for bringing a tremendous amount of pain into the world.”

That is who you were. Now how did you move from that version to who you are now? What was the catalyst for change? Was it a moment, an epiphany, or a series of experiences that stretched over time? Describe your process. What did you realize and how did you go about changing your future actions based on these realizations?

Describe the programs you took and how they played a part in this process. Explain how each of them helped in your transformation. Be specific.

List all the physical activities, including all the sports programs if any. Anything that has to do with team building. And describe the kind of impact that has had on you.

Employment history - highlight anything that shows how your understanding of the concept of responsibility has shifted.

For example: “I have participated in numerous educational programs during my time in prison... The educational opportunities that the prison has provided me have given me a substantial boost in self-confidence. I no longer feel confined within the negativity of a street culture that destroys lives and creates a mindset that warps your values to the point that you stop caring about doing the right thing like getting an education and working hard. This culture made me believe that hard work, patience, and education was for suckers and to get things the easy way by any means was the only way. My perspective has changed to the point now where I can see how hard work builds appreciation and also contributes to a healthy sense of self-worth and pride. I understand now that the easy way creates an attitude where everything you acquire is taken for granted and that lack of appreciation spreads to other aspects of your life. The educational opportunities that I have taken advantage of have allowed me to grow, to appreciate, and to value life, freedom and my relationships.”

Talk about coming to terms with what you’ve done and how it has changed you.

The opportunity here is to mitigate feelings of entitlement. It is about stepping outside of yourself and recognizing the pain you caused other people.

It is about understanding how deep that rabbit hole of pain goes. It is an opportunity to empathize and demonstrate true remorse.

When you truly understand how you have caused someone else pain, you begin to consider more fully how your actions affect other people. This changes how you move and how you operate. Once you become aware of how your actions affect other people, you can’t move in a selfish space anymore. It changes you from being inconsiderate to considerate and that is life altering. It is two different worlds.

The key to achieving this kind of deep transformation is to truly shift how you think and move through the world. If you can’t let go of how you’ve been wronged in the past, you will be forever stuck in a selfish space.

To shift from the selfish mindset to a mindset of community healing requires acknowledging the pain you caused and all the ways that you are responsible and connected to others.

For example: “I couldn’t reconcile my personal responsibility with a societal one. For me it was always that my environment determined my choices. My choices weren’t free because I was so heavily influenced by the environment around me. I was stuck in that space of looking outside of myself for the reasons why bad things happened. It was a struggle for me to understand personal responsibility until I had a conversation with a friend. I explained to him this irreconcilable conflict I was having. He said to me, think about it like this. Imagine you are in front of a panel of judges who would determine your freedom based upon what you presented to them. It was something that you had been practicing for years. The moment had arrived. And right before you begin speaking a woman stands up in the room and says aloud, but you killed my son. He asked me, what would you say to that woman? I was stuck in a wordless bubble and the only thing that popped into my brain was I’m sorry. It was at that moment that I understood how deep that rabbit hole of pain is because when I imagined that woman saying that to me, I pictured my own mother.”

Again it is my sincere hope that my thoughts, perspective, and writing, can help add to your level of confidence. That it can serve as inspiration, and that it can be the fuel for the belief that the impossible is now possible and that dreams of liberation, don’t have to be dreams.

The information provided on in this Guide does not, and is not intended to, constitute legal advice; instead, all information, content, and suggestions contained herein are for general informational purposes only. Information in this Guide may not constitute the most up-to-date legal or other information. The information contained in this Guide is specific to Pennsylvania and is current as of April 2023. Please note that the information contained in this packet is subject to change.

