

Testimony in Support of SB 293
Daniel Peters

First and foremost I would like to thank this distinguished committee for giving me the opportunity to speak with each of you here today. My name is Daniel Peters. I am a tax-paying citizen of Philadelphia, a registered voter and a commuted life-sentenced prisoner. I served 35 years, 6 months and 38 days for a murder that my older brother, who had a documented history of mental illness and alcoholism, committed in 1980.

By way of introduction, I am the 9th of 11th children born to John and Shirley Peters. My dad was a welder by trade, who had difficulty holding a job, because he was an alcoholic. He was also physically abusive, especially when he didn't have a drink. My mom was a homemaker and part-time waitress, and she too was physically abusive. My family moved around a lot, and usually in the middle of the night, when the rent was due. Some of my earliest memories as a child were of our 2-story row-home on C Street, where I shared a bedroom with 8 of my brothers and sisters. I remember waking up in the middle of the night and going downstairs and seeing boxes everywhere. At first I thought we were moving again, but that wasn't so. The boxes were full of liquor and beer. My dad wasn't only a welder, but a burglar as well. All of my siblings, mother and father included, have a criminal history. Needless to say, antisocial behavior was a normal behavior in my household.

Since my incarceration in 1980, my mother and father, as well as some of my older siblings have passed away. Myself and 4 other brothers and sisters remain. From time to time, my younger brother Petey and I talk about childhood memories. How at breakfast time, we would all be seated at the table - passing the bowl of cereal down - by age - being sure to save the milk for the next person. The same went for bath night. So the water was still warm, we would use each other's water. With Petey being the youngest, he had to clean the ring from around the tub.

Today, we can laugh about that.

I remember Petey and I watching as my mom beat the crap out of my sister Patty. I remember my mom drug my sister across the floor by her hair. My mom would beat her with her hand so hard that she complained that her hand hurt, and she started being her with her shoe, or anything else she could grab. My sister Patty would run away from time to time, and come home for a couple of days, never staying longer. At the age of 16, she took her own life, with a gunshot to her head.

I can share story after story about how life was at home, from having to steal clothing from neighboring clothes lines, to having to steal food from our neighbor's kitchen. My first encounter with law enforcement was when my little brother and I would sneak on the EI, and travel to downtown Philadelphia, and steal money off of Benjamin Franklin's grave, where we would buy pretzels and soda. Stealing was as normal as breathing to me and my brothers and sisters. As

normal as it seemed then, it is only through maturity and education that you realize how dysfunctional the situation was. I know now that taking anything that doesn't belong to you is wrong, no matter how bad the situation. But I was raised in a household where I was told, "if you're hungry, go get it." That's how life was.

It was in this context, of poverty and abuse, and survival, that I made a poor choice that cost someone her life, and also cost me nearly 4 decades of my own in prison.

I want to explain to you how I ended up with a murder conviction, through the felony murder rule, and accomplice liability, for a murder that my older brother committed.

In 1980, my life changed. It all started because my brother Lewis stole my girlfriend's father's rifle. He sold it to a friend, and couldn't get it back. I knew how upset he would be when he realized his rifle was gone, so my brother came up with a plan to get enough money to buy a new one. A friend's neighbor had a broken toilet. We planned to go over, fix the toilet, and take the extra cash needed to buy a new rifle, to return it to my girlfriend's father. I believed I really could go fix the toilet, take a few dollars, go into a store, buy a gun, return it to my girlfriend's father -- and it would all be fine. That was how my brain worked at the time.

The plan was for me to go upstairs to fix the toilet, and root around for money while my brother Lewis stayed downstairs and kept the homeowner, Mary, occupied. The problem was that my brother, an alcoholic, had been drinking all day and she started to smell the alcohol on Lewis's breath, and got uneasy. She told Lewis she wanted us to leave. As I was coming down the stairs, I heard them arguing. By the time I got low enough, I saw Lewis strike her, and she fell down. I ran over to Lewis, and said to him, Lou, leave her alone, I have the money. Mary started to stand up, and Lewis started to swing his arm back to hit her, and I slapped his arm down, causing him to miss hitting Mary. Again, I begged for Lewis to stop. Lewis said "no, we can't leave her like this." I'm pleading with him. He tried to prevent me from leaving, and I continued pleading with him, and showed him the money I had taken, hoping he would stop. I realized he wasn't going to leave with me, so I ran to the back of the house and out an alley. I left my brother in that house. I went to the bus stop and started crying.

It was only later that evening, when my brother came home from more drinking at a neighborhood bar, that he told me, "Dan, I'm sorry, but I had to kill her." I looked at him, and said he was lying. That's when he goes on to tell me how he killed her. Still, I don't believe him. When my brother was drinking, he would always make up stories. I really couldn't imagine that he would kill someone. A week later, I learned that he really did -- we were both arrested for murder. I was 17 years old. My brother was 23.

I was later sentenced to die in prison, under a then- and now-mandatory life without parole sentence for a 2nd degree felony murder conviction. Again, I served 36 years in prison before being commuted by Governor Wolf on June 24 of 2016.

I will be the first to say that I deserved to go to prison, but I do not believe that I should die there. As I'm sure each of you know, the felony murder rule gives judges no other alternative but to hand down automatic life sentences. Judge George A. Ivans told me that he had no other alternative but to sentence me to life in prison. And he went on to tell me that I would be eligible for commutation in approximately 13 years.

Though I went to Mary's home with the intention to steal money, I had no idea that what happened would transpire. Should I pay with my life? If I were not commuted, I would still be serving a sentence of death by incarceration. I could not predict what my older brother was going to do, but the felony murder rule assumes that I could.

No words can express the sorrow and the guilt that I feel each day knowing that an innocent life was taken, and that I did nothing to prevent it. Like the antisocial behavior fostered into my childish mind, my incarceration has shaped the man I have become. My incarceration has shaped the man I am today, a man who knows the power of choice and the consequences of them. I have always taken responsibility for the choice I made.

I have never felt bitter, and I could never feel angry, because I have always felt that I received my just dessert. That's the truth. I am so grateful to God that I have never lost that part of me. That even in the darkest place, I never forgot that Mary's life was taken.

However grave the poor decision was that I made that day to steal money, I do not believe that the cost of that decision should be my life spent in prison. My conviction and incarceration took an incredible toll on me, and on my family. I missed birthdays, holidays, new family members being born. One of the most traumatic experiences for me was the passing of my mother while I was incarcerated.

How do you send someone to prison for the rest of their life, that had no intention, had no knowledge, of a murder? To me it seems shameful to cry about that, when you know someone lost a life, someone's sister or mother was taken, but it has to stop.

Today, I work as a maintenance man for a real estate company, overseeing more than 100 rental units. I have worked there for nearly two full years, since I was released in June of 2016. I have been promoted three times since I started working there. Each day, I wake up at 4 in the morning, work for approximately 10 hours--I do plumbing, painting, fixing holes in walls, carpentry, electrical work, and anything else that could arise in a residence. After work, I go to the gym, go home to my family and go to sleep. On the weekends, I look forward to spending time with my niece and other members of my family. I recently started a second job that has me doing similar work on the weekends. I am working toward purchasing my own home.

In Pennsylvania, it costs approximately \$43,000 per year to incarcerate someone in the state prison system. This number goes up with age. So by the most conservative estimate, the 36

years I spent in prison cost the taxpayers of the Commonwealth of Pennsylvania \$1,548,000. Just to keep me locked behind bars.

I leave it to the members of this distinguished Committee to consider whether that cost -- more than \$1.5 million dollars of taxpayer money -- was worth it, given what my intention and mental state were on the day that I accompanied my brother to steal some money.