

Legislation Details (With Text)

File #: 180537 **Version:** 0 **Name:**

Type: Resolution **Status:** ADOPTED

File created: 5/17/2018 **In control:** CITY COUNCIL

On agenda: **Final action:** 6/14/2018

Title: Respectfully requesting that Governor Wolf grant a pardon to Eric Riddick in consideration of the evidence establishing his innocence.

Sponsors: Councilmember Oh, Councilmember Blackwell, Councilmember Green

Indexes:

Code sections:

Attachments: 1. Resolution No. 18053700.pdf, 2. Signature18053700.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|--------------|---|--------|-------|
| 6/14/2018 | 0 | CITY COUNCIL | ADOPTED | Pass | 14:3 |
| 5/17/2018 | 0 | CITY COUNCIL | Introduced and Ordered Placed On Next Week's Final Passage Calendar | Pass | |

Respectfully requesting that Governor Wolf grant a pardon to Eric Riddick in consideration of the evidence establishing his innocence.

WHEREAS, Mr. Eric Riddick is currently serving a life sentence for first-degree murder and possession of an instrument of crime in the shooting death of William Catlett at the corner of 58th Street and Belmar Terrace on November 6, 1991. He pled not guilty to these charges and continues to maintain his innocence; and

WHEREAS, Three alibi witnesses corroborated Mr. Riddick's testimony that he was two blocks away from the scene of the crime at the time of the shooting; however, these three alibi witnesses were not presented to the jury by Mr. Riddick's attorney despite having been in attendance throughout the trial. It was later discovered that Mr. Riddick's attorney had not filed a Notice of Alibi Defense; and

WHEREAS, The lone witness in the trial, Mr. Shawn Stevenson, recanted his identification of Mr. Riddick as the shooter in an affidavit signed July 10, 1999. He wrote that he had been pressured to initially lie by a friend of William Catlett. However, due to a financial dispute with a private investigator, Mr. Riddick's family did not receive Mr. Stevenson's affidavit until early 2003; and

WHEREAS, A ballistics expert hired by a court-appointed attorney to Mr. Riddick in 2012 concluded that, based on the crime scene, autopsy, and trial documents, the trajectory of the bullets did not support Mr. Stevenson's original claims that Mr. Riddick had shot at Mr. Catlett from a balcony; and

WHEREAS, In a June 2016 hearing, Common Pleas Judge Jeffrey Minehart denied Mr. Riddick's latest petition on the grounds that it was filed beyond the one-year deadline currently required by Pennsylvania's Post Conviction Relief Act (PCRA). He further concluded that the information that the ballistics expert used in his report was not considered new evidence under the PCRA, nor was Mr. Stevenson's recantation. Therefore, the evidence was not eligible for consideration by the court; and

WHEREAS, The Superior Court of Pennsylvania affirmed Judge Minehart's ruling in December 2016, but then -Senior Judge James Fitzgerald III, specially assigned to Superior Court, wrote that the case against Riddick was "difficult, if not impossible, to reconcile with the ballistics evidence. Unfortunately, it is clear that all information used by Conrad was in the public domain at the time of trial in 1992"; and

WHEREAS, Judge John Bender wrote a concurring statement in Commonwealth vs. Eric Riddick, No. 3480EDA 2016, in which he stated, "I write separately only to express my utmost displeasure with the Post Conviction Relief Act's failure to facilitate justice in this case, where it is clear to all that it is likely that an innocent man sits behind bars for no better reason than a poorly conceived statute. No system of justice is perfect. However, a system of criminal justice that prevents the correction of obvious errors is easily improved - if only the legislature could see fit to do it." Justice Fitzgerald joined in this concurring statement; and

WHEREAS, On May 3, 2018 this Council adopted Resolution No. 180411, "Urging the Pennsylvania General Assembly to amend Pennsylvania's Post Conviction Relief Act so that reliable evidence of innocence may be considered to prove that a person who is convicted of a crime is, in fact, not guilty"; and

WHEREAS, A person convicted of a crime in Philadelphia may file a PCRA petition to appeal their conviction; and

WHEREAS, The PCRA unjustly punishes persons for the negligence of their counsel and/or the person's inability to comply with a very brief time limit in which to file a petition because of newly discovered evidence; and

WHEREAS, Under the PCRA, evidence that reasonably proves a petitioner is not guilty is not considered at all, if the petition is not filed within one year of the conviction, with only some limited exceptions; and

WHEREAS, Newly-discovered evidence under the PCRA is not simply recently-discovered evidence, but evidence that could not have been obtained by reasonable diligence that would have resulted in a not guilty verdict at trial. As a result, significant errors made at trial by petitioner's counsel may prevent evidence of innocence from being considered by the court and evidence newly obtained by petitioner will not be considered by the court, if it could have been obtained, but was not; and

WHEREAS, Upon consideration of the facts of the case, it appears that what is now keeping Eric Riddick in prison is not his guilt but the limitation of the law. That a filing deadline stands between an evidently innocent man and his deserved freedom is antithetical to the principles of justice. This Council passionately pleads for Mr. Riddick's pardon so that he may at last proceed with his life, liberty, and pursuit of happiness; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it respectfully requests that Governor Wolf grant a pardon to Eric Riddick in consideration of the evidence establishing his innocence.

FURTHER RESOLVED, That a copy of this Resolution be transmitted to Governor Tom Wolf.