

Petition
for a General Pardon (Amnesty)
on behalf of all who have been convicted of a non-violent marijuana crime

**To the Honorable Tom Wolf, Governor, Commonwealth of Pennsylvania,
And to the members of the Pennsylvania Board of Pardons:**

**Honorable John Fetterman, Lieutenant Governor; Honorable Josh Shapiro,
Attorney General; Honorable Marsha Grayson, Esquire; Honorable John
Williams, M.D.; and Honorable Harris Gubernick, M.A.:**

On behalf of all of us who have been convicted of a crime involving marijuana that did not harm, or involve threat of harm, to any individual, we, the undersigned, hereby petition the Governor to issue a Charter of Pardon that would forgive us all at one time.

There are tens if not hundreds of thousands of Pennsylvanians across the Commonwealth who, like the eleven of us, have been convicted only of crimes related to our use or possession of marijuana or paraphernalia and have completed our sentences, yet remain prevented from pursuing our potentials solely by our pasts. The collateral consequences of our marijuana convictions are holding not only us back, but also our families, our communities, and our collective economic power as a Commonwealth.

Years ago, several of you – Governor Wolf, Lieutenant Governor Fetterman and Attorney General Shapiro – have all called for the decriminalization of marijuana. The General Assembly has before it several bills that propose various ways to achieve that goal. But as the elected officials entrusted with the power to forgive the past in consideration of the broader interests of the Commonwealth, you have the opportunity to recognize the breadth and depth of the benefits that would flow simply by restoring us to full citizenship, allowing us to better serve our families, our communities, and our Commonwealth as a whole.

In furtherance of this petition, we ask you to consider the following:

1. 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”.¹ 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.

2. There is a growing consensus among legislators and the general public alike that the possession and use of marijuana should not be a crime. Just as the Eighteenth Amendment to the United States Constitution failed to achieve the abolition of intoxicating liquors, so too have the laws that criminalized the growing, processing, distribution, and possession of marijuana failed to eradicate its use. Even as this consensus around decriminalization has grown, marijuana laws have continued to result in the arrest, prosecution and punishment of hundreds of thousands of Pennsylvanians.

3. Each and every year for the last ten years, over 20,000 Pennsylvanians have been arrested and charged with the misdemeanor of possessing a small amount of marijuana – that is, less than 30 grams (a little over one ounce) – or paraphernalia.² In a report dated May 18, 2022, the Administrative Office of Pennsylvania Courts confirmed that in just the past ten years alone, there had been at least 245,654 new criminal prosecutions filed for crimes involving the possession, use, or distribution of small amounts of marijuana or paraphernalia – all misdemeanor offenses.³ Another 25,009 felony prosecutions were filed over the same ten-year period for the possession of amounts of marijuana greater than 30 grams, bringing the total to over 270,000.⁴ Just over the past sixteen months, at least 28,119 new misdemeanor prosecutions and 907 new felony prosecutions were filed.⁵ Every single person charged with these crimes now has a criminal drug record that is permanent unless expunged by Court Order.

4. For many of us, those charges resulted in convictions, often because of plea bargaining's promise to return us quickly to our jobs and families without us appreciating that the consequences of having a criminal conviction would last our lifetimes. In just the past ten years, there were at least 47,172 new misdemeanor convictions for non-violent marijuana-specific crimes, claiming almost 5,000 Pennsylvanians in each one of those years.⁶ In the same period, there were another 18,695 felony convictions for possessing more than 30 grams of marijuana, 98.2% of which did not involve a crime of violence or driving under the influence.⁷ It is not justice to make these tens of thousands of us wait until we are 70 years old, or dead for three years, before our convictions can be expunged.⁸

Individual Determinations Cannot Possibly Meet Such Overwhelming Numbers

5. When the Expedited Review Program was announced on October 2, 2019, the promise was that marijuana-related pardon applications would be considered within a year.⁹ In the 32 months since the program began, the Board of Pardons has received merely 670 applications seeking expedited review as of June 17, 2022 – the last date for which official data are available – only 329 of which have been recommended to the Governor, who has granted 300.¹⁰ Yet in 2019 alone, there were at least 6,527 new convictions that would qualify for Expedited Review, and there have been another 12,113 qualifying convictions since then.¹¹

6. Clearly, forgiveness is not keeping pace with punishment. Despite the best efforts of all involved and the investment of much time, attention, and taxpayer funds, the Expedited Review Program has not made any meaningful progress towards the broad, far-reaching, and desperately needed second chance and fresh start that was envisioned when you announced your support for the decriminalization of marijuana and began the Expedited Review Program.

7. The situation is only going to get worse. The Board is now receiving almost 2,000 applications for clemency each year, and that number is quickly rising. In less than six months this year, it has already received over 730 pardon applications.¹² These surging numbers express the hope that Pennsylvanians now have as a result of all the reforms you have achieved over the past three years. But the Board itself is hearing fewer than 1,000 applications per year. There are only six administrative staff reviewing and processing the applications, and the budget proposed for the Board for Fiscal Year 2023 is only slightly higher than in past years, limiting the staff available to do the job.¹³ Nor are there enough probation and parole agents to undertake in a timely way the investigations that precede the Board's review. The delay encountered by all applicants who do not qualify for Expedited Review is now seventeen months just to get their applications accepted and filed, which should be unacceptable to everyone. The Board's scarce resources can be far better spent than on processing non-violent marijuana-related convictions, one by one by one by one.

Public Policy Considerations All Support Amnesty

8. Criminal records brand individuals as criminals for life. Long after having completed their sentences, those of us who violated the law, even just once, remain disqualified from jobs, careers, housing, benefits and other opportunities for which we are qualified, unable to provide for our families as we otherwise could. Beyond that, we are excluded from volunteering in our communities, participating fully in the lives of our children, and even serving as guardians for minor or elderly family members. Criminal records have been termed a major cause of inter-generational poverty and a determinant of public health precisely because of the isolation from society that they cause. Drug convictions are particularly punishing. They prevent employment in jobs and careers that, as a result of COVID, society has come to realize are essential to us all and to our economy: public safety, public transportation, childcare, home care, health care, elder care, primary and secondary education, and any trade that involves the routine interaction with children.

9. By contrast, the May 2020 study by The Economy League confirmed that pardons bring millions of dollars into communities across the Commonwealth each year, proving that pardons are best considered, as the study termed them, "no-cost workforce development and neighborhood investment policies."¹⁴ Pennsylvania's Secretary of Labor and Industry¹⁵ and its Auditor General¹⁶ have both called on the government to issue more pardons more quickly as a way to increase public safety and help keep our Commonwealth's workforce internationally competitive. Just last November, the Pennsylvania Workforce Development Board called on the government to take whatever steps were necessary "to ensure the prompt review (within one year) by the Board of Pardons of all applications for pardon from Pennsylvanians who completed their sentences five or more years ago on convictions that did not include crimes of violence and who have remained arrest-free ever since."¹⁷

10. Moreover, there is increasing awareness that many laws involving marijuana had their origins in racial stereotyping and prejudice, and that they have often not been enforced fairly and equally against individuals, families and communities of color.¹⁸ A general pardon would forgive not just those with the records, but also go some way towards repairing the past and fulfilling our nation's promise of Equal Justice Under Law.

11. It is for all of these reasons and others that legislatures across the country, including our General Assembly, have been considering the full decriminalization and legalization of recreational adult-use marijuana. The experiences in other states confirm that this goal is often delayed, and even denied, when legislators are asked to erase not only the conduct from the crimes code but also the criminal records of those who had earlier been arrested and prosecuted. A general pardon would free our legislature from having to engage in that debate over history and further delay a future that is in the best interests of the Commonwealth.

General Pardons Are Appropriate To Serve Public Needs

12. General pardons have been used throughout our country's history to "bind up the nation's wounds" and allow us to move beyond past events that are causing continuing pain. In one of its earliest uses (if not the first), President George Washington used a general pardon to forgive those in the western part of Pennsylvania who had participated in the Whiskey Rebellion;¹⁹ and President John Adams granted a general pardon to those in the eastern part of Pennsylvania who had been involved in Fries's Rebellion.²⁰ President Andrew Johnson used a general pardon to forgive those who had fought against the Union in the Civil War,²¹ and President Franklin Delano Roosevelt pardoned those who had been convicted of espionage during World War I.²² President William Henry Harrison pardoned those who had engaged in polygamous or plural marriages,²³ and, within our lifetimes, President Jimmy Carter forgave a generation of youth who had refused to serve in the Vietnam War.²⁴ That Pennsylvania's Governor has this same power to grant a general pardon – and the Board of Pardons the opportunity to recommend he consider it – has been confirmed in a legal memorandum delivered to you and to the General Counsel to the Governor on December 1, 2020.²⁵ That memorandum expressly confirms "the legitimacy of the executive's right to use its clemency power to advance policy goals."

13. You – our Governor and our Board of Pardons – have the power and the opportunity to do what is best for our Commonwealth by putting behind us past convictions for non-violent marijuana-related crimes and allowing our society – and our legislators – to consider how best to decriminalize marijuana for the future. You have the authority to dispense with the time, effort, and public funds that would otherwise, and unnecessarily, be expended in the receipt, investigation, review, filing, consideration, and public hearings for past marijuana convictions. Our crimes, which are no longer looked at as crimes by a growing consensus, hurt no one at the time, and yet our convictions continue to inflict tragic and devastating harms on individuals just like us, families just like ours, and whole communities across the Commonwealth.

For all of these reasons, we ask that you grant this petition and pardon those of us – all of us – who have committed a non-violent marijuana-specific crime.²⁶

Jenna Henry
Centre County

Robert Kinney
Bucks County

Basil Lester
Philadelphia County

Latoya Phifer
Allegheny County

Theodore Zurla
Luzerne County

Latisia Noaks
Erie County

Albert Byrd
Lancaster County

Hector Hernandez
Cumberland County

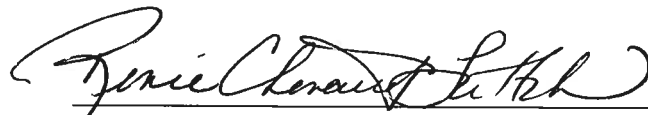
Robert Roth
Erie County

Richard Allen
Delaware County

Christian Dulin
Bucks and Montgomery Counties

July 8, 2022

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Evan Figueroa-Vargas, Vice-Chair (pardon recommended)
Paula Budnick, Secretary (pardon received)

The Petitioners

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.

¹ The announcement of the Expedited Review Program was reported here: <https://www.penncapital-star.com/blog/pennsylvanians-with-minor-cannabis-convictions-can-apply-for-an-expedited-pardon/>. The definition of the specific crimes meriting expedited review is provided here:

<https://www.bop.pa.gov/Apply%20for%20Clemency/Pages/Expedited-Review-Program.aspx>. The specific provisions of the criminal code that would qualify for the general pardon we seek, and those relating to violence against others that would eliminate the offender from receiving a pardon, are set forth in note 18.

² These data and others were reported by the Administrative Office of the Pennsylvania Courts as of May 18, 2022, and are available upon request or here: www.plsephilly.org/marijuana_data [forthcoming]. The misdemeanor statutes include Title 35 Section 780-113 Subsection A31 (Poss Of Marijuana), Title 35 Section 780-113 Subsection A31I (Marijuana-Small Amt Personal Use), Title 35 Section 780-113 Subsection A31II (Possess Small Amt/Distribute, Not Sell), Title 35 Section 780-113 Subsection A31III (Distribute Small Amt Marijuana/Not For Sale), Title 35 Section 780-113 Subsection A32 (Use/Poss Of Drug Paraph), Title 35 Section 780-113 Subsection A33 (Deliver/Intent To Del Drug Paraph), and Title 35 Section 780-113 Subsection A34 (Plac Adv Sale Of Drug Paraph). Marijuana prosecutions under Title 35 Section 780-113 Subsection A16 (Int Poss Contr Subst by Per Not Reg) are excluded from the data because the case management systems do not allow for an entry of drug type under this statute.

³ See note 2.

⁴ Prosecutions filed recorded for Title 35 Section 780-113 Subsection A30 (Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver) where marijuana is recorded as the drug type.

⁵ Data range calculated from January 1, 2021 to April 21, 2022.

⁶ See note 2, with a count of convictions for the above statutes.

⁷ Convictions recorded for Title 35 Section 780-113 Subsection A30 (Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver) where marijuana is recorded as the drug type.

⁸ A judge may expunge a conviction for a misdemeanor or felony in the absence of a pardon in only these two situations. See 18 Pa.C.S. § 9122.

⁹ See note 1.

¹⁰ The data are officially reported here: <https://www.bop.pa.gov/Statistics/Pages/Expedited-Marijuana-Statistics.aspx>.

¹¹ See notes 2 and 7 for statutes recorded in count of convictions.

¹² As of June 20, 2022, the Board of Pardons had received 738 pardon applications since January 1, 2022, or an average of 30 per week. Email of Pamela Brightbill, Board of Pardons Administrative Officer, to Carl Oxholm dated June 27, 2022.

¹³ The actual budget for the 2021-2022 Board of Pardons budget was \$2,108,000. The Governor's proposed budget for 2022-2023 is \$2,273,000 but then \$1,859,000 in each of the following four years.

<https://www.budget.pa.gov/Publications%20and%20Reports/CommonwealthBudget/Documents/2022-23%20Proposed%20Budget/Budget%20Book%202022-23.pdf> at page E13-13.

¹⁴ The Economy League, "Pardons as an Economic Investment Strategy: Evaluating a Decade of Data in Pennsylvania" (April 2020). <http://economyleague.org/pardonimpact>.

¹⁵ <https://economyleague.org/driving-regional-change/campaigns-projects/the-impact-of-pardons>

¹⁶ Report of Pennsylvania's Auditor General, Criminal Justice: Reforms to Improve Lives and Save Money (June 2020) at 20. https://www.paauditor.gov/Media/Default/Reports/RPT_CJR_060920_FINAL.pdf

¹⁷ <https://www.dli.pa.gov/Businesses/Workforce-Development/wdb/Documents/11-9-21-WDB-Briefing-Book.pdf> at 63.

¹⁸ See, e.g., American Civil Liberties Union, *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform* (March 2021) https://www.aclu.org/sites/default/files/field_document/marijuanareport_03232021.pdf; John Hudak, *Marijuana's racist history shows the need for comprehensive drug reform* (Brookings Institution; June 23, 2020) <https://www.brookings.edu/blog/how-we-rise/2020/06/23/marijuanas-racist-history-shows-the-need-for-comprehensive-drug-reform/>. See also, the May 2022 Performance Audit of the Pittsburgh Bureau of Police conducted by the Office of City Controller and the Citizen Police Review Board (analyzing 2020 arrest data and finding that, despite marijuana being decriminalized in Pittsburgh in 2016, 139 people had still been charged solely with a marijuana offense, and of them, nearly 90% were Black).

[https://apps.pittsburghpa.gov/redtail/images/18287_Bureau_of_Police_2022_Performance_Audit_\(1\).pdf](https://apps.pittsburghpa.gov/redtail/images/18287_Bureau_of_Police_2022_Performance_Audit_(1).pdf)

¹⁹ <https://www.gilderlehrman.org/collection/glc08072>

²⁰ <https://millercenter.org/the-presidency/presidential-speeches/may-21-1800-proclamation-pardons-those-engaged-fries-rebellion>

²¹ <https://www.loc.gov/resource/rbpe.23602600/?st=text>

²² <https://www.presidency.ucsb.edu/documents/proclamation-2068-granting-pardon-persons-convicted-certain-war-time-offenses> He did so saying, "During the World War, a large number of persons were convicted under the Espionage Act and the Selective Service Act of giving utterance to sentiments adverse to the prosecution of the War and to the enforcement of the draft.... The emergency that made it necessary to punish them has long expired." <https://www.presidency.ucsb.edu/documents/statement-the-christmas-amnesty-proclamation>

²³ <https://www.presidency.ucsb.edu/documents/proclamation-346-granting-amnesty-and-pardon-for-the-offense-engaging-polygamous-or-plural>

²⁴ <https://www.justice.gov/pardon/proclamation-4483-granting-pardon-violations-selective-service-act>

²⁵ <https://www.plsephilly.org/wp-content/uploads/2022/06/Duane-Morris-memo-re-General-Pardons.pdf>

²⁶ In particular, the crimes that would be included within in the General Pardon we seek are:

1. Title 35 Section 780-113 Subsection A31 (Poss Of Marijuana),
2. Title 35 Section 780-113 Subsection A31I (Marijuana-Small Amt Personal Use),
3. Title 35 Section 780-113 Subsection A31II (Possess Small Amt/Distribute, Not Sell),
4. Title 35 Section 780-113 Subsection A31III (Distribute Small Amt Marijuana/Not For Sale);

as well as convictions under the following statutes where marijuana is recorded as the drug type in the Magisterial District Judge System and the Common Pleas Management System:

5. Title 35 Section 780-113 Subsection A30 (Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver),
6. Title 35 Section 780-113 Subsection A32 (Use/Poss Of Drug Paraph),
7. Title 35 Section 780-113 Subsection A33 (Deliver/Intent To Del Drug Paraph),
8. Title 35 Section 780-113 Subsection A34 (Plac Adv Sale Of Drug Paraph);

and convictions under Title 35 Section 780-113 Subsection A16 (Int Poss Contr Subst by Per Not Reg) where it is otherwise determined that marijuana is the drug type from a review of available records.

The crimes that, committed during the same incident, would preclude the issuance of a pardon to a specific person are as follows (crimes of violence and/or driving under the influence):

1. Title 75 Section 3802
2. Title 18 Section 2501 except when the offense is graded as a M1 or F2
3. Title 18 Section 2502
4. Title 18 Section 2507(c) and (d)
5. Title 18 Section 2604(c)
6. Title 18 Section 2606
7. Title 18 Section 2702(a)(1) and (2)
8. Title 18 Section 2702.1
9. Title 18 Section 2716(b)(1), (2), and (3)
10. Title 18 Section 2718 when the offense is graded felony (any level)

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11. Title 18 Section 3011(a)(1) and (2)
 12. Title 18 Section 3121
 13. Title 18 Section 3123
 14. Title 18 Section 3125.
 15. Title 18 Section 3124.1
 16. Title 18 Section 4302
 17. Title 18 Section 3301(a) and (a.1)
 18. Title 18 Section 2901
 19. Title 18 Section 3502(a)(1)(i) and (ii)
 20. Title 18 Section 3701(a)(a)(1)(i), (ii), and (iii)
 21. Title 18 Section 3702
 22. Title 18 Section 2506