

RICHARD PFEIFFER'S CHAIN VICTORIES IN PAROLE CASES

by Cheryl Geyerman, ADI Staff Attorney

Panel attorney Rich Pfeiffer had a good day on February 3, after a previous good month. His valiant and selfless efforts in parole release cases brought freedom to five clients!

One was for Jose Orozco, who had spent 28 years in prison. The Board of Parole Hearings said Orozco was rehabilitated. The governor reversed the parole board, but on habeas corpus Rich won his release.

On that same day Rich also won parole grants at Soledad and several of his clients were finally released. Parole clients in ADI cases included Abraham Abraham, who was released after 12 years in prison; David Vasquez, after 16 years; and Nicomedes Viray, after 24 years. A CAP-LA client, Clifford Brodsky, went home after 17 years in prison.

That one day wasn't all. Harvey Davis, after 22 years in prison, finally joined his family on February 4. [Note: Mr. Davis's message to ADI is appended.] Andrew Duran, now 46, was released in January after being convicted when he was 16; he was a former foster child, who describes his foster care years as "years of tears," more traumatic than his prison years. And Mark Delaplane was released in November 2008 after serving 31 years.

Rich hears daily from his recently released clients, telling him how wonderful their freedom is and thanking him again for his efforts. For 11 years, he has worked with inmates to secure their release on parole, and for most of that time his work was pro bono. Two years ago he began to get paid for his work through the appointed counsel program. He does some retained parole cases as well. Last year, at his own expense, he taught writ writing seminars for three weekends at a women's prison, showing inmates how to get pro per writs started. He also regularly speaks on substance abuse to lawyers and others.

Sometimes the battles are with the Board of Parole Hearings, and other times with the governor, who has often reversed the BPH's recommendation to release. Recent case law has been favorable, and success, though never guaranteed, is becoming much more frequent.

This is not the first time Rich's work has earned recognition. Several years ago, after a year on the panel, Rich was named a Paul Bell Fellow, to attend the NLADA appellate practice seminar in New Orleans. And a few years ago, the Youth Law Center in the Bay Area awarded him the "Unsung Hero Award."

With all this acclaim, Rich remains profoundly grateful for the opportunities this work has provided him to achieve professional fulfillment. He never fails to express his appreciation for ADI's support, as well. Not only his clients, but all of us, can look to him for inspiration and hope.

POSTSCRIPT

On February 5, a day after his return home, client Harvey Davis wrote ADI:

Yesterday, after twenty-seven years, I was paroled. After getting two dates from the Board of Prison Terms and two Gubernatorial reversals, I was beginning to think the rest of my life would be seen from the inside of my cell. I am still in a daze about the ruling, and my family is simply so happy. They waited 27 years!!

If not for the fantastic efforts of Rich Pfeiffer who was assigned to my case by Appellate Defenders I probably would have thrown in the towel. But he gave me hope, fought the fight, and won! And he gives the credit to you guys, so I must also add my sincere appreciation of your organization.

Last week I looked into the empty and vacant eyes of a 68 year old who was given a 10 year denial due to Prop 9. He still had hope, but it was the forced hope people want others to believe when they don't want them to know how much they are hurting inside. Its guys like this who really need your help, and I see you truly give it to them. Thank you for all you are doing for lifers and for those who somehow get caught up in the broken lifer parole system.

So from the bottom of my heart and the happy hearts of all my family, thank you, thank you, thank you.

Harvey Davis

When I (Elaine Alexander) wrote to him for permission to reprint his eloquent and moving note, Mr. Davis reiterated:

Ms Alexander it would be my honor to have you share this story with anyone you please. There really aren't enough words to properly voice the good that you have done in the hearts of many men!!!

Mr. Davis was speaking, not only to Rich Pfeiffer and ADI, but to all of you who toil so faithfully for your clients' "impossible dream" that on occasion is made possible by your efforts. Keep it up!