



Trial over life and death - The story of how I ended up taking the stand for my penpal

By Carmen, 27 years old, Switzerland, 2019

The probability that I would have to experience how my death row pen friend Andy is killed by capital punishment was high. I knew that even before I started this penpalship. Being aware of that should have made it easier for me to deal with it – at least in theory. What made it very difficult for me was to see how he suffered under his penalty. The thought of getting this ultimate punishment freaked him out and shook him to the core over and over again. The burden of that sentence laid heavily on him, his family and his friends (including me).

Andy was sentenced to death, but because of some mistakes made by the state's attorneys during his last trial, he received an appeal. Consequently, there was still a chance that he would receive life in prison and wouldn't be executed by the state of Florida. The state's prosecutors and Andy's attorneys needed years to get ready to go back to court. All the evidence had to be brought up again and a new jury had to be selected.

One day Andy asked me if it would be okay for me to be contacted by his lawyers. They intended to find out if I were suitable to testify on his behalf. He also stressed that he didn't expect me to do that. I didn't really know how I could possibly contribute, because he committed his crimes way before meeting me. However, I didn't have to think for a second about taking the stand for him. All the time I felt like a passive, helpless observer, who could only watch how he drew nearer to facing his fate. Getting the chance to become active and fight for my friend's life felt totally right.

His chief public defender, Mike, and an assistant called for a phone conference and we had a long talk, in which they primarily wanted to hear everything about our penpalship and how I viewed Andy. At the end of the call, Mike told me it could help Andy to have me taking the stand for him. We remained in contact, I sent them extracts of letters, drawings he created for me and wrote about the many situations in which he has proven to be a caring human being and a true friend. Andy was not convinced that it would be a good idea to have me on the stand as his witness, as he believes I have some views about him that he can live with, but that he doesn't want his jury to hear. His attorneys saw that differently and had to talk him into it. Not an easy task, especially because Andy wanted to fire his attorneys and didn't trust them. They eventually succeeded. I had no clue about the American legal system, but I perceived Andy's lawyers differently than he did. My impression was that his public defenders showed a lot of passion and effort to do everything in their power to get him a life sentence. I skyped and phoned with his attorneys a couple of times more, and they informed me what I could expect question-wise, what their strategy would be and how I should handle questions from the state's attorney. I became a little nervous when I had a phone conference with Mike plus two state's attorneys who had the right to question me before the actual trial. It went well, and the questioning was fair and respectful.

A year passed from the first contact with his lawyers to the actual trial. I don't have trouble with speaking in front of people, but I have to admit that I felt tremendously pressured to be as good

as somehow possible so as to not damage Andy by any means, but help him to get closer to a life sentence. Being aware that my testimony would only be a little piece in the whole puzzle of his defense helped me to calm down and focus. I was very grateful to have had the opportunity to fight for the life of my friend, a human being who absolutely doesn't deserve to die like that! No matter what impact my testimony might have at the end or not: At least I got the chance to try to do what I could. Taking the stand for Andy and having the jury, who eventually decide over his life or death, listen to me is probably the most meaningful act I've done in my 27 years of living so far.

One week before my testimony, the jury had already been selected and Andy's trial had started. I got the possibility to have a 30-minute video talk with him. A friend of mine I wanted to introduce to Andy was with me. Andy wasn't in good shape. He was convinced he was going to lose the trial and receive the death penalty again. He literally broke down in front of the camera. It hurt badly to see him like that. I was so worried myself that I couldn't even find some comforting words and we just sat there, feeling desperate...

It was possible to testify via Skype. I was told that they might video call me around 9 pm my time. Gosh, was I jumpy! My flat mates cooked dinner for me and talked to me in English, so that it might be easier to express myself in English later. Originally, I asked Mike for an interpreter, but we decided that the effect would be greater if I were able to address the jury directly and that in case that I had difficulties to understand questions or formulate an answer, I'd simply say so. At 9 I got a message from Mike saying that the prosecutors were still cross-examining another witness and that it will probably take another 20 minutes. After half an hour, he texted that the prosecutors are still not finished and it might be that my testimony will be postponed until the next day, as the Court usually closes at 5 pm (10 pm my time).

At 10 pm, just as I was sure that I would testify the next day, I received the Skype call. I was sitting on my bed at home when I first talked to Mike on his notebook, who informed me that the jury had a short break until they return. Meanwhile, the notebook was handed to the judge and I had to swear to her "to tell the truth, the whole truth and nothing but the truth so help me God". After that, it became even more awkward. The judge and I looked at each other and didn't know what to say, as we had to wait for the jurors to return. Mike organized that I could be seen on a larger screen. When the jury returned, I saw them from the side while they were looking up on their left side to see me on the screen. I saw numerous people. Black and white, young and old, skinny and overweight, men and women. Some of them seemed grumpy and appeared tired, others seemed focused and ready to take notes. I also saw Mike who asked the questions, and briefly the state's prosecutors. Andy was in the room as well, but I couldn't see him.

I didn't know exactly what he was going to ask, but he told me to simply be me and answer his questions honestly and extensively but to keep it as short as possible when the prosecutors were asking questions. As soon as the questioning officially started, I was as cool as a cucumber. I felt totally confident and ready to let the jury hear what I had to say. After giving the jury some information about me (job, residence, age ...) Mike's questions became more open. I told them about how we got to know each other. About the doubts I had at the beginning, but how Andy had proven over the years to be a true friend to me. I told them about my cancer diagnosis and

how Andy supported me through this time, about how Andy helped me out with a pupil of mine, about the visits, the countless cards he drew for me and some other experiences we shared together. After they started laughing when I spoke about an anecdote, I got the impression that the jurors were listening and that I could connect to at least some of them. After maybe 25 minutes, Mike had no further questions and it was up to the prosecutors to cross-examine me. However, they refrained from doing so. With that my testimony was over sooner than I'd expected it to be and the Skype call ended.

I was okay. I did what I could, but I had no clue how Mike and his team perceived my testimony. I also had no idea if Andy stands a chance to get a life sentence or not. In the end, he only needs one juror to vote for life in order to receive a life sentence. However, since Andy was beaten down on the video visit and convinced of getting death, just like at his first trial where every single juror voted for death, I really didn't know how this was going to turn out. I texted Mike, and he replied hours later that he was working with Andy on their strategy until after midnight and that I did amazingly well. He expected that the jury would deliberate two days later and soon come to a decision. Andy's sister texted me, too and thanked me for my friendship toward her brother.

Two days later, in the evening, I received a message from Mike that the jury had now started deliberating. I couldn't close an eye anymore, but it took many hours more until the jury came to their verdict. 3 times LIFE in prison!!! 5 out of 12 jurors voted against the Death Penalty. He got off the hook!

I was incredibly happy and could only imagine how relieved Andy and his family must have felt. Concurrently, the victim's family has occupied my mind. For people who must have suffered beyond my imagination and believe in revenge by way of the Death Penalty, it must have been horrible to go through all the evidence again and relive the past with the result that Andy received a life sentence. That's a hard slap in the face and I feel with them as well. I deeply hope that they find closure one day, and that Andy manages to use this chance he has received to live a better life.

The next day I called Mike to say thanks for his work and dedication, and he was obviously very satisfied as well. During following days, I started to realize how odd and absent-minded I was during the past 2 or 3 weeks and slowly found my way back into my daily routine, still feeling this deep happiness. After talking to Mike, I found out that my testimony most likely had a positive impact on the verdict and that Andy presumably would also have gotten a life sentence without me, because some of the jurors had already shown signs of voting on his behalf before I even took the stand.

Andy himself was very relieved, light-hearted and expressed his happiness to have me at his side as his friend. Soon after, he got transferred to another prison where he had to stay for about a month until it was decided in which prison he will have to serve his life sentence. To live your life in a US prison without having a lot of money and trying to stay out of trouble seems to be harsh and a daily struggle. The perspective of enduring this for your entire life doesn't really lift one's spirit either. It's Andy's reality.

A paragraph from Andy's latest letter says:

“I have lost all my freedom and access to the free world forever. If that doesn’t cause a man to give up all hope and respect for others, I don’t know what will...Butt my pen pals have given me a sense of purpose or belonging. That’s huge in here because it has allowed me to hold on to my dreams! I’m your friend, which means I have a place out there. Maybe not physically as a free man, butt I have a purpose in life. I need to continue to be the better man and prepare myself for whatever is asked of me by those who need me. That means I can’t give up in here! People actually rely on me. I credit you and my other pen pals for keeping me sane in this madness...”

Reading this, I know that Andy’s path with its ups and downs will continue, just as mine will. Being part of his path and seeing him grow is rewarding. It’s equally nice to have him as a reliable friend who is leading me back on my path whenever I show tendencies of drifting off. I’m thankful for having this man in my life and am curious as to what the future will bring.