

ATTORNEY REBECCA D. WINN, PLC

Attorney and Counselor at Law



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January 10, 2022

sent via email & U.S.P.S.

The Honorable Governor of Virginia Ralph S. Northam
P.O. Box 1475
Richmond, Virginia 23218

RE: *Conditional Pardon (Executive Clemency) of Lawrence Jacob Stephens*
Inmate #
DOB: 01/28
SSN

Dear Mr. Northam,

My name is Rebecca Winn and I represent both Lawrence Stephens and Darnell Nolen in their requests for Conditional Pardons (Executive Clemency).

On behalf of both of Mr. Stephens and Mr. Nolen, we would like to thank you for your grace and mercy in granting Executive Clemency to my clients. We would also like to thank you for representing progressive values—that is, we have watched you promise to listen, learn, and grow, and we have watched you actually follow through on your word. Your evolution has been beautiful.

I am writing now to ask for your help. There is an issue of non-compliance with your December 17, 2021 Executive Order for the Conditional Pardon (Executive Clemency) of Lawrence Stephens. I am afraid that I will need to soon take legal action in order to protect my client and his interests in this matter. For reference, I have attached the Executive Orders for both Mr. Stephens and Mr. Nolen for your comparison. At the bottom of the first page of each of these Orders you will find that Mr. Stephens has as his (1) precondition, a reentry programming requirement, whereas Mr. Nolen's (1) conditional provision skips this requirement entirely.

An amendment and/or replacement Executive Order should be entered excluding Mr. Stephens' reentry requirement and instead allow for his immediate release. Mr. Nolen's Order did not require reentry as a condition to his release. Both Mr. Stephens and Mr. Nolen were co-defendants to the same crime and have both served the same 20-year length of time in prison. If anything, Mr. Stephens completed more classes and more programs during his incarceration than Mr. Nolen has! Both of my clients are required to attend "evidence-based programs . . . at the instruction of [their] parole officer"—that is, programming and oversight will still happen even without the reentry programming requirement.

ATTORNEY REBECCA D. WINN, PLC

It will soon be one month since Mr. Stephens Order was entered and no action has been taken to provide Mr. Stephens with access to begin reentry programming. Instead, Mr. Stephens punishment has only worsened since this Order was entered. Shortly after your December 17, 2021 Order was entered, Mr. Stephens was moved from the Sussex II prison to the Sussex I prison, a Level 5 Maximum Security facility where Mr. Stephens' quality of care is rapidly deteriorating (addressed below). He was told that this move was made to facilitate the beginning of his reentry. This was a lie. The prison has explained that reentry programming is not available due to the 2-year long ongoing Covid pandemic. There are two different women by the name of Ms. Johnson who work at Sussex I—one is the Reentry Counselor and the other is the Reentry Unit Manager—and both have confirmed with Mr. Stephens that no reentry programs are being conducted or are planned for at this time due to Covid. When will it become available? Will Mr. Stephens have to wait until this pandemic ends (if ever) to begin reentry? When will that be? Months? Years?

The conditions in Sussex I are rapidly deteriorating, and Mr. Stephens' safety and well-being are at serious risk. I received an alarming letter dated January 2, 2022 from Mr. Stephens (attached) which states that "The environment is extremely unsafe at the moment. Prisoners in my pod and other pods throughout the building where I am currently being housed is [*sic*] setting mattresses, clothes, trashcans, etc., on fire because they are tired of being subjected to these dehumanizing conditions." Additionally, Mr. Stephens has been housed in a gymnasium with approximately 20+ other inmates for the past 10 days or so as a Covid outbreak sweeps through the prison. Mr. Stephens is sleeping on the floor of the gym and is very cold. I understand that the prison has denied these conditions to your office. The prison lied to you and blew me off when I called the Warden's Office today. This was further confirmed in today's coverage of Mr. Stephens conditions (and no access to reentry) by Regina Mobley for WAVY TV-10. This afternoon, in addition to lying to you and your office, Sussex I prison staff swept into the gym and rushed all of the inmates out and into another building. One woman sneered at Mr. Stephens that "you had your little attorney call up here". Mr. Stephens has reported that the prison staff is treating him poorly in retaliation for my demands that my client be treated with *dignity*, that his *safety be secured*, and that his *care be properly provided for*. What will Mr. Stephens' quality of care look like when the next administration takes office? How long will it take for them to even familiarize themselves with the basic mechanics of the Department of Corrections let alone what is happening in a specific facility or to a particular inmate? **I demand that my client be well cared for. Mr. Stephens proper care is required as a ward of this Commonwealth!**

I cannot reasonably communicate with my client. I have been trying to get him on the phone through the Sussex I attorney phone call arrangement system since THURSDAY – today is MONDAY and is the first time I was allowed to speak with him! Prohibiting me from communicating with my client for 4 days is *unreasonable* and *unacceptable*. **My client has a right to speak with his attorney!** In addition to the difficulty that we have had communicating through the established means, my client's safety and security is being put at risk when he is allowed to call me. He cannot call me because other inmates (who are not able to use the phone) are threatening him. Another inmate threatened to stab him because he was trying to call me. My ability to speak to my client has been greatly reduced and his physical safety put at risk merely for trying to exercise his constitutional right to counsel.

Please accept this letter as NOTICE of the threats (direct and indirect) to my client's health and safety. My efforts to demand that my client be treated with dignity appear to be creating retaliation against him from the Sussex I prison staff. If Mr. Stephens is injured or harmed by the conditions of his ongoing incarceration or by another inmate, or if the staff at any prison in this Commonwealth continues with their retaliatory behavior against my client or otherwise treats him with anything less than the utmost dignity, respect, and care, then I will respond with the full force of the law and file suit for recovery on his behalf. I need my client to be released and delivered to me in one piece, healthy and whole.

ATTORNEY REBECCA D. WINN, PLC

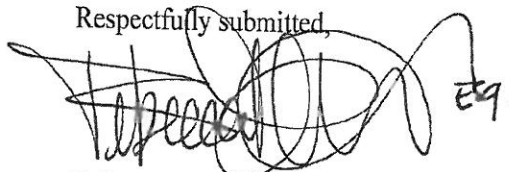
According to Mr. Stephens, there are others being held at Sussex I who, like him, are to be released pending reentry programming, but are being held in ongoing incarceration—and in the rapidly deteriorating Level 5 Maximum Security conditions—with no known time for when reentry programming is to become available one again, and without reasonable accommodations being offered in satisfaction of this precondition requirement. Understand that if I am contacted by any of these other individuals seeking counsel that I will happily represent them in a legal action brought by me, on their behalf, and demand compliance with their release orders, and I will further make a request for the court's award of damages and payment of my attorney's fees.

I ask that you immediately enter a new and/or amended Executive Order for the Conditional Pardon (Executive Clemency) of Lawrence Stephens that does not include reentry requirement as a precondition to his release (like the Order for Darnell Nolen). If this is not possible, then I demand that the Department of Corrections (DOC) immediately make available to my client some reasonable accommodation and allow him to immediately begin reentry programming. **Should the Department of Corrections continue to refuse and/or delay compliance with this Executive Order, I will take strong and unrelenting legal action on behalf of my client.**

Please note that Mr. Stephens' reentry plan includes living with his sister in Charlotte, North Carolina. If his release can be more easily expedited if his home plan is located within the Commonwealth, Mr. Stephens has a cousin who lives in the Hampton Roads area with whom he can stay. If this is an available option for expedited release, please let me know.

Thanking you for your time, courtesy, and consideration.

Respectfully submitted,



Rebecca Winn, Esquire

Enclosures

CC: Lawrence Jacob Stephens – Inmate # 1107904
The Honorable Robert “Bobby” Scott, U.S. House of Representatives (VA-3) (via mail + email)
The Honorable Mamie E. Locke, Senate of Virginia (District 2) (via mail + email)
The Honorable Jeion Ward, Virginia House of Delegates (District 92) (via mail + email)
Caroline Corl, Assistant Secretary of the Commonwealth (via email)
Secretary of the Commonwealth—Clemency Staff (via email)
Gaylene Kanoyten, President of the Hampton NAACP (via email)
Brian Moran, Secretary of Public Safety and Homeland Security
Harold W. Clarke, Director of the Virginia Department of Corrections
A. David Robinson, Chief of Corrections Operations
Scott Richeson, Deputy Director of Programs, Education, and Re-entry
Beth Cabell, Lead Warden for Sussex I State Prison
Operations Manager for Sussex I State Prison
Regina Mobley, WAVY TV-10 (via email)
Jessica Larche, WTKR News 3 (via email)
Kavontae Smalls, Atlanta Black Star (via email)
Peter Dujardin, Daily Press and The Virginian-Pilot (via email)

Executive Order for Conditional
Pardon of Lawrence Jacob Stephens
1107904



COMMONWEALTH of VIRGINIA

Executive Department

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS, Lawrence Jacob Stephens was convicted in York County Circuit Court on September 23, 2002 of Robbery (two counts), Use or Display of a Firearm In Committing a Robbery (two counts), Armed Statutory Burglary, Abduction, and Use or Display of a Firearm In Committing Abduction; and

WHEREAS, Lawrence Jacob Stephens was sentenced to serve three life terms plus twenty-three years; and

WHEREAS, Lawrence Jacob Stephens has served nearly twenty years of his parole ineligible sentence; and

WHEREAS, Lawrence Jacob Stephens was 18 years old at the time of the offenses and had no prior criminal record; and

WHEREAS, his co-defendants received substantially lower sentences of less than 15 years each; and

WHEREAS, Lawrence Jacob Stephens filed his petition seeking executive clemency, specifically requesting a conditional pardon; and

WHEREAS, Lawrence Jacob Stephens appears to be a proper subject for clemency.

NOW THEREFORE, in accordance with the provisions of Article V, Section 12 of the Constitution of Virginia, I, Ralph S. Northam, do hereby grant Lawrence Jacob Stephens, a Conditional Pardon for his felony convictions listed above, reducing his sentence to time served, plus the period it takes for him to complete the Re-entry Program provided by the Virginia Department of Corrections, as outlined below. Provided, however, that this Pardon shall be subject to Mr. Stephens accepting the following terms and conditions:

- (1) He successfully completes the re-entry programs provided by the Virginia Department of Corrections as set forth by their risk and needs assessment;
- (2) He submits to the Virginia Parole Board a home plan, which it approves;
- (3) He is supervised by Probation and Parole as directed by the Virginia Parole Board for three (3) years upon his release from the Department of Corrections;
- (4) He participates in and completes any evidence-based program(s) that he may be referred to based upon assessment and at the instruction of his parole officer. Such programs may include group sessions led by a facilitator or administered by the parole office;

- (5) He undergoes a substance abuse treatment evaluation within one year of his release from the Department of Corrections and fully complies with all resulting recommendations;
- (6) He is to abide by any and all additional terms and conditions established by the Virginia Parole Board;
- (7) Lawrence Jacob Stephens shall have no contact with the victims or the families of the victims, unless specifically approved in advance by the probation officer or, once supervision has been terminated, with prior approval of the York County Circuit Court or the Virginia Circuit Court in the jurisdiction in which he resides. This includes no third-party contact on behalf of Lawrence Jacob Stephens;
- (8) He releases all claims, demands, and causes of action, whether known or unknown, accrued or unaccrued, he has or may have against the Commonwealth of Virginia, as well as its political subdivisions, officials, employees, and agents that are in any way related to or arise out of Mr. Stephens' arrest or incarceration in the Virginia Department of Corrections. Mr. Stephens agrees that this release is binding on his heirs, assigns, agents, and estate;
- (9) That the terms and conditions of this Pardon shall be satisfied three (3) years from the date of Mr. Stephens' release from the Department of Corrections, provided he has complied with all the terms and conditions of this Pardon; and
- (10) If any of the foregoing terms and conditions of this Pardon are violated, Mr. Stephens shall forfeit all privileges provided under this grant of Clemency and, at my direction, shall be subject to immediate arrest and incarceration to complete the term of his original sentences.

Given under my hand and the Lesser Seal of the Commonwealth at Richmond, this 17th day of December in the year of Two Thousand and Twenty-One and this 246th year of the Commonwealth of Virginia.




Governor of Virginia


Secretary of the Commonwealth

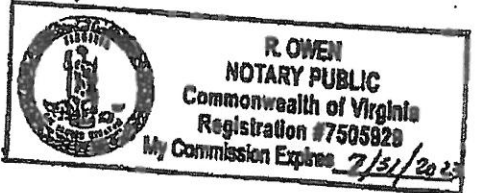
Acceptance of the Conditional Pardon

I, Lawrence Jacob Stephens, hereby accept the foregoing Conditional Pardon in accordance with the conditions therein set forth.

Signature: *Lawrence Jacob Stephens* Date: 12/17/2021

COMMONWEALTH OF VIRGINIA

City/County of Waverly / Snowy to wit:



The foregoing document was signed before me by Lawrence Jacob Stephens this 17th day of December, 2021.

Notary Public *R. Owen*

My commission expires: July 31, 2023

My Commission Number: 7505929

Executive Order for Conditional Pardon
of Darnell ~~Brandon~~ Brandon Nolen



1170836

COMMONWEALTH of VIRGINIA
Executive Department

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS, Darnell Brandon Nolen was convicted in the Circuit Court of York County on September 19, 2002 of Robbery (two counts), Use or Display of Firearm in Committing Robbery (two counts), Statutory Burglary, Abduction, and Use or Display of a Firearm While Committing Abduction; and

WHEREAS, Darnell Brandon Nolen was sentenced on January 21, 2003 to seventy three years of incarceration with forty years suspended; and

WHEREAS, Darnell Brandon Nolen filed his petition seeking executive clemency, specifically requesting a conditional pardon; and

WHEREAS, Darnell Brandon Nolen was seventeen years old at the time of his crime; and

WHEREAS, Darnell Brandon Nolen has served nearly twenty years of his sentence, while the sentencing guidelines called for thirteen years; and


WHEREAS, Darnell Brandon Nolen appears to be a proper subject for clemency.


NOW THEREFORE, in accordance with the provisions of Article V, Section 12 of the Constitution of Virginia, I, Ralph S. Northam, do hereby grant Darnell Brandon Nolen, a Conditional Pardon for his felony convictions listed above, reducing his sentence to time served, effective January 6, 2022. Provided, however, that this Pardon shall be subject to Mr. Nolen accepting the following terms and conditions:

- (1) He submits to the Virginia Parole Board a home plan, which it approves;
- (2) He is supervised by Probation and Parole as directed by the Virginia Parole Board for three (3) years upon his release from the Department of Corrections;
- (3) He participates in and completes any evidence-based program(s) that he may be referred to based upon assessment and at the instruction of his parole officer. Such programs may include group sessions led by a facilitator or administered by the parole office.
- (4) He undergoes a substance abuse treatment evaluation within one year of his release from the Department of Corrections and fully complies with all resulting recommendations;

- (5) He is to abide by any and all additional terms and conditions established by the Virginia Parole Board;
- (6) He releases all claims, demands, and causes of action, whether known or unknown, accrued or unaccrued, he has or may have against the Commonwealth of Virginia, as well as its political subdivisions, officials, employees, and agents that are in any way related to or arise out of Mr. Nolen's arrest or incarceration in the Virginia Department of Corrections. Mr. Nolen agrees that this release is binding on his heirs, assigns, agents, and estate;
- (7) Darnell Brandon Nolen shall have no contact with the victims or their families, unless specifically approved in advance by the probation officer or, once supervision has been terminated, with prior approval of the Virginia Circuit Court in the jurisdiction in which he resides. This includes no third-party contact on behalf of Darnell Brandon Nolen;
- (8) That the terms and conditions of this Pardon shall be satisfied three (3) years from the date of Mr. Nolen's release from the Department of Corrections, provided he has complied with all the terms and conditions of this Pardon; and
- (9) If any of the foregoing terms and conditions of this Pardon are violated, Mr. Nolen shall forfeit all privileges provided under this grant of Clemency and, at my direction, shall be subject to immediate arrest and incarceration to complete the term of his original sentences.

Given under my hand and the Lesser Seal of the Commonwealth at Richmond, this 5th day of January in the year of Two Thousand and Twenty-Two and this 246th year of the Commonwealth of Virginia.


Governor of Virginia


Secretary of the Commonwealth

Acceptance of the Conditional Pardon

I, Darnell Brandon Nolen, hereby accept the foregoing Conditional Pardon in accordance with the conditions therein set forth.

Signature: Darnell Nolen

Date: 1.5.22

COMMONWEALTH OF VIRGINIA

City/County of Buchanan

to wit:

The foregoing document was signed before me by Darnell Brandon Nolen this 5th day of January, 2022.

Sherry Shortridge
Notary Public

My commission expires: 3-31-2025

My Commission Number: 7743355



January 2, 2022

Rebecca,

I am writing you because I DO NOT know what to do at this point. I have been locked inside of a cell for over 72 hours now because the prison is short of staff and we prisoners are being forced to bear the burden and suffer the consequences because of an issue that the VADOC is responsible for. The environment is extremely unsafe at the moment. Prisoners in my pod and other pods throughout the building where I am currently being housed is setting mattresses, clothes, trash cans, etc on fire because they are tired of being subjected to these dehumanizing conditions. I almost got into an altercation with another prisoner a few days ago over the phone. He made a comment about me using the phone when I am about to go home, and I told him not to f--- in worry about me and my situation and to mind his f--- in business. He threatened to stab me and I knew that he had a knife on him and I didn't have one nor do I plan to get one at this point so I had to let that sh--- ride, but I am mad as hell for these people even putting me in this situation. Whoever you spoke with the last time you called up here ^{and} told you that I was in this pod because I am unvaccinated

and I must be quarantined is some straight up
bullshit. I have been in this pod for 5 days now
and there has been no covid testing nor are the
nurses coming around to do daily vital checks.
This place is extremely unsafe right now.

You know what I can't understand is that the
Governor reduced my sentence to **TIME SERVED**
but yet, I am still being forced to **SERVE TIME**
at a Maximum Security Level 5 prison in a Housing
Unit that is not Re-entry based.

You asked me to trust you and let you control
the situation, but I don't feel safe nor do I
feel like a man who is suppose to be **FREE**. It's
like the system just continues to devalue and
degrade me. It doesn't matter if I was pardoned
or not, I am still just another N: with a
State number to these people. I am consumed
with this whole process and I just need a
break. I think I will go to the hole until
this whole Re-entry thing comes through.
Get me out of here Rebecca.

Lawrence

Inbox

Delete

Reply

◀ Prev Next ▶

From: LAWRENCE STEPHENS

Date: 1/3/2022 10:47:43 AM

To: Rebecca Winn

Attachments:

Rebecca,

I need for you to call Richmond and stress to them the urgency of releasing me from prison immediately. The prison is on lockdown because 17 officers have tested positive for covid. They are not testing inmates nor are they in compliance with CDC guidelines when implementing and carrying out quarantine protocol. It is NO REENTRY PROGRAM AT THE MOMENT and I should not have to just wait here until I get sick. I informed medical that I want to be vaccinated, but I was told that is not an option at the moment because the prison is short of staff and there will be no movement until further notice. It's really bad here and I do not want to get sick in here. I was pardoned by the Governor and given TIME SERVED but yet they are still holding me and once again THERE IS NO REENTRY because of the rise in positive covid cases statewide. This is unlawful and furthermore, it violates the Governor's Order in accordance with the provisions of Article V, Section 12 of the Constitution of Virginia. Please make some calls and get me out of here. I just got my life back and I do not want to lose it before having the chance to come home.

-L

P.S. I know that we talked about me not going to the hole, but I may just have to go now to keep myself healthy and safe. Get me home!!!

 Inbox[Delete](#)[Reply](#)[Next](#) ▶

From: LAWRENCE STEPHENS

Date: 1/3/2022 2:21:11 PM

To: Rebecca Winn

Attachments:

Rebecca,

I was just told that the pod I am currently assigned to is now being moved to the gym. It is a covid outbreak in the prison right now, and instead of them leaving me in a cell, they are now moving me to a open area where I will have no privacy nor will I be provided safe quarters to quarantine during the outbreak. I told you the last time we spoke that these people were lying to you about the whole 14 day quarantine issue. I got here on 12/28/21 and I have yet to be tested for covid nor are the nurses making rounds regularly to do vitals and temp checks. It's just an unsafe situation right now and this is why we must urge the Parole Board and the VADOC to expedite my release especially being there is NO REENTRY PROGRAM AT THIS POINT!!! Everything is shutdown completely. I need for you to make the call for me Rebecca. I do not want to end up sick because of these people negligence. I had security level 3 points prior to my pardon being granted, and with the Governor reducing my sentence to TIME SERVED, I had should've been moved to a maximum security level 5 prison. I was supposed to do reentry at a lower level facility. I need for you to explain all of this info to the proper authorities. My anxiety is on a million right now. Rebecca I need for you to work your magic and please get me home. I need to talk to you ASAP.