



Through Catalyst Fellowship, Matt De Stasio L'18 works with clients sentenced to death

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As a Catalyst Fellow in the Capital Habeas Unit of the Philadelphia Federal Community Defender, Matt De Stasio L'18 has been working at the heart of the criminal justice system serving clients who have been sentenced to death. Recently, he spoke with Penn Law's Office of Communications about his fellowship experience.

Penn Law: Tell us about your Catalyst fellowship, including where you're working, the problems that you're responding to, and the goals of your project.

Matt De Stasio: My Catalyst fellowship is with the Capital Habeas Unit of the Federal Community Defender Office for the Eastern District of Pennsylvania. Our office serves indigent clients on death row in different states and circuits across the country. As a fellow, I function as a new staff attorney assigned to several of our clients' cases along with a team of attorneys, investigators, and paralegals. Our teams investigate and evaluate possible claims we might raise to challenge our clients' convictions or sentences. My role on each team is to make informed recommendations about the strength of proposed claims, and if they are worth pursuing, to produce a draft for inclusion in a petition or brief.

The overall goal of the office and my fellowship is to prevent the imposition of the death sentence wherever possible. I feel fortunate that I was able to contribute to one of our most direct attempts to accomplish that goal, a brief in the Pennsylvania Supreme Court arguing the death penalty is unconstitutional. That project led me to read and catalogue every case where a death sentence was imposed and reversed in Pennsylvania dating back to the 1970s. Reading those three-hundred or so cases, and seeing how many serious errors occur in capital cases, only made our goal of de facto abolition all the more vital as a bulwark against injustice.

PL: How did your experiences before and during law school lead you to this project or public interest generally?

MD: I came to law school to become a public interest lawyer, but my specific interest in criminal defense developed through the broad exposure I had to criminal law courses, clinics, pro bono programs like the Criminal Record Expungement Project, and my 2L summer at Legal Aid Society's Criminal Appeals Bureau. All of that exploration came as a result of advice from Penn Law's Associate Dean [Arlene Rivera Finkelstein](#): be flexible and just try it. She focused my general desire to work in the public interest and connected me with the resources to act on it.

I am doing my fellowship at the CHU because of my 3L extern experience in the same office. My intern supervisors, David Zuckerman and Sonali Shahi, both did an incredible job guiding me through this complicated work, and entrusted me with substantial assignments that allowed me to engage with the core issues of habeas litigation. Knowing that I could contribute meaningfully as a part of the CHU's team-based approach right away as a new fellow was an opportunity I couldn't pass up.

PL: How have you found the experience of working on capital habeas cases different from other legal/litigation work you've done?

MD: One immediately obvious difference between capital habeas cases and other legal work I've done is the scope of the case. In comparison to trial or direct appellate litigation, reading and digesting the record is a massive undertaking in capital habeas work. The number of documents, from transcripts to trial counsel's files, is staggering. Memorializing research in an accessible and efficient way is crucial to a team-based approach, particularly where cases last years or decades. Without a strategic and organized approach to digesting everything that happened in the pre-trial, trial, and appellate process, we would be duplicating each other's research and our knowledge would be too compartmentalized to be useful. Each time I start working on a discrete piece of a client's case, I find myself needing to dig quite deeply into the history of the case or the context of the broader arguments we're raising.

Another difference is the team approach. Working among several experienced attorneys, I've gained insight into how to break down sizable cases into manageable pieces. In addition, brainstorming alongside experienced attorneys is really instructive in how to approach complex legal and strategic issues. Discussions of how to advance our institutional goal of stopping executions through individual cases have been fascinating, and I'm continually impressed with how the entire office is able to translate a success in one case or courtroom into strategies for the broader effort.

PL: What have you found most interesting about working on post-conviction proceedings?

MD: In post-conviction work, particularly habeas work, we are extremely lucky to have the time to take a deep look at the entire trial. It's necessary, given the amount there is to review for each case. Spending so much time reviewing each case lets us think through all of the many ways the trial went wrong, or the ways trial counsel needed to have done more to comply with the 6th Amendment. The attorneys I've been fortunate to work with are exceptionally bright, and given enough time, they can uncover and think up dozens of claims for a single case. One of the most interesting things I've observed, particularly during team meetings, is the process of triaging these claims. Which ones are worth developing? Which are technically true, but unpersuasive? Which have the possibility of earning meaningful relief? Which deserve top billing in our brief? The answer to each, as always, depends on the particular client, facts, and posture of each case. As a new attorney, it's been very instructive listening to teams discuss which claims each attorney should pursue based on what the office veterans suspect a court will most want to know.

PL: Thus far, what accomplishment during your fellowship are you most proud of?

MD: I am most proud of a claim I drafted arguing that our client's trial attorney was ineffective for failing to investigate and present available mitigating evidence to the jury. I got to tell our client's entire life story, mostly from the perspective of his family and friends. I was able to tell the court about the harsh realities of his upbringing, the racism, abuse, and neglect he suffered throughout his adolescence. But I also got to tell the court he was a father-figure to his niece, had a close bond with his grandmother, and cared for her through her terminal illness.

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Federal habeas work is complex, and often focuses on hacking through the legal thicket of procedural barriers and adverse case law. But behind all of the legal argument is a human being fighting to have their personhood recognized and valued by the court. I'm most proud of getting to tell his story so that the decision to execute this human being, who is a tapestry of virtues and flaws like any one of us, is given the context every life deserves.

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