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Life sentence without parole vacated for man with an intellectual disability in a case involving indicted detective Philip Nordo

Advocates say his case demonstrates why mandatory life sentences without parole for individuals with intellectual disabilities violate the Eighth Amendment.

Philadelphia, PA – Sherman McCoy, a man with a diagnosed intellectual disability, is home from prison after his sentence to life behind bars without parole was vacated. His former conviction for first-degree murder was based on a confession obtained by Philadelphia Police homicide detective Philip Nordo, [who was fired from the force and indicted on charges](#) of misconduct and abuse of witnesses.

Advocates say that Mr. McCoy’s case illustrates why mandatory sentences of life in prison without parole, when applied to persons with intellectual disabilities, violate the Eighth Amendment’s ban on cruel and unusual punishment.

“Both modern science and Supreme Court precedent have established that, as a class, people with intellectual disabilities have characteristics that decrease the reliability and fairness of proceedings against them” said Mimi McKenzie, Legal Director at the Public Interest Law Center. “What happened in Mr. McCoy’s case demonstrates precisely why, under the Eight Amendment, a court should consider the particular traits of each individual with intellectual disability in formulating a sentence.”

In July 2018, the Public Interest Law Center and pro bono counsel from Blank Rome LLP, represented the ARC of Pennsylvania, Disability Rights Pennsylvania, and Vision for Equality Inc. in [an amicus brief](#) filed in the Superior Court of Pennsylvania supporting Mr. McCoy’s appeal and arguing that mandatory life sentences without parole for people with intellectual disabilities are a cruel and unusual punishment in violation of the Eighth Amendment.

Sherman McCoy was diagnosed with intellectual disability as a child. In September 2013, he was charged with first-degree murder in the fatal shooting of Shaheed Jackson. A witness implicated Lester Lanier and Rashawn Mack in the shooting. But when questioned, Mr. Lanier claimed that the shooters were Mr. Mack and Mr. McCoy. After more than 11 hours in an interrogation room, Mr. McCoy allegedly confessed to being there on that day when Mr. Mack and Mr. Lanier shot the victim, and having a gun. Mr. McCoy, the least culpable and most vulnerable of the three alleged participants, however, was the only person ever charged and convicted for the homicide. Under Pennsylvania law, he was mandatorily sentenced to life without parole.

Philip Nordo, the detective who took Mr. McCoy’s confession, was later fired from the Philadelphia Police in August 2017. He has since been charged with several criminal offenses related to his conduct with witnesses. Mr. Nordo’s alleged conduct, and the cases associated with him that have fallen apart, [have been well-documented in the media](#).

[In one case described in the *Philadelphia Inquirer*](#), a Philadelphia trial court dismissed a case against a man facing a potential life sentence due to Mr. Nordo’s misconduct, including that he

took the lead in drafting a statement from a witness who had trouble reading and that the court found to be “very slow intellectually,” appearing to have simply gotten the man to agree to it.

[In Mr. McCoy’s case](#), after Mr. McCoy had sat in the interrogation room for more than 10 hours, and had been questioned for 75 minutes, Mr. Nordo began preparing a formal confession. This statement, when finished, totaled six pages, including biographical information. Mr. McCoy, whose reading comprehension is at a third or fourth grade level, spent 27 minutes with the document before returning it to Mr. Nordo. This alleged confession to former Detective Nordo was the only non-hearsay evidence connecting Mr. McCoy to the murder.

The Philadelphia Court of Common Pleas granted a new trial on May 9, 2019, undoing Mr. McCoy’s conviction and life sentence. That same day, the Commonwealth of Pennsylvania declined to further prosecute the case. Mr. McCoy arrived home to his family on May 10, 2019.

“The severity of the punishment should depend on the culpability of the offender.” Alex Hassid from Blank Rome said. “Handing out mandatory sentences of life without parole—the most severe sentence short of the death penalty—to people with intellectual disabilities like Mr. McCoy ignores characteristics that can make them more vulnerable to manipulation by co-conspirators, the police and the prosecution and poses a high risk of disproportionate punishment.”

“As part of a society that values the ‘dignity of man,’ courts have a moral and legal imperative to ensure that punishment is proportionate to the culpability of the individual being sentenced and is not based on stereotypes of some disfavored group,” the amicus brief argued.

Mr. McCoy's attorney, Karl Schwartz, of the firm of Wiseman & Schwartz, noted that "nearly two decades ago the U. S. Supreme Court recognized that the greater likelihood of false confessions in the case of the intellectually disabled was one of several reasons to protect this most vulnerable class of defendants from the law's most severe penalties. Mr. McCoy's case certainly reinforces that imperative."

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