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GOVERNOR'S OFFICE

PETITION FOR CLEMENCY
TO THE HONORABLE BEVERLY E. PERDUE,
GOVERNOR OF NORTH CAROLINA

NOW COMES JANET LOUISE DANAHEY, by and through her Counsel, Wade M. Smith and Locke Clifford, and respectfully petitions Governor Beverly Perdue to exercise her authority pursuant to N.C. Const. art. III, § 5(6) and N.C. Gen. Stat. § 147-21 and to commute her sentence from Life without Parole to time served.

In support of her petition for Executive Clemency, Janet Danahey shows the following:

THE CASE IN A NUTSHELL

This is the story of a young North Carolina woman whose effort to play a joke on a friend forever changed her life and took the lives of four innocent young people. Prior to the tragic events of that day, her life was like that of thousands of other young people in North Carolina. She was 23 years old. She had friends, family, hopes, dreams, work and play. She was in excellent health. She engaged in no substance abuse and possessed no unsavory habits. She had a lovely countenance, a sweet disposition, and all the girl-like plans for home and family. This all changed in a moment. In an instant, she found herself facing four

counts of first degree murder and one count of arson. This is the story of how a young woman with every reason to hope for an excellent future as a wholesome and useful citizen, lost her life and came to live in a prison without parole, ever, because of a joke she tried to play. Her name is Janet Danahey. She never intended any harm to any human being. She attempted a foolish prank that put her in prison for life. It was a thoughtless act, but with no malicious intent.

All parties, lawyers, prosecutors, judges, did what they thought was correct and proper. This is not a Petition that seeks to blame anyone. It is, rather, a Petition that seeks to convert a sentence of life in prison without parole to a sentence which more appropriately fits conduct that was unintentional and yet thoughtless and negligent.

Janet Danahey accepted her fate with dignity and grace, accepted responsibility entirely for the tragedy that occurred as a result of her prank, and has amassed ten years as an inmate with a remarkable record at The North Carolina Correctional Institution for Women in Raleigh. Many of the most thoughtful and responsible members of her community have come together to request an adjustment to a sentence that is out of all proportion to the conduct involved. Some of the most heart-felt and urgent support for her in her efforts to achieve a fair sentence is provided by the father of one of the victims who lost her life.

THE FACTS OF MS. DANAHEY'S CASE

The events that resulted in Janet Danahey's plea of guilty to one count of felony arson and four counts of first degree murder took place on February 14, 2002. On that day Janet

Danahey was as fine and vibrant a young person as lived within North Carolina. She was a bright, inspiring, and extraordinarily attractive young woman. She had recently graduated from The University of North Carolina at Greensboro with a degree in business and marketing. She had a good job. She was single and she had numerous friends. She had loving parents and a sister who loved her dearly.

Ms. Danahey's life lay stretched before her, full of hope and promise. As is the case with most young people at the threshold of life, she was filled with energy and enthusiasm. She was a good-hearted, playful young woman.

Janet was born on August 31, 1978, in Greenville, Pennsylvania. Her parents are David and Mary Belle Danahey who currently live in Mint Hill, North Carolina. She has one sister, Emily Kroeger, who is married and has three children. Emily is a Methodist minister, having graduated from Duke Divinity School.

During Janet's early years, the family lived in Lafayette, Louisiana. When she was in the fifth grade, they moved to Kernersville, North Carolina. In 1996, Janet graduated from East Forsyth High School in Forsyth County, North Carolina.

Janet was an excellent student. She was a musician and an athlete. She was a member of the National Honor Society. Janet was a very active Girl Scout. She won the Silver and Gold Award, Girl Scouting's highest honor.

In 1996 Janet was chosen to carry the Olympic torch through her town, a testament to her good character.

In December, 2000, Janet graduated from the University of North Carolina at Greensboro with a degree in Business Administration and Marketing.

She settled in Greensboro with a job at Syngenta. She had a fine reputation. She was a working citizen and community volunteer. She was surrounded by friends, young and old, and had everything for which to live.

Janet lived in an apartment on Spring Garden Street in Greensboro. Her friends, Adrienne Hooks and Nicole Montani, came over from time to time, as did other young people. They often went over to nearby Campus Walk Apartments where their friend Thad Johnston lived. This was only a short walk from Janet's apartment. Some of the members of their group were graduate students at North Carolina A&T University. Others attended the University of North Carolina Greensboro where they were enrolled in the film school. All of them were good hearted young people blessed with playful exuberance. Janet was as affable as any of her friends. There existed within her circle of friends a culture of stunts and pranks done for fun and amusement.

Once, Thad Johnston and a friend with the nickname of Corndog set fire to a floor mat out in the Campus Walk parking lot. Using skate boards, they jumped over the mat. Someone filmed the jumpers. Another prank involved a paper bag filled with dog droppings. The bag would be placed somewhere around the apartments and set ablaze. An unlucky person would stomp out the fire without thinking about the consequences. There were also pranks involving spray painting. Once, a bean bag chair was set ablaze. All the stunts were silly and funny, with no intent on anyone's part to cause harm or damage.

THURSDAY, FEBRUARY 14, 2002

On Thursday, February 14, 2002, Janet's friends, Adrienne Hooks and Nicole Montanni, came to her apartment to hang out. Janet and Adrienne got together about 9:00 PM and they played cards until Nicole got off work. Nicole joined Janet and Adrienne at about 11:30 PM. They decided to play a trick on one of Janet's friends, Thad Johnston. Janet had been in a romantic relationship with Thad, but that had played itself out.

It was Thad, who at an earlier time, had played the well known joke involving dog droppings. Janet, Adrienne, and Nicole considered several ideas for a Valentine's Day prank on Thad. Attached to this Petition at Appendix Exhibit 1, is the scrap of paper on which Janet wrote out the options. These included placing fish or fish oil into his car which would produce a bad odor, or even scraping the inspection sticker off his car, which could result in a traffic violation. All these ideas seemed hilarious to the three girls. They made their way to a grocery store to see if they could find the required ingredients for the joke that would smell up his car.

They searched for fish by-products. They bought a small can of clam juice and left the store about 1:50 AM. They looked for Thad's car and could not find it. So, they changed plans. There was an old futon on Thad's porch at his apartment. It was just outside his door. They could see that there were people at home in the apartment. Perhaps they could start a small blaze on the futon and knock on the door and run. Thad or one of his roommates would come out, see the blaze and pour water on it or stamp it out. This seemed a perfect idea to these young people on this night when they were so youthful and filled with fun.

Upon reflection, it was a terrible idea, but on the great spectrum of pranks young people play on each other, it is well within the range of options they would choose.

There was some charcoal lighter fluid at Janet's house. One of the other girls went to Janet's apartment to get the fluid. Someone had a lighter. And so, the plan was hatched. The three of them went to Thad's apartment building. They drove to the parking lot. Janet got out of the car with the lighter and the lighter fluid. Nicole and Adrienne waited in the car. As Janet went up to the porch, Adrienne and Nicole realized that when Thad came to the door to put out the blaze he would see the car and know who played the joke and they would be discovered and the prank would fail. So, they drove the few hundred yards to Janet's apartment and waited for Janet.

Janet went onto the porch and saw lights and people inside the apartment. She poured a small quantity of the fluid onto the futon and initiated a small flame. Seeing that Adrienne and Nicole had left the parking area, she hurried to her apartment which was a few hundred yards away.

No one knows for sure how the blaze could have been so rapidly converted to a killer fire. It was such a small flame. But, the apartment was built under an outdated building code which permitted non-fire rated construction for outdoor appendages on apartment buildings. The evening was windy. These elements combined to create the tragedy.

Within six months, the Greensboro City Council amended the city's building code requiring fire rated construction for outside apartment hallways, balconies and porches.

The first fire alarm went in at about 2:30 AM. Janet, Nicole, and Adrienne heard the fire trucks but believed that the burning futon would have been put out easily with damage to property, but with no harm to people. Yet, this was not to be. The entire building became engulfed in flame and four people, who were just as young, talented, and fine as Janet, died in the fire. They were Ryan Bek, Beth Harris, and sisters Donna and Rachel Llewellyn.

These four young people were also at the beginning of their lives and their lives were laid out before them. Their parents and loved ones began a grieving process that will never end. There is no end to their suffering.

Faced with the unbelievable horror of what had happened, Janet wanted the comfort of her family. She drove to the home of her parents who lived at that time in Weddington, North Carolina. There, she waited for the inevitable visit from law enforcement. She was placed under arrest and immediately accepted responsibility for the tragedy. She began her own grieving process that will never end.

Adrienne and Nicole both retained lawyers and never spoke publicly or in court about the matter. To this day, they have not contacted Janet or her attorneys. Janet alone accepted the full responsibility and blame. She bore the full brunt of the responsibility. Her friends constructed a stone wall around themselves and accepted none of the responsibility. They never spoke words of comfort to Janet. They simply let her take the entire brunt of the grief of parents and the force of an outraged community.

Janet immediately admitted what happened. She agreed to meet with the parents of the deceased young people. Only one of them accepted her offer. With that parent, Mr. Robert J. Harris, the father of Beth, she admitted her responsibility, told the truth, and begged for his forgiveness. In his letter, Mr. Harris recalled that meeting and her statement, and he wrote:

I still picture Janet, standing with outreached hands, handcuffed, trembling, shaking almost violently, crying intensely, speaking almost incoherently, "these are the hands that are responsible for Beth's death." My reactions were instinctive. I went over to her, held her tightly in my arms whispering to try and calm her. Part of what I whispered while holding her was "I forgive you Janet" several times. Some think I caved in to an act, something for show to win me to her side. I only repeated what God had laid upon my heart many many weeks prior to meeting Janet.

Letter, Robert J. Harris, Appendix Exhibit 2.

The community was deeply moved and concerned by the events that took four lives. Pretrial publicity was intense. Initially, the people expressed outrage. Prosecutors notified Janet and her lawyers that they intended to seek the penalty of death in the case. It is difficult from the distance of ten years to imagine the pressure, anguish, and volcano of emotions, experienced by Janet, her lawyers, and her family. A maelstrom of powerful currents changed the lives of the victim's families, Janet and her family, and even the lawyers associated with the case.

On July 29, 2002, prosecutors called the case intending that the proceedings should result in a ruling on whether the State had sufficient evidence of aggravating factors to

justify a trial with the penalty of death as an element. It was at this hearing that Janet chose to enter pleas of guilty to four counts of murder and one count of felony arson.

Neither of the two friends who were with Janet during the planning of the prank and who accompanied her to the grocery store looking for fish oil to place in Thad's car was present in the courtroom at the time of her sentencing. Neither made a statement for her. Neither accepted any of the responsibility for the event. Both had lawyers and each declined to make any comment.

The court offered Janet an opportunity to speak and she did so.

I am so sorry to you for taking away the people that you loved. I can never imagine someone taking away my child. I have prayed, and they have come to me. The angels of your children have come to me, and I have touched their hands, and they have told me what it felt like to feel their flesh burn. I know who they are, 'cause they are a part of me now. You are my family now. I never meant to hurt anyone. I would never want to hurt your children.

We are all so small in this world, but if we can do one thing that makes a difference, that's awesome. But, look at me, I did one thing that ruined people's lives. I can spend the rest of my life making that up to them, and every day they're going to be in my spirit.

...life is very important, and it can slip away in a blink of an eye.

Transcript, State v. Janet Louise Danahey, pp 101-105.

At the end of the proceedings, the Court entered the following Judgment:

The Judgment of the Court ... is that the defendant be confined to serve a term of imprisonment assigned to quarters provided for women prisoners in the North Carolina Department of Correction for the full term of her natural life without benefit of the possibility of parole.

There is no person who, upon examination of the facts of this case, could say that Janet Danahey had ever harmed another human being and there is no person who would maintain that in this series of events on February 14, 2002, she had any intent whatsoever to harm any living creature.

During the hearing on punishment, many friends spoke to the Court in her behalf. All of them described a kind, gentle, thoughtful and lovely person. Benjamin Hedgecock was one of the witnesses. Here are some of his words:

She's absolutely amazing. She's just an amazing, amazing person. She's wonderful, she's sweet, she's caring, she's compassionate, she's loveable, she's intelligent. She's just an amazing, amazing person. You can't help but to fall in love with her. It's an automatic thing. And I mean just—it makes me remember something that happened a couple years ago back in high school. And one of my friends told me, you know, "I really wish that I was a lot like Janet." And that's true, because everybody thought that. Everybody wanted to be like Janet. She was such a great person. And she still is.

Transcript, State v. Janet Louise Danahey, p 51.

JANET'S PRISON RECORD

Janet has been a model prisoner, with no infractions and a perfect prison record. The Division of Tourism, Film and Sports Development, provides a toll free number to assist people worldwide with information about North Carolina. For five years, Janet answered calls to this number and assisted people with every kind of need concerning North Carolina. She handled this task with grace and courtesy. People were pleased with her responses.

Janet is active in the Christian worship, mission, and study program in prison. She has worked in the prison's greenhouse and is currently working in the license tag facility.

Her devotion to these tasks and her humble acceptance of her status as a prisoner attest to her character and her determination to make the best of her circumstances.

**THE MOVEMENT TO HELP JANET DANAHEY
OBTAIN A REDUCTION IN HER LIFE SENTENCE**

The hundreds of people who have joined this effort have done so to bring some justice and a sense of proportion to Janet Danahey's sentence. Janet is not a person who drank excessively, drove a car, and caused the death of others. Her act was conceived as a prank. It is true that it was thoughtless and had tragic consequences. Yet, one of the reasons so many people have come to support her is the truth that this could happen to any one of us and certainly it is something that could happen to any of our children. One thoughtless act, conceived in a moment of foolery and silliness, and life is ended for five people, Janet being one of them. If Janet had pleaded guilty to manslaughter, she would be soon finished with her prison time. Indeed, manslaughter fits this crime. She is guilty of willful and wanton disregard for the rights and safety of others. Almost no one believes this person who was a young woman in her prime should be placed in prison for her entire life without any possibility of parole. That she could be subjected to such a sentence for a joke or prank conceived in a spirit of fun is out of all proportion.

Janet's case has attracted the attention of many of North Carolina's most devoted and public spirited citizens. Accompanying this Petition is a portfolio of letters from North Carolina citizens that are directed to Governor Beverly Perdue. In addition we include a list of people who support Clemency for Janet Danahey.

PEOPLE WHO HAVE WRITTEN LETTERS TO ACCOMPANY THIS PETITION

1. Mr. Robert J. Harris, [REDACTED]
2. Honorable James Exum.
3. Honorable Tom Ross, [REDACTED]
4. Honorable Joseph M. Coltrane, [REDACTED]
5. Anne Coltrane
6. Reverend Emily Danahey, [REDACTED]
7. Ms. Rena Woodard
8. Ms. Robin Beeler
9. Mr. Douglas Galyon
10. Mr. Jim Melvin
11. Mr. Mike Weaver
12. Ms. Katherine Weaver
13. Mr. Daniel Pratt
14. Ms. Susan Pratt
15. Twenty Members of [REDACTED] Church
16. Eight Members of Covenant Prayer Group, [REDACTED]
17. Mr. Luke French
18. Dr. Jillian Weise, [REDACTED]
19. Honorable Craven Williams, [REDACTED]
20. Mr. John Gray Blount Ellison, Jr.
21. Mr. Michael G. Dougherty
22. Mr. Howard E. Covington, Jr
23. Ms. Allyson French Phillips
24. Mr. George G. Brown
25. Mr. J. Howard Gold
26. Ms. Mary H. Gold
27. Ms. Sara E. Yackey
28. Ms. Doris W. Chappell
29. Ms. Kirsten Russ
30. Mr. David Huntley
31. Dr. Murray Arndt
32. Ms. Anne Marie Sadler
33. Mr. James C. Sadler
34. Mr. Robert Gooden
35. Ms. Phillip Covington
36. Ms. Lena Swofford Gordon

Pages 13 - top of 15 redacted
by Clemency office.

CONCLUSION

The Appendix to this Petition contains 40 of the many letters citizens of Janet's community have written urging that she be granted the opportunity to begin her life anew on the outside of the prison where she can be a testament to the idea that thoughtless acts can have the most terrible consequences. The Appendix also contains photographs of Janet made during the months before the tragedy. Life without parole in this case is not right. It feels out of place and inappropriate to reasonable people. It is out of all proportion. It has the feel of injustice all over it.

On July 25, 2006, Janet submitted to a polygraph test which was performed by Frank Sudderth, an excellent polygraph examiner. The results were submitted to an independent polygrapher for review. That review was conducted by Don Carroll, who at the time had 25 years experience as a polygrapher. In the pre-examination interview Janet stated that "she did it as a prank and had no idea it would spread and involve the entire building. (She) said she did not act or plan with anyone with the intent to burn Thad's apartment and/or cause harm to him or anyone else."

The questions submitted to Ms. Danahey were the following:

1. Did you act or plan with anyone to deliberately set Thad's apartment on fire?

Answer: NO

2. Did you plan to burn Thad's apartment and deliberately cause anyone physical harm?

Answer: NO

In the opinion of both examiners, "Janet L. Danahey produced polygraph charts that would indicate she was truthful in her responses to the relevant questions"

See App. Exh 5 for polygraph test results.

There was never any doubt in the minds of any of Janet's friends and family that she would pass a polygraph test. This was a prank and everyone knew it. We are left with the unsettling and disturbing sense that we placed a 23 year old woman in prison for life without parole for playing a prank that went terribly wrong.

This is not to criticize those who made the decisions which brought Janet to this place in her life. Janet made the decision to enter the guilty pleas upon advice of her counsel. She

takes the responsibility for these decisions just as she does for the act that set in motion the horrible events.

The polygraph result, the photographs of Janet and her family, the letters from people who know her, all give testament to the truth that Janet is an honest and sincere young woman who meant no harm. Her love of life and her good heart are revealed in all these artifacts.

A life is evidence. This we know from our own experience. People don't live a good life of unselfishness and kindness and sincerity and then deviate from this course in a bizarre way. The Janet Danahey who lit the blaze was the good-hearted and unselfish Janet Danahey everyone knew. She made a mistake that dramatically impacted equally good people and wonderful families and their children. History is filled with examples of pranks that have gone wrong.

No person who supports this Petition wishes in any way to retreat from the idea that this was the most horrible event imaginable. The suffering it caused can never be fully assessed. It is too immense. Yet, we know that keeping Janet in prison does not celebrate the lives of those who died.

This is a plea to the Governor of North Carolina based on her Constitutional authority to adjust a result and usher in a sense of justice and peace.

We are pleased to present this Petition which we hope will begin the investigation that results in Janet Danahey's release so that she can live her life devoted to the memory of those who died in the fire, February 14, 2002.

Submitted this 14th day of June, 2012.



Wade M. Smith

NC State Bar No. 4075

THARRINGTON SMITH, LLP

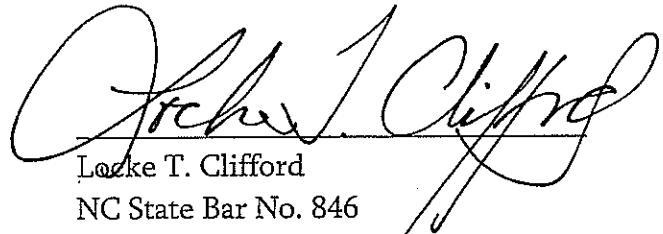
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