

# THE MOVEMENT

Summer 2015  
Issue #27

Human Rights Coalition  
Dedicated to Protecting the  
HUMAN RIGHTS of All!

The Official News Magazine of the  
Human Rights Coalition for the union of  
Prisoners' Families

*Summer Issue #27*

*DBJ !*

*Justice or  
Vengeance?*

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## You Missed Issue #26; Sincere Apologies

HRC offers its sincere apologies as we were unable to have, The Movement, Issue #26 printed and mailed on schedule. We lost our printer who always gave us a tremendous cost savings. We've spent the past three months looking for another printer and found that all printers were charging triple the amount that we were accustomed to. The good news is, we've finally found a company that will print the newsletter at a price that we believe we can afford; and, they will also do the mailing.

As you can see the presentation of The Movement is different, but the information contained inside is still powerful and informative as always.

In an effort to save cost we've combined Issue #26 (that was never mailed) and Issue #27; therefore, this publication has two-issues-in-one!

**THE MOVEMENT**

[www.hrcalition.org](http://www.hrcalition.org)

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(Spring & Summer 2015 (ISSUE # 26 & 27)

# From The Desk of The Editor

## Five Reasons To Abolish Death-By-Incarceration

**Life Without Parole (LWOP) Sentences.** It is often called “the other Death Penalty”, but today we simply call LWOP sentences what it truly is -- Death-By-Incarceration (DBI).

In Pennsylvania a LWOP sentence means that a person spends the remainder of their natural life in prison until he/she dies. PA is one of only 6 states that has LWOP as the only life sentencing option. There is no such thing as Life-With-Parole in Pennsylvania. PA also has the most Children serving LWOP/DBI sentences in America, and in the World, at over 500 children.

So it begs to question, why seek to abolish LWOP/DBI sentencing for persons convicted of a crime?

We believe that DBI sentencing must be abolished for reasons of Morality, Faith, Human Rights, Racial Justice, and Social Evolution.

**Morally.** In the spirit of ancestor Reverend Dr. Martin Luther King, Jr. we must let our conscience be our compass in life, and allow ourselves to be guided by our innate sense of what is right or wrong. Every person understands that taking a life, in any manner, is morally wrong. Hence, DBI is shocking to the conscience of humanity, is unacceptable to us all, and does not reflect the ideal image of a civilized society.

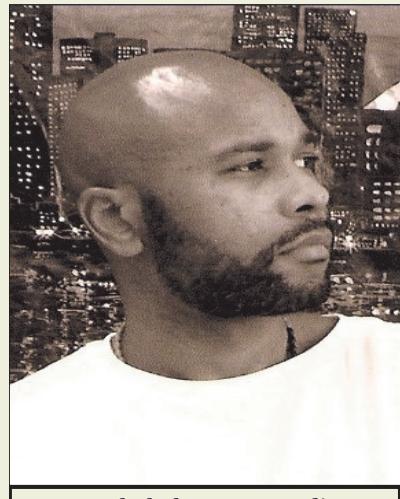
**Faith.** No matter a person's faith in life, a universal law of all faiths is to not kill another human being. America claims to be a Christian society while imposing DBI on people convicted of crimes, but practitioners of the Christian faith understand that the Christian faith instructs to love your brother, to not kill anyone, to not commit acts of revenge, to set at liberty the captive prisoner, that Blessed are the merciful, and to allow for atonement-reconciliation-and redemption. DBI sentencing is contrary to those basic Christian precepts and deny human beings the right to redemption and transformation.

**Human Rights.** As the standard for sentencing and treatment of prisoners, in regards to DBI, we use the Universal Declaration of Human Rights (UDHR). According to the UDHR, every human being has an inherent right to Life, and to not be subjected to torture or to cruel, inhuman treatment or punishment. DBI sentencing is recognized by the nations of the world as a cruel and inhuman punishment. There are 25 nations in the world where DBI sentencing is considered unlawful which makes the United States an outlier in its use of DBI sentencing.

**Racial Justice.** Poor people and non-Caucasian people are overwhelmingly disproportionately sentenced to DBI in America. About half of people serving DBI sentences nationally are Black. A sixth are Latino/a. In PA, 65% of Black and 8.5% of Latino/a peoples are serving DBI sentences. We recognize that the judicial system, as well as the legislature, are plagued by Institutional & Structural Racism against Black and Latino/a peoples. As a result of historic and current racial discrimination against Blacks and Latino/a peoples within the judicial system, racial injustice reigns, and DBI sentencing is a constant reminder that legalized lynching for one's skin color is still an American past-time.

**Social Evolution.** DBI sentencing is rooted in archaic penal ideals about crime and punishment. It was thought that the Death Penalty and DBI sentencing would deter violent crime; however, volumes of documentary evidence produced over the decades show that such harsh sentences do nothing to actually solve the problem of violent crime in our communities. DBI sentencing is a pillar of class-and-race based mass incarceration. It does not serve the value of deterring crime, as there is no compelling evidence that increasing excessive sentences decreases crime or improves public safety.

(Continued on page 51)



Bro. Shakaboona, Co-Editor  
Email: [Shakaboona41@gmail.com](mailto:Shakaboona41@gmail.com)

(Continued from page 50)

DBI sentencing actually has a negative impact on society as it siphons away tax-payers' money from Public Education of children and gives it to the Department of Corrections' budgets; it permanently removes people from society, thereby, destroying the family unit; it permanently excludes people from political, economic, and social participation in the country, thereby, creating a permanent racial caste & social underclass of outcasts that's unravelling the fabric of American society; and as cog in the mass incarceration machine, it is used as the government's & Wall Street's economic solution to the problem of what to do with tens-of-millions of people that America cannot provide employment for.

We as human beings, are faced with a social dilemma today. Do we continue to socially evolve as human beings to reach our full potential as civilized people by abolishing DBI sentencing, Racism, and War or do we continue to socially regress into the depths of barbarism by sentencing people to DBI and failing to end Racism & War?

The Social Evolution question for human beings is, do we want **Civilization or Barbarism?**

We are calling on all people of conscience in the state of PA, throughout America, and around the world to join with us to fully pressure PA's Executive, Legislative, and Judicial branches of government to abolish LWOP/DBI sentencing and help us put a stop to injustice.

From the Belly of the Beast,

this is Kerry "Shakaboona: Marshall

# HONK FOR MUMIA PROTEST & SPEAKOUT

**FRIDAY, JULY 3RD**

- the day in 1982 they condemned Mumia to death. The people stopped that execution but a movement is urgently needed today to stop his execution through medical neglect.

**WEST SIDE, CITY HALL, 12NOON-3PM**

Join in a worldwide movement to demand that Governor Wolf and PA Department of Corrections:

- \* Release all of Mumia's medical records to doctors of his choice
- \* Allow full access to Mumia – supporters, family, doctors & lawyers
- \* Stop the attempt to murder Mumia through medical maltreatment
- \* Release Mumia - he's an innocent man!

Political prisoner Mumia Abu-Jamal continues to face a serious health crisis, suffering for months from an undiagnosed skin condition, with discolored skin and swollen limbs. All of his "health care" is still under same doctors at the prison infirmary at SCI Mahonoy who have misdiagnosed his condition and provided limited reports to Mumia's doctors only after months of public pressure. The prison has retaliated against inmates who sounded the alarm over Mumia's deteriorating health. The Fraternal Order of Police launched a vicious campaign against Orange, NJ teacher Marilyn Zuniga that resulted in her losing her job.

The state's attempt to murder Mumia by "medical neglect" follows decades of their efforts to railroad him to death row by systematically denying him full access to legal redress.



Initiated by International Concerned Family and Friends of Mumia Abu-Jamal; endorsed by New York Coalition to Free Mumia, Campaign to Bring Mumia Home, MOVE, International Action Center, Party for Socialism and Liberation, SJP-Temple; Socialist Action, Workers World Party

More info, contact: [phillyIAC@gmail.com](mailto:phillyIAC@gmail.com); 215-724-1618

Join in a worldwide movement to demand that PA Governor Wolf and the Department of Corrections:

\*Release all of Mumia's medical records to doctors of his choice.

\*Allow full access to Mumia for supporters, family, doctors and lawyers

\*Stop the attempt to murder Mumia through medical maltreatment

\*Release Mumia – he's an innocent man!

Initiated by: *International Concerned Family & Friends of Mumia Abu-Jamal*; endorsed by *New York Coalition to Free Mumia*; *Campaign to Bring Mumia Home*; *MOVE*; *International Action Center*; *Party for Socialism and Liberation*; *Students for Justice in Palestine*; *Socialist Action*; *Workers World Party*;

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# THE MOVEMENT

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(Spring & Summer 2015 (ISSUE # 26 & 27)

## Voices from Solitary: What Have You Done to My Brother?

August 27, 2014 by Voices from Solitary

The author of the following piece, K. Kabasha Griffin-El, is currently part of the general population at Pennsylvania's SCI Greene. In this reflection, Griffin-El describes visiting his brother, Jerome Griffin, whom he hadn't seen for more than two decades. Griffin-El has been incarcerated for 19 years and experienced solitary confinement firsthand, but nothing prepared him to witness the effect solitary had on his younger brother. He describes the experience as "one of the most difficult emotional bombardments of my life." Jerome Griffin, 41, has been held in solitary confinement for 22 years following an assault on a corrections officer. Over that time he has developed a number of mental health problems that have only recently been acknowledged by the Pennsylvania Department of Corrections (PADOC).

Earlier this year, the Justice Department released the findings of its investigation into the PADOC's use of solitary confinement on those exhibiting serious mental illness. Within this document, two case studies are used to exemplify the shortcomings of the PADOC when dealing with mentally ill prisoners, the second of which, involving "Prisoner BB," is believed to summarize Jerome Griffin's experience with solitary. Griffin has since been transferred to SCI Pittsburgh where he is confined to a Secure Residential Treatment Unit (SRTU). —Maclyn Willigan



I imagine that it must be difficult for those that haven't actually experienced it, to understand the ills of solitary confinement. I've endured it, so I know that it's a cold, cruel, inhumane, and torturous methodology that must be abolished. It directly assaults the very being of men and women, often creating mental illness in those victimized by the callous—if not sadistic—practice. It had that horrible effect upon my younger brother, Jerome Griffin. The outrageous experience of witnessing what has become of my brother as a direct result of solitary confinement, compels me to use my words to expose the terrible consequences of that dehumanizing practice, as it's used deep within the dark, hopeless hideaways of Pennsylvania's Department of Corrections.

It took several months of diplomacy—making my request to visit with my brother known to a psychologist, counselors, lieutenants, captains, a major, and deputy superintendent. I found myself super excited, anxious, and even a bit worried once authorization was granted. I didn't know what to expect next. I wondered how my brother would respond to me, if he would be angry for my absence from his life. I just wanted things to go well, so I did my best to prepare for the big day. Soon it was painfully apparent that there was no way to prepare for our time together. No more so than a person could prepare to drown. Once I entered that room, I was in too deep. I choked, and gasped on every sight, on every scent, and nearly every word beyond his initial, "hi brother . . . hi brother."

You see, on the morning of March 20, 2014, at approximately 9am, I experienced . . . endured . . . and survived one of the most difficult emotional bombardments of my life. Until that time, I hadn't seen my younger brother Jerome, for approximately twenty-three years. At this point, I'm three months shy of the nineteenth year of my own imprisonment. So although "warned" by prison

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personnel that it might be a very difficult experience—seeing my brother in his present state of mind—I thought that there was nothing that would be too much for me to handle, but it was . . . too much for me to handle.

As I entered the room, smiling on the opposite side, a frail, hairy man stood wearing a bright orange jump suit with a thick, brown leather belt wrapping his waist. A large metal loop attached to the front was somehow connected to the handcuffs that securely clutched his wrists, locking his hands in front of him, right at his lower stomach. A customized cage separated us, splitting the room horizontally, evenly cutting across a table of sorts that sat off to the left side of the room. A single dirty beige plastic chair sat on each side of the dimly lit . . . depressing hole in the wall. There was a small cutout in the cage (likely used by Attorneys to pass legal documents through during legal visits).

“Hi brother! Hi brother!” Those were his first words to me—the first time that I had heard his voice in at least twenty-three years. Immediately, I knew something was wrong . . . his words, although beautiful, sounded as if they were flowing from the lips of a young child. But this was a “grown man,” speaking through extremely dry, flaky, painful looking scaly lips. Politely, I returned his greeting, but I didn’t recognize him . . . standing there with his would be afro, that was nothing more than mounds of foul smelling, filthy matted hair. His face too was full of wiry patches of hair, unkept, and merely sprouting from his face like wild weeds. The huge smile upon his face revealed at least three missing upper teeth, dead-center of his mouth. His bottom teeth were obviously rotting away. The rotting ones slightly darker than the other orangish, yellowish-brown, darkly stained teeth that survived whatever happened through the years.

I recall the fleeting thought that perhaps I was in the wrong room . . . “this brotha couldn’t be my brother.” But he was. As our conversation continued, I quickly realized that my brother wasn’t all there, but he wasn’t all gone either. He remembered much from our childhood (the names of neighbors, family members and childhood friends). It was apparent that he had consumed and digested much from books, letters, and stories that others had shared with him through the years. Like a mental alchemist, he mixed each of those experiences with his imagination, creating his very own version of reality. He spoke of his expensive clothing, houses, and cars—clothing, houses, and cars he never had. He spoke of his days in the Marine Corps, and he (now at age forty-one) has been in some form of lock up since the age of thirteen. The terrible truth is that for the past twenty-two years, Jerome has been subjected to the agonizing cruelties of solitary confinement—kept locked in a prison cell for at least twenty-three hours each day.

Seeing my brother in his present state of mind . . . I wanted to run out of that room. I wanted to scream and yell, “WHAT HAVE Y’ALL DONE TO MY BROTHER?” I wanted to destroy something. I wanted to tear down that cage between us, grab my brother and run out of that hellish place. Yet, I knew that wasn’t possible. I resisted the urge to correct his fantasies. I didn’t dare tell him that he was never married, that he had no children, and that he never owned a house or car. I fought back my tears; choked on my emotions, and nearly gagged on the stench of his body. Outwardly I remained calm, strenuously hiding my outrage . . . my pain, until he started muttering, trying to say something that simply made no sense. That happened frequently. Then, seemingly out of nowhere, he cried out, “oh my god, Jesus f—ing Christ.” It happened a few times as if he had Tourette syndrome. The storm of emotions that I fought so desperately to suppress, swell in my chest, rose up and before I could catch myself, escaped my lips as a whimper.

Rationally, I was fully aware of the appalling truth that I was experiencing (the joyous moments, pain, anguish, outrage), all of it was due to grace. No one had to allow my brother and I to visit with one another. My request could have been denied. Fortunately for us, on that day we were graciously granted two hours to express our loving concern for one another. I spoke with my brother, hopeful that he could fully understand as I opened my heart saying, “I love you brother. I’m so sorry that I wasn’t here to support you earlier.” “It’s all right. It’s all right. I’m fine. I’m fine. It’s about me and you. I’m happy. I’m just happy.” Those words rushed out of his mouth as if they were prepared in advance and waiting on the tip of his tongue. We were locked in each others eyes at that time, and nearly throughout the entire visit. He watched my every move, just as I watched his. Before we parted—just as I had done several time during the visit—I reached through that small cutout in the cage. “Let me touch you brother.” Once more he smiled at my request, leap to his feet, and did his best to shove his bound hands in my direction. Reaching further in, I grabbed his hands, and held them.

From: <http://solitarywatch.com/2014/08/27/voices-from-solitary-what-have-you-done-to-my-brother/>

# Guiding Families to a Fair Day in Court

By DAVID BORNSTEIN MAY 29, 2015

If a member of your family was arrested, would you know how to help? Would you know what to look for in a police report? Or guide your relative about what to expect from the defense attorney?

For a wide swath of Americans, these are not hypothetical questions. More than 2.3 million people are in prisons and jails, and 5 million are on parole or probation. More astonishingly, nearly one-third of Americans have been arrested on criminal charges (other than a minor traffic violation) by age 23. Particularly in inner cities, it's prudent for Americans to understand how the justice system works. (Watch this impassioned TED talk by a young sociologist, Alice Goffman). The question is: How can communities better prepare for the crisis of an arrest — so they can act more effectively in the defense of family, friends or neighbors?

That question is being addressed by a nascent, but growing, "participatory defense" movement — community organizing that empowers people who face charges, as well as family and community members, to influence the judicial process. It shows them how to work strategically with defense attorneys and how to make the system easier to understand and more accountable.

Participatory defense emerged over the past eight years from a San Jose-based group, Silicon Valley De-Bug, which produced print, video and photographic reports — and organized rallies to campaign on social justice issues. Increasingly, their work focused on police accountability, and it became clear that protest marches outside police stations and courts were not enough.

"The great irony was that we were relinquishing power at the most important moment," said Raj Jayadev, who leads the Albert Cobarrubius Justice Project, De-Bug's participatory defense initiative. "There's this unspoken reverence for the court system even if you are critical of it, and an assumption that if you're not a lawyer or judge, you can't have an impact."

One flaw of that system is that prosecutors wield far more power and resources than defense attorneys, a big reason incarceration has skyrocketed in recent decades. About 80 percent of defendants in criminal cases are assigned public defenders, who are overwhelmed and underfunded; in some locations, they have less than 10 minutes on average to spend with clients. In the end, 95 percent of people charged with crimes accept plea bargains.

At the same time, the people who know defendants best, and care about them most, are often the most marginalized voices in the process. "When we used to go to court dates or hearings, and people were walking back in the parking lot, the common refrain wasn't, 'They got it wrong.' It was, 'I wish they knew him like we know him,'" said Jayadev.

Moreover, without humanizing information presented, defendants are more susceptible to implicit racial biases on the part of attorneys, judges and juries. Such biases have been well documented over the past three decades, leading to numerous efforts to address them. (See the University of North Carolina's Indigent Defense Manual Series chapter on race; jury instructions by Judge Mark Bennett of Iowa; an article from the Connecticut Law Review on implicit bias among jurors.)

Two statistics stand out: African-American men are imprisoned at six times the rate of white men, and receive federal sentences 20 percent longer than whites in comparable cases.



The Los Angeles Hall of Justice. Credit Richard Vogel/Associated Press

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How to get the marginalized voices heard? The Cobarrubius Project's approach begins with helping people believe that they can, in fact, affect the outcome, and then detailing the most critical steps to do so.

They learned case by case. One defendant was Danny Pina, whom police officers stopped for driving a bicycle with a broken headlamp. They said they believed he was part of a gang. He was accused of resisting arrest, a charge that San Jose police invoke with uncommon frequency, and ended up with his nose broken and elbow dislocated. The district attorney declined to pursue charges. With Cobarrubius Project help, Pina filed and won a civil suit in federal court on grounds that the police used excessive force.

They helped Ramon Vasquez, a soft-drink deliveryman, who was wrongly arrested for a gang-related murder and jailed for five months. With the project's guidance, Vasquez's wife, brother and sister-in-law reviewed evidence obtained through discovery and assembled "ten points of innocence" for the defense attorney. The charges were dropped and Vasquez was released; he later won a factual finding of innocence and his record was cleared.

They helped a mother named Becky, whose son had faced a potential 22 years in prison, after the police apprehended him and said he had fired a gun at them. Becky found inconsistencies in the police report, including one officer's statement that he hadn't heard a shot fired. And no shells were found. In the ensuing negotiation, the district attorney agreed to a one-year sentence in a county jail, with a four-and-a-half-year suspended sentence if the young man broke the terms of his probation. He was released after six months.

Through hundreds of such cases, the project reports, it has helped to lighten sentences by more than 1,800 years of prison time from what maximum sentences might have brought. In terms of California incarceration costs, that translates to savings of about \$110 million.

"People did that by working with their defenders and bringing mitigating information to the table," explained Janet Moore, a capital defense lawyer and assistant professor of law at the University of Cincinnati College of Law, who recently co-authored a law review article about participatory defense. "Given defenders' terrible budgets, the community is uniquely positioned to help fill that gap. And it empowers the people most affected by these systems — disproportionately low income people and people of color — to become drivers of change in them."

The Cobarrubius Project holds weekly meetings, at which family members first learn the basics of the criminal justice process and then are asked to gather information: write a detailed statement for the defense about what happened, identify potential witnesses, consider possible sources for evidence, like a security camera or other photos.

They also start collecting for a social biography packet — character letters, photographs, and records from school, employment, extracurricular activities, or community involvement. Sometimes, the project helps make biographical videos. Families are urged to seek a personal meeting with their attorney, something many families don't know they can do. Later, they learn how to read police reports and discovery packets for inconsistencies or other flaws. All this can make an enormous difference. J.J. Kapp, assistant public defender for Santa Clara County, cited instances in which a third conviction automatically means a mandatory sentence unless a public defender can show mitigating circumstances. "In a lot of cases, the family can get you information you need that you might not otherwise have," he said.

"Even where guilt can be established, it may not be what it looks like," added Kira Fonteneau, who heads the public defender's office that supervises Birmingham, Ala., where the Cobarrubius Project has begun work. "We're trying to get people to understand the impact of poverty, drug abuse, mental illness, people never having a parent that was there for them. There are so many things going on that people don't understand."

Historically, she said, the main challenge has been figuring out how to forge connections with community members so they can drive their cases. That's the piece that the project appears to have figured out. "We can't go in with a heavy hand and say you guys have to show up in court," added Fonteneau. "It has to be driven by people outside our office."

At the project's meetings, volunteers who have assisted with a defense are the principal guides for others. They tend to be eager, and grateful. "When the public defenders are actually calling us to assist in a case, that's such a powerful feeling," said Blanca Bosquez, a Santa Clara County employee who has served as a volunteer since her 13-year old son was wrongfully arrested.

One point the project's organizers emphasize is that it's crucial for those involved to show solidarity with the defendant, whether at a court date or meetings with appellate attorneys, probation officers, parole officers, or in immigration court. "When you let them know that you're not alone, it changes how you are treated," said Gail Noble, a project community organizer.

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# Ruling Against "Three Strikes" Sentencing Law Opens Door to Reform

Tuesday, 30 June 2015 00:00 By Nicole D. Porter, Truthout | News Analysis

Friday's Supreme Court decision in Johnson v. United States highlights the complicated nature of sentencing provisions that result in lengthy prison terms, a leading cause of mass incarceration. The ruling struck down a sentencing provision that lengthened prison terms for certain federal prisoners and potentially impacts the lives of thousands of people who have received enhanced federal sentences.

Stakeholders interested in practical remedies to address the nation's incarceration rate should closely consider the ruling and look for opportunities to remedy similar laws. The case before the court was filed by Samuel James Johnson, a white nationalist affiliated with the Aryan Liberation group. He was convicted of gun crimes and received a 15-year prison term because the sentencing judge considered a past conviction for possession of a sawed-off shotgun as a "violent felony."

While this case presents an argument on behalf of a defendant whose conduct is disturbing in many ways, it nonetheless raises issues that should be of concern for the values of due process and investment of public safety resources.

In an 8-1 decision, the court, led by conservative Antonin Scalia, found a salient provision of the Armed Career Criminal Act (ACCA), which lengthens sentences for people with three prior serious drug crimes or "violent" felony convictions, to be unconstitutionally vague. The provision lengthened federal prison terms on average to 188 months from 59 months.

The discretion granted to prosecutors and judges to decide what counted as a "violent felony" was found to be unclear.

According to the United States Sentencing Commission, there are approximately 7,000 individuals imprisoned for ACCA-enhanced sentences, and although most are not sentenced under the residual clause, others may be eligible for resentencing; more than half of defendants who received enhanced sentences in 2014 were African American. The sentencing structure that resulted in Johnson's prison sentence evolved during the "tough crime" era, in which mandatory minimums, truth-in-sentencing laws and recidivist statutes were adopted to lengthen prison sentences. California's notorious "three strikes" law is perhaps the most well-known "recidivist" or "persistent offender" statute that allows for life prison terms for defendants, who have two prior felony convictions, on their third felony conviction.

Defendants can also receive longer prison terms depending on the location of the crime; most states and federal sentencing structures allow for enhancements in cases of drug crimes that take place near schools. Other circumstances resulting in longer prison terms include a prior conviction, even if the previous offense was a misdemeanor, and possession of a weapon, even if not used. Interpretation of the Armed Career Criminal Act expanded prosecutorial authority to enhance sentences for any crime that involved "conduct that presents a serious potential risk of physical injury to another" - even if the crime doesn't actually involve violence. The practical implementation of that interpretation resulted in prosecutors enhancing prison terms (as in the case of Johnson, for the possession of a sawed-off shotgun). The Armed Career Criminal Act was reportedly used to lengthen prison terms in cases where defendants had priors considered "violent" for drunk driving, attempted burglary and failing to report for incarceration.

The Johnson ruling reinforces the need to address sentencing policies that lengthen prison terms and have contributed to growth in the nation's incarceration rate. Similar provisions are present in state criminal codes and lead to harsher penalties. In Missouri for example, persons convicted under the Armed Criminal Action laws provision - when the defendant is in possession of a dangerous weapon - serve a mandatory sentence of three years in addition to the penalty for the crime of conviction. Sentencing enhancements were adopted to serve several purposes, including deterrence. Yet, research demonstrates that offenders "age out" of crime - so the 25-year-old who commits an armed robbery generally poses much less risk to public safety by the age of 35.

At the federal level, to implement the court's ruling, Congress can address sentencing enhancements that lengthen statutory pun-

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ishments. There are opportunities to revisit similar policies at the state level for stakeholders interested in addressing mass incarceration. Lawmakers could repeal sentencing enhancement laws and allow judges to depart from statutory minimums. Nevada, for example, granted discretion to judges to impose shortened enhanced sentences for eligible offenses. Prior to the law change, a person convicted of a felony committed on school property would face the statutory punishment for the charged conduct, plus a sentence enhancement equal to the statutory punishment.

Prosecutors should alter their approach to charging defendants with penalties that result in excessive prison terms. In recent years, prosecutors in New York and Milwaukee have modified their charging practices in ways that contribute to declines in prison admissions.

The court's decision in Johnson, while substantial for federal sentencing matters, raises opportunities for state stakeholders as well. The nation's high rate of incarceration is a challenge to lawmakers, advocates and practitioners to reform sentencing policies that have contributed to mass incarceration.

*Nicole D. Porter manages The Sentencing Project's state and local advocacy efforts on sentencing reform, voting rights and eliminating racial disparities in the criminal justice system. Her advocacy has supported criminal justice reforms in several states including Kentucky, Missouri and California. Porter was named a "New Civil Rights Leader" by Essence Magazine in November 2014 for her work to eliminate mass incarceration.*

(Continued from page 55)

Noble also knows the importance of asking questions. In 2013, her son LaMar, then 42, was stopped by the Santa Clara County sheriff's department, ostensibly for running a stop sign. LaMar had never been arrested and he challenged the officer's assertion. Then, he said, the officer shifted the charge to driving with a broken taillight, an offense that would merit a ticket. At that point, LaMar became concerned and said he wanted to call his mother. "As soon as I did that, he said 'get off the phone.' I said, 'No, tell me what's going on.' After a few rounds of that, he pulled out his gun. I said, 'Excuse me, you pulled your gun on me because I'm on the phone?'"

Gail and LaMar, with their lawyer, fought for a year and a half to obtain a police dashboard camera video that shows the officer pointing his gun, pepper spraying LaMar and then, with other officers, pulling him out of the vehicle and punching him. An officer is later shown placing his jacket over the camera.

LaMar said he was offered a deal if he pleaded guilty of resisting arrest. He declined, saying he wanted his day in court.

The crisis of mass incarceration has spawned a groundswell of new policies to reduce prison rolls. In 2013, according to the Vera Institute, 35 states passed bills to modify their criminal justice systems — for example, repealing or narrowing mandatory minimum sentencing guidelines, reclassifying some felonies as misdemeanors, expanding eligibility for sentencing alternatives, and supporting prisoner re-entry after release, including by expunging criminal records. From 2006 to 2012, 19 states reduced their prison populations. Some of the biggest drops — in New York, New Jersey and California — were accompanied by decreases in violent crime that outpaced the rest of the nation.

These are promising developments. But the crisis of indigent defense remains a weak link in reform efforts. That may explain the surge of interest in participatory defense. The Cobarrubius Project has conducted trainings with major legal defense groups like Gideon's Promise, the National Legal Aid and Defender Association and the National Association of Criminal Defense Attorneys. By the end of the year, Jayadev expects the model to be in use in Alabama, Pennsylvania, Missouri, Kentucky, Washington, and four cities in California.

"One of the things that's very hopeful about the participatory defense model is that individuals in the community get much better educated about the criminal justice system and the challenges of enacting policies and practices that promote justice instead of just processing cases," said Jo-Ann Wallace, president and chief executive of the National Legal Aid and Defender Association. "We need to show people how to do it effectively," she added. "We need to find ways to assess the outcomes it's producing, to justify resources being put into it and encourage governments to fund it."

Today, Jayadev says, when a loved one is arrested, the most that many families feel they can do is hope for a good lawyer. Participatory defense expands their sense of agency. And if the goal is to build the political will to end mass incarceration, he says, "This seems like the most natural mass movement building approach — because it is about people seeing their own power in their own communities, as intimate as the fate of their own families."

*David Bornstein is the author of "How to Change the World," which has been published in 20 languages, and "The Price of a Dream: The Story of the Grameen Bank," and is co-author of "Social Entrepreneurship: What Everyone Needs to Know." He is a co-founder of the Solutions Journalism Network, which supports rigorous reporting about responses to social problems.*

# The HomeFront: Serving Our Community!

## *A Flattering Biographical Video as the Last Exhibit for the Defense*

By STEPHANIE CLIFFORD MAY 24, 2015

*Fernando Perez recording a video of Anthony Quijada, of Gilroy, Calif., for Mr. Quijada's sentencing on a gun charge. Credit Jim Wilson/The New York Times*

GILROY, Calif. — About 3,000 miles from New York, members of a camera crew gathered around Anthony Quijada, trying to do for their not-famous, not-rich client what some high-priced lawyers are doing for theirs in New York courts: Make a video that can keep him out of prison.

Lawyers are beginning to submit biographical videos when their clients are sentenced, and proponents say they could transform the process. Defendants and their lawyers already are able to address the court before a sentence is imposed, but the videos are adding a new dimension to the punishment phase of a prosecution.

Judges “never knew the totality of the defendant” before seeing these videos, said Raj Jayadev, one of the people making the video of Mr. Quijada, who lives in this Northern California city of about 52,000 people. “All they knew was the case file.”

Yet as videos gain ground, there is concern that a divide between rich and poor defendants will widen — that camera crews and film editors will become part of the best defense money can buy, unavailable to most people facing charges.

Videos, especially well-produced ones, can be powerful.

In December, lawyers for Sant Singh Chatwal, a millionaire hotelier who pleaded guilty in United States District Court in Brooklyn to illegal campaign donations, submitted a 14-minute one as part of his sentencing. Elegantly produced, the video showed workers, relatives and beneficiaries of Mr. Chatwal describing his generosity. As he prepared to sentence Mr. Chatwal, Judge I. Leo Glasser said he had watched the video twice, including once the night before. The judge, echoing some of the themes in the video, recounted Mr. Chatwal’s good works. Judge Glasser then sentenced Mr. Chatwal to probation, much less than the four to five years in prison that prosecutors had requested.

Yet efforts such as those on behalf of Mr. Chatwal are hardly standard. While every criminal defendant is entitled to a lawyer, a day in any court makes it clear that many poor people do not receive a rack-up-the-hours, fight-tooth-and-nail defense like Mr. Chatwal did. Even in cities with robust public defense programs, like New York, lawyers may be handling as many as 100 cases at once, and they say there is little room to add shooting and editing videos to their schedules.

“It’s hard for me to imagine that public defenders could possibly spare the time to do that,” said Josh Saunders, who until recently was a senior staff attorney at Brooklyn Defender Services, adding that lawyers there are often physically in court for the entire workday. He sees the humanizing potential of videos, he said, but “I would also be concerned that defendants with means would be able to put together a really nice package that my clients generally would not be able to.”

Continue reading the main story Social biography video for Anthony -- a remarkable young man who is sure to inspire anyone he comes across through his story of transformation, courage, and belief. Video by Silicon Valley De-Bug

Mr. Jayadev’s nonprofit, Silicon Valley De-Bug, a criminal justice group and community center in San Jose, Calif., believes that videos are a new frontier in helping poor defendants, and is not only making videos but also encouraging defense lawyers nation-



Jim Wilson/NY Times

(Continued on page 59)

(Continued from page 58)

wide to do the same. The group has made about 20 biographical videos for defendants, one featuring footage of the parking lot where a homeless teenage defendant grew up. With a \$30,000 grant from the Open Society Foundation, De-Bug is now training public defenders around the country.

Given that a defendant has a right to speak at sentencing, a video is on solid legal ground, said Walter Dickey, emeritus professor of law at the University of Wisconsin Law School, “though the judge can obviously limit what’s offered.” Professor Dickey said that because, at both the state and federal levels, the lengths of sentences are increasingly up to judges rather than mandated by statute, it followed that videos that “speak to the discretionary part” of sentencing were having a bigger role.

Mr. Jayadev takes a standard approach to his projects: The producers identify the defendant’s past hardships and future prospects, then select supporters or family members to describe those, usually in a visual context, like a pastor in a church pew. Mr. Jayadev said he found it was more natural to have the defendant talking to someone off-screen, rather than staring at the camera.

For Mr. Quijada, “this story is around this young man’s transformation from a life that had sort of run its course,” Mr. Jayadev said. Mr. Quijada, 23, a former gang member with some arrests as a teenager, was paralyzed from the waist down in a 2011 shooting. In 2013, he was arrested and charged with possessing an unregistered gun. For Mr. Quijada, a student at Gavilan College, a community college in Gilroy, a lot was riding on the video and his possible sentence.

His lawyer, Lisa McCamey, had filed a motion requesting that his gun conviction be downgraded to a misdemeanor from a felony. If the judge acquiesced, Mr. Quijada could hold onto his Section 8 housing. If not, that benefit would be in jeopardy.

In his wheelchair outside the life sciences building on campus, with Mr. Jayadev and his co-workers recording, Mr. Quijada gave a stiff explanation of how he wanted to reform himself and become a business lawyer.

“You don’t have to give a speech, man,” Mr. Jayadev said kindly. “It doesn’t have to be formal.”

“I’m driven to be commercially successful...” Mr. Quijada said, trying again.

“Take a deep breath,” suggested Fernando Perez, a De-Bug staff member, looking into the view screen of his camera. “Relax.”

Eventually, the videographers got the footage they were after, particularly when they followed Mr. Quijada to his small apartment. They filmed the collage that his sister made after their father died; they recorded his mother and sister talking about him as a child.

A few weeks later, De-Bug completed the nine-minute video. It opens with Mr. Quijada at Gavilan, describing, over a light piano soundtrack, his coursework at the college. (Until recently, De-Bug made sentencing videos available at no cost. When demand surged, the group began to charge lawyers about \$1,000 to \$3,000 per video.)

The videography is not perfect — there are some shots out of focus and some lighting miscues. But it gives a sense of Mr. Quijada’s life outside the courtroom.

At Mr. Quijada’s sentencing, Judge Edward F. Lee of Santa Clara Superior Court said he had not looked at the video. He stepped away to watch it but made no mention of it after he returned to the bench.

Rather, Judge Lee questioned what made this case different from Mr. Quijada’s previous arrests.

“Because I wasn’t paralyzed, and I didn’t lose my father yet, and I didn’t realize that I don’t have other people to depend on anymore,” Mr. Quijada said.

Judge Lee denied the motion to reduce the felony to a misdemeanor, and sentenced Mr. Quijada to 90 days in jail. “I don’t know if it made a difference to the judge or not,” Ms. McCamey said of the video. “It made a difference to everybody else.”

LaDoris H. Cordell, a former state court judge in Santa Clara County who is now the independent police auditor in San Jose and who has seen some of Mr. Jayadev’s videos, said she would like them to be used more widely.

“I’m very wary, and I was as a judge, of the double standard,” where wealthy defendants can afford resources that poorer defendants cannot, she said. “It is a problem, and what Raj is doing, these videos, is something that should be available to anyone who needs to have it done.”

A prosecution, she said, “usually is a one-sided process, and now it’s like the scales are being balanced out.”

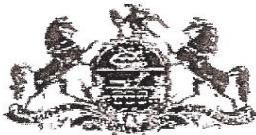
From: [http://www.nytimes.com/2015/05/25/nyregion/defendants-using-biographical-videos-to-show-judges-another-side-at-sentencing.html?\\_r=0](http://www.nytimes.com/2015/05/25/nyregion/defendants-using-biographical-videos-to-show-judges-another-side-at-sentencing.html?_r=0)

# The HomeFront: Serving Our Community!

## PAsentencing.com, Update.

See pages 60 and 61

JAKE WHEATLEY, JR., MEMBER  
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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

Dear "Parole for Pa. Lifers" Supporters,

*It has recently been brought to my attention that, in recent months, there has been speculation and skepticism concerning the Parole for Lifers" agenda in Pennsylvania, as well as whether I have officially agreed to lend assistance and support in such matters. Hopefully, this formal letter will serve to dispel any misconceptions.*

*On the date of September 19, 2014, I held a formal meeting with an organization called PASENTENCING.COM. The primary objective of this meeting was to discuss a 26-page bill that the organization has prepared in pursuit of obtaining Parole Eligibility for all of Pennsylvania's Life-Sentenced offenders. At the conclusion of that meeting, informed them that I would be willing to co-sponsor or serve as the lone sponsor for this bill to ensure that it is presented for General Assembly consideration. I also informed PASENTENCING.COM that I would assist them in any way that I can if my assistance was needed.*

*Since that time, PASENTENCING.COM has continued to meet with other State Senators and Representatives in pursuit of this agenda, and I have also held subsequent communications and meetings with them accordingly. This year, possibly before the month of June, I plan to sponsor or co-sponsor the submission of their bill so that it can receive a House Bill Number and begin Committee review/processing. There are also tentative plans for a possible symposium event that I may co-sponsor with PASENTENCING.COM in the Pittsburgh area. If you would like to contribute to this agenda, I encourage you to contact PASENTENCING.COM at the contact information provided below. They are equipped and willing to answer and/or address any questions or concerns that you may have.*

*In closing, I sincerely believe that an efficient and cooperative effort from all "Parole for Lifers" supporters is needed to achieve substantial progress in this matter, so now is the time for all concerned supports to be acknowledged through working together.*

A handwritten signature in black ink, appearing to read "Jake Wheatley, Jr."

State Representative  
19<sup>th</sup> Legislative District

## THE MOVEMENT

# The HomeFront: Serving Our Community!

## THE NUMBERS (& THE FACTS) DON'T LIE !!!

### **PAsentencing.com Is The Only Organization That Has ...**

- ♦ Become the world's #1 website concerning the laws of Pennsylvania, with over **35,000 Hits** to date !!!
- ♦ Drafted a **26-page legislative bill** and created an **online petition**, each seeking parole eligibility for all of Pennsylvania's life-sentenced prisoners !!!
- ♦ Met with numerous **State Senators** and **State Representatives** in pursuit of the "**Parole For Lifers**" agenda in Pennsylvania !!!
- ♦ Created an extensive and informative venue to help **all of Pennsylvania's ex-offenders** find meaningful employment upon their release from prison !!!
- ♦ Helped **hundreds of Parole Violators** appeal the unlawful actions of the Pennsylvania Board of Probation and Parole !!!
- ♦ Educated and **helped hundreds of prisoners** obtain appellate documents and important exhibits through the procedures of the **Right-To-Know Law** !!!
- ♦ Helped **dozens of Pennsylvania prisoners** overturn their convictions, or get re-sentenced to lesser sentences !!!
- ♦ Been brave enough to **educate thousands of non-incarcerated civilians** about the corruption that exists within Pennsylvania's courtrooms, correctional institutions, laws, and law enforcement officers !!!
- ♦ Created a **YouTube Video** to expose the flaws that exist within Pennsylvania's Juvenile homicide offender laws !!!
- ♦ Created a "**Spotlight Case**" venue to bring more attention to certain criminal cases of extreme merit !!!

**PAsentencing.com** is already known and recognized by state lawmakers, judges, activist organizations, and the streets as well... **SO IF YOU DON'T KNOW ABOUT US BY NOW, MAYBE IT'S TIME FOR YOU TO "GET FAMILIAR" !!!**

### **PAsentencing.com**

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## **THE MOVEMENT**

# Human Rights Coalition Report

## PA Activists Inside and Outside Launch Campaign to End Death by Incarceration

by the Coalition to Abolish Death By Incarceration

On June 6, 2015, over 300 people crowded into the Vineyard Community Church in West Philadelphia to launch a campaign to end death by incarceration (DBI), more commonly known as life without parole. At the event, people serving DBI sentences, their family members, and formerly incarcerated people gave powerful testimony about why and how we must end the practice of sentencing people to die in prison. Those currently in prison participated via phone and prerecorded audio. We shared music, food, poetry, and personal stories, and signed hundreds of postcards asking to legislators to abolish DBI.



(Continued on page 63)

(Continued from page 62)

Over 5,000 people are serving DBI sentences in Pennsylvania, where a life sentence means your natural life—it is a sentence that almost guarantees you will die in prison. This is why many people instead call it **Death By Incarceration**. Death By Incarceration is part of a larger system of mass incarceration that disproportionately impacts people of color and people from poor and working class communities. DBI sentences have increased dramatically over the past few decades due to “tough-on-crime” policies pushed forward by politicians more interested in garnering votes than keeping our communities safe. However, we know that mass imprisonment and lengthy sentencing, such as DBI, further destabilize communities and direct resources away from the things that do keep our communities safe—education, healthcare, jobs, housing, and transformative forms of justice that actually address root causes of violence and inequality.

We believe that sentencing people to Death By Incarceration is an affront to the humanity of us all. In the words of Right to Redemption, an organization of people serving DBI sentences at SCI Graterford in Pennsylvania, “The damnation of a human being of any age to spend the rest of his or her natural life in prison without even the possibility of a parole hearing review is a negation of the distinctly human capacity for redemption, a denial of the individual’s core humanity, and a violation of an inalienable human right.” That’s why Decarcerate PA, Human Rights Coalition PA, Fight for Lifers, and Right to Redemption have formed the Coalition to Abolish Death By Incarceration (CADI). We are working to build a mass movement both inside and outside of prison to take a stand against DBI and other harsh sentencing practices. To do this, we have established three core demands for legislative change:

1. Parole eligibility for everyone after 25 years;
2. Presumptive parole: people are automatically released at their minimum date with the burden of proof on the state if the state wants to continue to hold them;
3. A maximum sentencing law that will stop the commonwealth from incarcerating people for indefinite periods of time.

Over the coming months, we will work to advance these demands, both in the legislature and in our communities. According to David Lee, who is serving a DBI sentence at SCI Coal Township, ending DBI “will require massive amounts of organizing and education. People must understand the facts surrounding our imprisonment. People in society are fed a heavy diet of propaganda regarding how dangerous we are, and how we never deserve to be back on the outside again. We must find ways to pressure legislators into doing the right thing—not the politically expedient thing!” CADI aims to create a shift in public consciousness, asking people across the state to consider who is really being served by making thousands of people—people who could be at home working to improve their communities—spend their entire lives in cages. It’s time to bring our friends and loved ones home.

If you are in Pennsylvania and want to get involved in the Coalition to Abolish Death By Incarceration, write to us at CADI c/o Decarcerate PA, PO Box 40764, Phila. PA 19107.

## **Looking for more resources? Check out the Other Death Penalty Project**

[www.theotherdeathpenalty.org](http://www.theotherdeathpenalty.org)

Started by people in prison serving life without parole, this project hopes to end all forms of the death penalty, including death by incarceration. It’s run by people currently in prison, so they don’t have much ability to respond to mail. If you have loved ones on the outside who can visit the website, they can find advocacy and support information. If you would like someone to print and send you a copy of “**The Other Death Penalty Project Prisoner Organizing Kit**,” please write to Prison Health News c/o Institute for Community Justice, 1207 Chestnut Street, 2<sup>nd</sup> Floor, Phila. PA 19107.

*This article originally appeared in Prison Health News, Issue 25, Summer 2015. To receive a free Prison Health News subscription write to Prison Health News, c/o Philadelphia FIGHT, 1207 Chestnut Street, 2<sup>nd</sup> Floor, Phila., PA 19107?*

# Human Rights Coalition Report

## CADBI CAMPAIGN LAUNCH OVERFLOWS VINEYARD COMMUNITY CHURCH IN PHILADELPHIA, PA



sentence means your natural life—it is a sentence that condemns you to die in prison – which is why many choose to call it Death By Incarceration.

At Vineyard Church there was standing room only, the church was packed with comradery, music, poetry, and love where nearly 300 attended (see photos).

The Coalition will spend the next year focusing on outreach and educating people about life without parole sentences. Patricia Vickers, member of CADBI and Human Rights Coalition said, “we know that it will take a mass movement to abolish Death By Incarceration. We are building that movement.”

On June 6th the newly-formed Coalition to Abolish Death By Incarceration (CADBI) launched its campaign seeking to abolish life without parole sentences in Pennsylvania at the Vineyard Community Church, 123 S. 51st Street, Philadelphia, PA.

Decarcerate PA, Human Rights Coalition PA, Fight for Lifers, and Right To Redemption (a group of people sentenced to life without parole sentences at SCI-Graterford), and other activists inside and outside of prison began forming CADBI over a year ago.

Pennsylvania prisons hold over 5000 people serving life sentences without the possibility of parole. In PA, a life



Life without parole is unconstitutional in 25 countries. The U.S. is the only country in the world that sentences children to life without parole. Left: Romeeka Williams, one of the leaders of the Youth Art & Self-empowerment Project (YASP).

**THE MOVEMENT**

[www.hrcalition.org](http://www.hrcalition.org)

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(Spring & Summer 2015 (ISSUE # 26 & 27)

# Human Rights Coalition Report

## CADBI CAMPAIGN LAUNCH

NEXT MEETING JULY 14TH, 6:30 PM, 2231 N BROAD ST,  
PHILA PA 19132



Above: Mr. & Mrs. Clarence Safwat Davis

The most important statement we can make is “Praise Be To God”. My wife and I are so grateful to have been enabled to wage a successful Post Conviction Relief Act (PCRA) battle and acquire my release from prison.

We were very excited and even more motivated by the throngs of people filling all the seats, sitting on the floors and standing outside on the pavements at the meeting which launched the Coalition to Abolish Death By Incarceration (CADBI). As it is our intention to be an active part of CADBI, we see the PCRA Time Bar as very significant instrument which carries out the atrocity of Death By Incarceration. To this end with the help of William Goldsby and Hakeem Ali (Fight For Lifers and Reconstruction), my wife and I are developing a pamphlet with specific focus to begin to educate the people regarding the horrors of the PCRA Time Bar and to incite legislative movement to slay this monster. It is our intention to follow the pamphlet with a series of additional activities toward this same objective.



Above: Stephen Hakeem Fulton, assisted CADBI and those who wanted to share their views on “Why Should Life Without Parole in PA be ABOLISHED?” Bro. Hakeem is an Author and the Chair of the Alumni Ex-Offenders Association. He served 18 years in State prisons and has been home since 2003.



Comradery along with music and dance on June 6th, 2015. Above

**THE MOVEMENT**

[www.hrcalition.org](http://www.hrcalition.org)

# Human Rights Coalition Report

**DBI—Justice? or Revenge?** In this issue of The Movement we are reporting on the lives, the transition, and accomplishments of LIFERS; and why the men and women who (justly or unjustly) have been thrown in prison to die should have an opportunity of parole. We start with Sylvia Boykin and Naomi Blount, below.



## Sylvia Boykin #OC-3555

My name is Sylvia Boykin. I am 57 years old and have 23 years in prison on a life sentence for conspiracy to murder. I made some bad choices in my life and if I could go back 23 years, I would do things different. I take full responsibility for my actions and I can never say “I’m sorry”, enough. I used this prison time to become a better person; I believe and have great faith. I took every class, group, and college course available to me. I try to help the young ones coming here to value life and make better choices. I have lost most of my family, but I would like to spend my last days with my three daughters and seven grandchildren. I don’t want to die here alone. After 23 years here, I am a different person. I don’t take life for granted, every moment is precious. I just ask for a second chance to watch my grandchildren grow up. My co-defendant who committed the crime went home on appeal. I would like to show society that I can be a productive member of society. This is why I feel I should be given parole.

## Naomi Blount #OO-7053

My name is #OO7053 by the Department of Corrections. My parents named me Nasmi. I am 65 years of age and have been incarcerated for 33 years. I was sentenced to life. When I sent to Muncy State Correctional Institution one of the first Lifers I met was Rose Dinkins and Sharon Wiggins. Rose was a singer and I love music and Sharon was smart and very positive. My heart was heavy and I didn’t know what I would do with the rest of my life in prison, after all I had a 10 year old son at home who would never get to know me. I cried a lot in my cell at night and then one day Sharon (seeing my sadness) said she wanted to talk to me. Sharon had already been incarcerated for 10 years. My first question to her was “How do you do it?” She smiled and said, “One day at a time.” She told me to get involved in programming, get my GED, take college courses, and stay positive. With her constant reminder, I did just that. I passed my GED (graduated) then went to college and earned an Associate Degree in business and a certificate in para-legal. Sharon was my hero. I began meeting other Lifers that were here before me and never met a group of kind-hearted women like them before in my life. I could see and feel their remorse for whatever they were here for, always trying to give back to society and not caring about the recognition.

I later learned that most were first time offenders. My dear friend Sharon took her last breath in my arms in her cell on Palm Sunday 2013 (A very sad day at SCI-Muncy).

If anyone deserved a second chance, it was her! We all deserve a chance for parole because people change. We’ve changed. We’re



# Human Rights Coalition Report

**DBI—Justice? or Revenge?** Today's media brings in billions by selling stories of crime and violence. Mass media has the power to arrest, find guilty and condemn a person to die in prison, all, within a matter of minutes.

Stop letting the media turn us into lynch mobs!

Ask yourself: Is justice throwing a person in prison until the day that he or she dies? Should forgiveness never, ever, be allowed? Should the men, women, and child lifers never have a 2nd chance?

(Continued from page 66)

older and wiser. We work hard to do good deeds throughout our day. We help each other. Most of your LIFERS are peer assistants and have some of the most important jobs throughout the institution. We try and maintain good conduct (and we do). The Lifers started the K-9 program that has been successful for years. I truly believe that deserving lifers should be given a chance for parole. Pleeeease . . .

Thank you. God Bless, Naomi Blount.

## Omar Askia Ali #AF-0814

My name is Omar Askia Ali, before my unjust incarceration I was a professional boxer, an-up-and-coming business entrepreneur, a father and a devoted husband, a homeowner, and a community activist. I owned and operated a bakery and ice cream shop, and was in the process of opening another. Even while bound by steel and shackles and prison walls I remain committed to improving the lives of my family and community members. As founder and director of the Boxing Association of America, Inc. (BAA) I spearheaded the building of a gym and the staging of boxing matches at Holmesburg Prison. The BAA also sponsored over 50 boxing productions at the Philadelphia Civic Center and the Blue Horizon from 1979 through 1982. In turn I was granted a Boxing Manager License (see Philadelphia Tribune 12/12/80) which had historical presence for any individual while incarcerated.

In the 1980s, recognizing that it is essential for people held in prison to keep in touch with their loved ones, I led a successful lobbying campaign to bring into fruition weekly SEPTA shuttle services from Philadelphia to Graterford Prison in Montgomery County. I was also able to bring into fruition vocational training in organic bio-dynamic farming technologies and vegetarian cooking while living outside of Graterford Prison for five(5) years. Today, as a member of the Advisory

Council of the Human Rights Coalition and facilitator for Pilate sessions (awaiting certification as a personal trainer) I'm able to utilize these entities to stress how vital it is for family and community members on the outside to maintain and strengthen their bonds with loved ones on the inside of Pennsylvania's prisons.

Although I was sentence to spend the rest of my LIFE inside prison, I am currently under appeal because of the legal avenues available to me to overturn my unjust sentence.

Omar Askia Ali-Sistrunk  
#AF0814  
P.O. Box 1000  
Houtzdale, PA 16698-1000



Above: Mr. & Mrs. Omar Ali

# Human Rights Coalition Report

**DBI—Justice? or Revenge?** Let's be mindful that Human Beings do make mistakes and are capable of learning from those mistakes.

## James Smith #CK-3029

I was born and raised in the South suburbs of Pittsburgh, PA where I was the oldest of four children in a lower middle class family. Both my mother and father worked to provide for our family; however, at age 11, I began to pitch in when I started a newspaper route for the Pittsburgh Press.

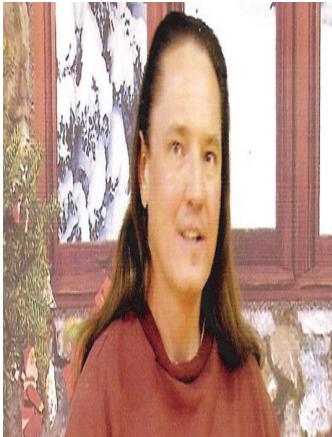
I attended Chartiers Valley High School where I was an average student. After I graduated, I worked in the vocational field I went to school for in a metal & spring fabrication plant in the McKee's Rocks area of Pittsburgh. I soon realized that I needed to further my education and enrolled in the local Community College where I eventually decided to enter into the medical profession by enrolling in their nursing program to become a registered nurse.

My plans and life changed when I was injured in a motorcycle accident, in October of 1992. Not only did I have to medically withdraw from the nursing program I was in, but I was in to considerable debt which put me in the desperate situation that led to me making a choice that I would regret for the rest of my life. I was 24 years old.

That was roughly 23 years ago and not a day goes by that I don't feel remorse for what I did and all those I hurt. For my crime, I was sentenced to a mandatory term of Life Without Parole (Slow Death Penalty) for my role in a robbery that went bad.

During my incarceration, I have strived to better myself—whether it be spiritually, mentally, physically, or emotionally. Early on, I put my education background to use by working as a tutor to help men get their GEDs. As a Lifer, I have always remained active to our plight and in 2000 I was elected President of the Lifer's Association at SCI-Rockview. For several years, I participated and competed in the power-lifting program at Rockview where, in 2005, I was ranked 14th in the country by the USAPL. Today I reside at SCI-Houtzdale where I continue to help others, by teaching them to set goals, while working as a fitness trainer in the Activities Department.

Now, 47 years of age, I look back at the young man I no longer am. I have learned from my mistake which I hold myself accountable for. Nevertheless, I remain hopeful that someday I may be granted mercy and receive a second chance. If given that opportunity I plan to relocate to Illinois where my elderly mother and stepfather reside to take care of them and restart the family trucking business. I would also like to volunteer in helping troubled youth by teaching them not to make the same mistake I did. My key to surviving in prison and making it on the outside, is the three F's (Faith, Family, and Friends).



## Inscription of Hope

(Written on a wall at Auschwitz during the holocaust & submitted by James Smith)

I believe in the sun  
Even when it is not shining.  
And I believe in love  
Even when there is no one there.

And I believe in God  
Even when He is silent.  
I believe through any trial  
There is always a way.

But sometimes in this suffering  
And hopeless despair  
My Heart cries for shelter  
To know someone's there.  
But a voice rises within me saying,  
'hold on my child  
I'll give you strength,  
I'll give you hope,  
Just stay a little while.'

I believe in the sun  
Even when it is not shining.  
And I believe in love  
Even when there's no one there.

And I believe in God  
Even when God is silent.  
I believe through trial  
There is always a way.

May there someday be sunshine,  
May there someday be happiness,  
May there someday be love,  
May there someday be peace.

# Human Rights Coalition Report

**DBI—Justice? or Revenge?** In PA those sentenced to LIFE in prison will never see parole. Commutation Process would be the only way show transformation and redeeming qualities. In 1997 Commutation was ground to a halt. The number of lifers who've been commuted in the past 19 years has been only six. HRC ask Steve Blackburn, one of the few lifers who was commuted from LIFE in prison, a few questions about his LIFE.

## Steve Blackburn

**HRC:** Tell us about yourself?

**Mr. Blackburn:** My name is Steven Blackburn. I am currently serving Life On Parole after having my life sentence commuted by Governor Robert P. Casey in 1991. I was convicted of 1<sup>st</sup> Degree Murder in 1976 and sentenced to Life. After serving 16 years, I was paroled in June of 1992. Presently, I am a Social Worker with a non-profit human service agency. I hold a Master's Degree in Social Work from Temple University. I am married (21 years on June 25, 2015); we have 8 children from age 19 to 45; 14 grandchildren and 4 great grandchildren. I serve on a number of boards including a neighborhood CDC, a charter school, and a housing agency. I am co-founder and current President of "X-Offenders for Community Empowerment", a proactive crime prevention organization dedicated to reducing the level of crime and violence in the community and the resulting incarceration of thousands of young men and women.



Mr. & Mrs. Steve Blackburn

**HRC:** What obstacles to freedom did you incur?

**Mr. Blackburn:** It is said that every convict will say that he was innocent. However, in my case, that is the situation. My problem was having to prove it in court. It took over 12 years to exhaust all the legal remedies to gain my freedom. When all that failed, my last resort was to seek a pardon which fortunately was successful. Another obstacle to freedom was maintaining my sanity in a hostile and dangerous environment, and not falling victim to the institutional mentality in which violence was normative but which could have aborted any chance I had in regaining my freedom. The less obvious challenge to my freedom was freeing my mind from the chains of selfish materialism and self indulgence, and recognizing that for my life to have value, I would have to serve something bigger than myself.

**HRC:** How has life been as a returning citizen?

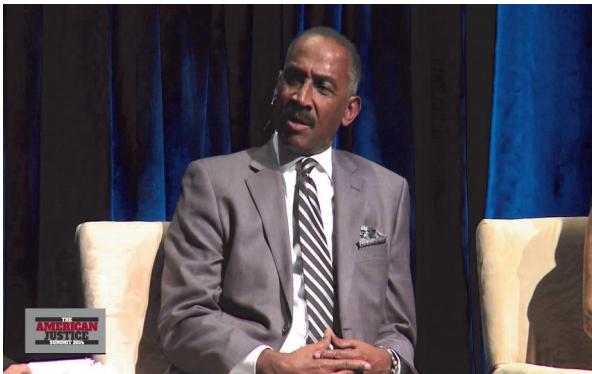
**Mr. Blackburn:** Although I am financially challenged being the sole breadwinner for a family of five with two children in college, and with my own student loans still pending, I AM THE RICHEST MAN IN THE WORLD! For a person who at one point did not know if I would ever have a life worth mentioning, I have been blessed with my first biological sons, one adopted son, three step daughters, and a very close relationship with my biological daughter who was only 4 when I was sent away. I have a beautiful and dedicated wife who has created a nurturing home life for all. Professionally, I have a very satisfying and rewarding career. In the 23 years since I was released, I have been able to touch the lives of many people that I have had the blessing to serve. I've been blessed to have been provided a vehicle to impact the lives of many on so many levels. I am still on parole and have to report regularly. This is more aggravating than anything else; I still resent having to pay a monthly supervision fee to the Board of Probation and Parole. But compared to the many men and women still suffering from a penal system that does not respect the value of human life, I count my blessings. I still am confronted with some of the collateral consequences of my felony conviction, such as being limited in where and with whom I can work in the social work field, having to constantly defend my integrity and character within a system that does not recognize growth and change in human development, and constantly worrying if my career will be aborted by some new change in policy or organizational leadership. But as I move close to retirement age, that fear is getting less and less. In the course of my work and private life, I use my personal experiences to demonstrate to those on the brink of despair that they can overcome all obstacles with faith and dedicated effort.

# Human Rights Coalition Report

## PA has 2nd-most inmates serving life without parole

BY MENSAH M. DEAN, Daily News Staff Writer

POSTED ONLINE July 22, 2014



**TYRONE WERTS** waited in the car while his four buddies walked two blocks to a North Philadelphia speakeasy to commit a robbery on the night of May 6, 1975. Werts, 23, didn't know that the robbery victim had been fatally shot until his accomplices jumped back inside the car. The District Attorney's Office offered Werts a plea bargain of eight to 20 years in prison, but he opted for a jury trial and wound up getting convicted of second-degree murder. That resulted in a mandatory life sentence without parole - the punishment in Pennsylvania state court for first- or second-degree murder. (Some first-degree-murder convictions also can draw death sentences.)

"I was young, ignorant of the law at that time, and I just could not reconcile in my mind how I could be guilty of murder, because I didn't kill anybody - right?" said Werts, now 62. "So I turned that deal down because I was under the illusion that if I went to trial, I would tell the facts of the case and I would be found guilty of less or I would be found innocent. But I was wrong."

Werts would spend 36 years in maximum-security prison before the state Pardons Board heard his appeal and recommended that his sentence be commuted. Then-Gov. Ed Rendell signed the order to free him and two other murder convicts on Dec. 30, 2010. Rendell cited the "ancillary roles" the men had played and the fact that some accomplices had more-significant roles but got lighter sentences.

The other two men also spent more than 35 years doing life without parole:

\* William Fultz, at age 22, knowingly disposed of the murder weapon used by two of his friends to kill a man in 1974.

\* Keith O. Smith, at age 19, was the lookout man during a 1974 robbery that resulted in the murder of a flower-shop owner.

The cases of Werts, Fultz and Smith give insight into why Pennsylvania has the nation's second-largest population of inmates serving life without parole, when crime statistics show that its murder rate is lower than those in 15 other states.

State Sen. Stewart Greenleaf, chairman of the Senate Judiciary Committee, said life-without-parole terms "would be appropriate for certain cases that are so egregious." In other cases depending on the facts, he said, judges should have sentencing options.

"The more tools we give the judges, the better chance justice will be done," said the Republican, whose district includes parts of Montgomery and Bucks counties.

Most inmates serving life without parole in Pennsylvania are not as fortunate as Werts, Fultz and Smith, who will be on parole for the rest of their lives. Gov. Corbett has not commuted any life sentences so far. Rendell commuted five, Mark Schweiker commuted one and Tom Ridge commuted none, according to the state Department of Corrections.

"I tell people all the time I'm a walking miracle," said Werts, who stays busy working for the Inside-Out Prison Exchange Program at Temple University and for the Defender Association of Philadelphia. In May 2013, he won an 18-month fellowship from billionaire philanthropist George Soros' Open Society Foundations to conduct outreach programs aimed at steering ex-offenders away from returning to crime. "Sometimes I still wake up in the morning and think, 'I cannot believe I'm out here!'"

The North Philly native speaks to organizations throughout the city about prison-reform issues. His work also has taken him to New York; Towson, Md., and Allentown. It's a far cry from his life before he went to prison. Turned off to school after an elementary-school teacher told him he was too dumb to be an astronomer, Werts dropped out of Simon Gratz High School in the 10th grade. He amassed an arrest record for street crimes including car theft and drug dealing. After being convicted of murder and being sent to Graterford, he started to turn things around. He earned a GED in 1977 and a bachelor's degree in general studies in 1992, and spent 20 years as president of a lifers group whose mission was to change the law so that its members one day could be eligible for parole. While he was in prison, Werts' parents and three of his eight siblings died.

Some defendants, such as "recreational killers and child-killers," should not get paroled, but others should get consideration, he said. In his case, he noted, the accomplice who masterminded the 1975 robbery-turned-murder received 10 years' probation for testifying against him and the others. "That caused me to question: Was this about the prosecutor winning - or was it about justice?"

# What's The News!

## John Legend Launches FREE AMERICA

### THE HISTORIC CULTURE CAMPAIGN AIMS TO END MASS INCARCERATION

April 13, 2015

John Legend announced the launch of FREE AMERICA, a multi-year campaign to amplify the growing movement to end mass incarceration. As part of FREE AMERICA, John Legend is embarking on a listening and learning tour across the country visiting with incarcerated individuals, law enforcement, legislators, and experts who've been thinking critically about America's prison problem. Legend's initiative, which will expand to include other artists and high-profile individuals committed to justice reform, will also seek to support and collaborate with the many pre-existing national and statewide coalitions and organizations committed to this work.

John Legend will launch his first official visit of the campaign in Austin, Texas on Thursday, April 16th, where he will be visiting and performing at a correctional facility. Following the visit to the jail, John Legend will be participating in a press conference with several state legislators and advocacy organizations to discuss how to improve the criminal justice system in the state of Texas.

"I am launching FREE AMERICA today because it is unacceptable that there are more jails in our country than colleges and universities, that

black women and girls are the fastest growing population in prison, that we are the most incarcerated nation in the world." Legend further noted, "I don't want to live in a nation that criminalizes addiction and poverty. Mass incarceration doesn't make us safer, it makes us all more vulnerable. It destroys communities, wastes precious resources, separates families, and ruins lives."



John Legend

Other tour stops during the month of April include a performance at a California state prison, speaking at the Survivors Speaks Conference, the largest gathering of victims in California, on April 20th and co-hosting a criminal justice event with POLITICO the night before the White House Correspondence Dinner on April 24th.

FROM: <http://www.ebony.com/black-listed/news-views/john-legend-launches-free-america-981#axzz3cwyS4BEj>

4/24/15

## Musician John Legend Leads panel discussion on civil rights, criminal justice

By NICK GASS

On the eve of the White House Correspondents' Dinner, lawmakers, politicos, academics and artists sat down for something different: a frank and wide-ranging discussion on civil rights and the criminal justice system.

Guests packed Washington's Long View Gallery for "An Evening with John Legend," an event hosted by POLITICO and co-moderated by Mike Allen, its chief White House correspondent, and Malika Saada Sar,

the executive director of the Human Rights Project for Girls.

Outgoing Attorney General Eric Holder was in attendance, along with House Minority Leader Nancy Pelosi (D-Calif.), Rep. Maxine Waters (D-Calif.) and others.

Panelists acknowledged the seminal moment in the country's history given the events of the past year, including the shooting of Michael Brown in Ferguson, Missouri, last August.

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**THE MOVEMENT**

[www.hrcorlition.org](http://www.hrcorlition.org)

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(Spring & Summer 2015 (ISSUE # 26 & 27)

# What's The News!

(Continued from page 71)

"We could be, if we do this well, and collectively, on the cusp of change," said Cecilia Muñoz, the director of the White House Domestic Policy Council, noting that criminal justice system reform is an "enormous priority" for President Barack Obama's final two years in office.

Legend praised bipartisan progress but said there is much more to be done. It should not just be a fiscal matter for states, he said.

"You can't cost-cut your way to better schools and pre-K for our kids and better counseling in the schools," said the award-winning musician, who last week launched his Free America Campaign, which calls for the end of mass incarceration.

But it's not just a matter of dealing with schools, he said. Communities have to be taken into account as well, he added.

"As soon as [kids] slip through the cracks," Legend said, all compassion "melts away, and we turn them into villains, we lock them up for a long time."

Also in attendance was Marc Levin, the founder of Right on Crime, a criminal justice reform initiative aimed at conservatives. Levin touted the importance of states like Georgia, whose Republican Gov. Nathan Deal has worked to reform mandatory minimum sentencing.

Bryan Stevenson, who founded the Equal Justice Initiative, said the country cannot make progress unless it confronts a narrative of "anger and fear" and of "racial difference."

"We have to bear witness," Stevenson said. "We have a system that treats

you better if you're rich and guilty than if you're poor and innocent."

Michelle Alexander, a panelist and author of "The New Jim Crow," said that "many of the old forms of discrimination of the Jim Crow era are legal again once you're labeled a felon."

Legend said he thought there would be action on the issues, but with a caveat.

"I doubt I will be satisfied," he added. Following the event, Legend serenaded the crowd with Bob Marley's "Redemption Song," along with his own hits "Ordinary People" and "All of Me."?

Read more: <http://www.politico.com/story/2015/04/john-legend-leads-panel-on-civil-rights-criminal-justice-117334.html#ixzz3cx0IMFkh>

*More than six million black women in the United States have a family member currently imprisoned.*

## New Study Shows Stunning Number of Women with Incarcerated Loved Ones in the U.S.

The Harvard Du Bois Review has just published *Racial Inequalities in Connectedness to Imprisoned Individuals in the United States*,<sup>[1]</sup> a groundbreaking new article exposing the devastating effects of mass incarceration on women in the United States.

Key Data:

- One in four women in the US has an imprisoned family member.
- More than six million black women in the US have an incarcerated relative.
- 44 percent of black women have an incarcerated family member compared to 12 percent of white women.
- There are more than 2.2 million incarcerated people in the US.

The article reports that one in four women in the United States currently has an imprisoned family member. [2] Forty-four percent of black women – or just over one in two and a half – have an incarcerated family member, compared to 12 percent of white women. Black women have over 11 times as many imprisoned family members as white women, and are more likely to be connected to multiple people in prison. More than six million black women in the United States have a family member currently imprisoned.

While the racial inequalities are striking, the number of women overall affected by the incarceration of family members and loved ones is also staggering. The study makes clear that—thanks to record rates of incarceration—women in the United States face unprecedented levels of connectedness to people in prison. With men making up 90 percent of the 2.2 million people currently incarcerated, women who have incarcerated loved ones are often left raising children, managing family finances, and facing stigma in their communities and workplaces. As a result, these women are at greater risk for a whole host of harmful health and economic outcomes, from depression to loss of em-

(Continued on page 73)

# What's The News!

(Continued from page 72)

ployment and housing to stigma and isolation in their communities.

Essie Justice Group is a new organization founded to help address some of the specific challenges facing these women.

As Anita Wills, a member of Essie Justice Group, explains, "In 2003, when my son Kerry was sentenced to 66 years in prison, I was devastated. I had to keep it together for my son and grandsons. I am now 68 years old and raising my 17-year-old grandson. This is not how I envisioned living my retirement years."

Terryon Cross, whose father is in prison, says, "I've grown up with incarceration all around me. When my son was born, I was 16 years old. I want more than anything for my four-year-old to grow up without me having to drive to prison to see and hug our family. I don't want him to think this is normal, even though it is happening all around us."

Essie founder Gina Clayton explains, "Our goal is to harness the collective power of women who have family members behind bars. We need the voices of these women in policy making spaces to help bring about change to the criminal justice system and challenge the false perceptions people carry about families who have been hardest hit by mass incarceration. That is why we are at work building a nationwide network of women who together can heal communities and push for change."

This trailblazing article sheds light on the scope of mass incarceration's effect on families and loved ones—particularly women—and alerts us to the fact that women with incarcerated loved ones have been

often ignored. It helps lay the groundwork for a better understanding of the consequences of mass imprisonment in the United States and its particularly devastating impact on women.

Clayton concludes, "I have been asking for a long time 'why we do not have these numbers?'. It seems like millions of women experiencing the same thing are rendered invisible. Rarely do we hear about the family members who are affected by mass incarceration policies. Even rarer is looking at mass incarceration through the perspective of women, as a women's rights issue. With this new and important research, we are finally able to bring awareness to this unduly overlooked group who are hard at work holding together some of our country's most critical communities."

From: [www.essiejusticegroup.org/](http://www.essiejusticegroup.org/)

MAY 8, 2015 | BY DAVE MAASS

## JPay Will No Longer Claim Ownership Over Inmate-Family Correspondence

Inmates and their families won't have to give up the intellectual property rights to their communications when they use JPay's email and video visitation services, the company announced in an email to EFF today.

EFF had written about an unfair clause in JPay's terms of service that declared that all content, whether it be text, images, or video, belonged to the company exclusively. That language has now been deleted. As JPay Head of Marketing Jade Trombetta wrote via email:

*It has recently come to our attention that there is language in our Terms of Service that impacts our customers and their families. The language states that JPay owns all content transmitted through our Email, VideoGram and Video Visitation services. Our intention was never to take ownership and profit in any way from our customers' content. That is not and has never been JPay's business and we have removed this language from our Terms of Service. From its inception, JPay has pledged to make our customers our top priority and we will continually strive to meet this pledge as best and as quickly as we can.*

No matter the intent, JPay's policy had real consequences for Valerie Buford and her brother, Leon Benson, who is currently an inmate of the Indiana Department of Corrections.

Buford has been running a social media campaign to overturn her brother's murder conviction. However, after Buford published a videogram that her brother recorded via JPay to Facebook, prison administrators cut off her access to the JPay system, sent Benson to solitary confinement, and stripped away some of his earned "good time." To justify the discipline, prison officials said they were enforcing JPay's intellectual property rights and terms of service. Represented by the ACLU of Indiana, Buford is now suing the corrections department for violating her First Amendment rights.

JPay did the right thing by changing its terms of service. To honor their pledge to their customers, we hope they will go one step further and pressure prison officials not to censor inmates who use their service to communicate with their friends and family over social media.

## say what? . . . speak up! / writings of multiplicity

February 26, 2015

To: Ms. Pearson, CHCA (Medical Dept.)

From: Alfonzo Salley, CC-6796

I am prompted by my experience with the Disability Gym to contact you, because the same inmate (Omar Sistrunk AF-0814) is once again taking the same initiative as he previously done with me, to assist another inmate who without his walker is unable to walk. However with my condition I was wheelchair bound for seventeen years before Omar started utilizing Pilates as a means to manipulate my limbs to assist in removing as much as possible corrosion that he said accumulated in my body because of the lack of activity. Furthermore, it was less than ninety (90) days I started walking, jogging and weight lifting and I am currently gainfully employed in the kitchen.

Another inmate (Michael Natale) who like Omar works for the Activity Department is also working on another disabled inmate. Therein, judges are warrant for these two guys who have taken on this tedious task of helping others on their own validity.

It is my contention that these two inmates are definitely deserving of some form of a gesture from the Medical Department.

\*\*\*\*\*

## **Salutations Comrades,**

I write to inform you of my recent victory over this oppressive establishment and corrupt administration. An attempt was made to cover up and hide the victory of the comrades at SCI-Coal Township by confiscating the Winter 2014, Issue #25, of The Movement. I appealed to the final stage and won my appeal.

When I first entered the system I had no faith or confidence in the system or the process employed that were supposed to assist inmates in seeking justice. Yet here is evidence that, *at times*, it works. I still do not trust the process but I do believe in at least giving the process a shot before resorting to other methods. My advice - CHALLENGE INJUSTICE AT EVERY LEVEL.

RESPECT LOVE & HONOR

Angel Irizarry, EM8798

**THE MOVEMENT**

[www.hrcorlition.org](http://www.hrcorlition.org)

## **Tensions Ease Day After Incident at SCI-Houtzdale**

Friday, May 1 2015, By: Deven Clarke HOUTZDALE, Pa.

Tensions continue to ease at the state prison in Houtzdale – a big change from Tuesday when a prison brawl sent five prison guards to the hospital. Authorities said the problem started with a fight between two inmates, but things got even worse when prison guards got injured and other inmates wouldn't listen to orders.

We're learning that the guards are expected to be OK, and the inmates have been put in their place.

But for a while things were scary at SCI Houtzdale Tuesday afternoon starting at 2:30 p.m. The brawl, which correctional facility officials said was at first isolated between two inmates, sparked a series of events that injured five correction officers. One of the guards was flown to a nearby hospital. The other four injured were also hospitalized, and after all of this went on, remaining guards were unable to get a number of inmates back into their cells.

We're learning that all of the inmates eventually returned to their cells peacefully after being escorted one by one, but an inmate lockdown for all 2,500 inmates housed at the central Pennsylvania state correctional institution is still in place.

As for the guards, 6 News was told the one that was life-flighted and another man remain in the hospital. The others have been released, but all five are expected to be OK.

On Wednesday, we spoke with the deputy press secretary for the Department of Corrections Sue Bensinger about the incident. "Once all the inmates were secured in their housing units, the institution had been completely locked down, and by that I mean the inmates will remain in their cells," Bensinger said. "With the exception of medical, they will be fed in place and will remain in place. So that situation will not occur, we know it will take place for more than few days."

We're told the lockdown could go on for up to a week or more while guards search each inmate's cell for any contraband. There's no word on what started the incident.

**More . . .**

*(Continued on page 75)*

## say what? . . . speak up! / writings of multiplicity

(Continued from page 74)

### Houtzdale Incident - The Aftermath:

#### *Investigations, Interrogations, Seek-Out and Transfer*

By: Houtzdale Prisoner

The following day, after the "riot", at six in the morning fresh Correctional Emergency Response Team (C.E.R.T.) members raided our cells starting on D-Block. They claimed they were watching the video tape from the camera in the yard to confirm who was involved.

To my knowledge the first accused that was rounded up was from D-Block. The block they shook down first. Some of the accused refused to come out of their cells and made the C.E.R.T. force them out. Dozens of people were called up to the Internal Security Department to be questioned. This included the P.N. Some of these individuals weren't even in the yard at the time and had solid alibis.

The media continue to inform the population in society of the status of the institution for the next week. In the exceeding two days, the administration snuffed out at least 45 prisoners and transferred them to well-known grind-up facilities where they will be mistreated and/or tortured.

About half of them didn't have anything to do with the assault nor were they even in the area at the time of the incident. For the following week supposedly "professional" guards were angry at all of us and only fed us and delivered toilet paper and sometimes jail soap. The whole prison remained on full lock-down for the next week.

Then north side began to move to the chow hall one tier at time, and finally to the yard. After a week in a half they experimented with south side the same way. Only one block at a time went to the yard. While we walked to the yard and chow hall, Lieutenants, Sergeants, and regular officers lined up in formation on the side of the walk way.

We constantly overheard the guards state that there was

more guys involved that they could not identify still in population. The prison would stay on semi-lock down status for the next 3 weeks.

Last but not least those accused were said to have been charged with attempted murder charges (five counts) including inciting a riot.

\*\*\*\*\*

### Don't Waste Time

*What does time means to you? Why do you think time was created? Below, you'll get an opinion of what does wasting time mean and how to productively use time from the view point of an ambitious youngster. His name: Teddy Mundy*

Most people, when raised, were taught and structured around time. As a baby time was nowhere in existence in our brain. Well was it? How far back can you remember when you started knowing time? I'm positive you didn't start using time until the moment you learned numbers. Then as you got older and understood how to apply a schedule to your daily living, that's when time just became a part of your mental, an automatic knowing of an organized lifestyle.

Most individuals weren't taught how to use their time the way they wanted to; they were placed in a systematic set up such as schools, churches and work. Today, based on my observation, far too many black youth have no sense of time. They are being too distracted by the worldly things out here in society. Peers have a huge influence on what you choose to do with your time on a daily. Social media has a huge impact on youth, especially when they have idol time on their hands. They say an idol mind is the devils workshop. When someone has idol time they risk doing things without thinking it through.

When you are time oriented you tend to plan and organize what you do. When you plan what you do, your life will eventually have a constant flow of events that "you" create. Why? Because you invested your time! You only get what you put out, so if you invest your time wisely and create goals you will surely achieve them one by one. But if you choose to not structure your time - time waits for no man. When idol time is on your hands it leaves the door open for anything to take place. Things may pop up and of course you're not doing anything so you go on and indulge in activities that may not be in your best of interest. For example, a friend comes and asks for you to tag along, for their own intentions, of course leaving you in the blind, and

(Continued on page 76)

## say what? . . . speak up! / writings of multiplicity

(Continued from page 75)

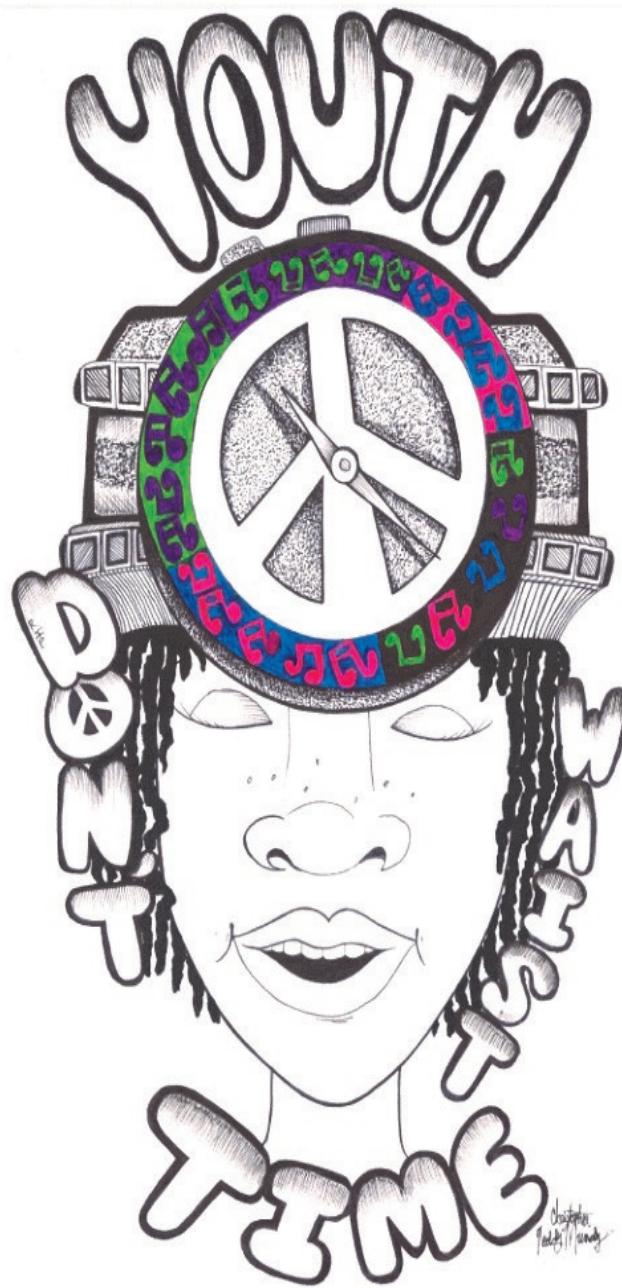
now you get stuck into a situation where it could cost you your life or freedom behind bars. Prison or the County jail is another form of time. You have the choice again to do that time wisely, or choose to waste it and be released back to the same mind set you left off at.

There are consequences when you choose to ignore time and there are rewards. It's up to you. Do you want rewards or consequences? It's complicated to understand how to use time wisely when you're never taught how. In schools now, they don't focus too much on time management, but they'll stack you up with work, probably not of your profession, to take your time away from you. Parents may or may not speak about time; but on average most Black parents probably don't.

Money also is linked to time to, if you get the options to learn how to use time wisely, the more money you pay the better education you get about time , but those unfortunate they don't get the option and they are programmed how to use their time.

In our society people are competing against each other. They become too busy at what they do and lose their sense of time. They began to live off other people's schedules. People don't quite comprehend that they have the ability to run their own program. They get too distracted by things that are irrelevant and take up most of their time. Some individuals don't have the proper life setting to keep track and control their time. For example, having no shelter leaves an individual discombobulated, they are always looking for ways to survive and can never keep their lifestyle steady. They tend to be all over the place and time works against them. But then there are individuals who have the will power to learn how to structure their life and use time how it is, positively, supposed to be used.

Time is a very emotional topic to talk about in life. Most people get to a certain age before they know it, and it haunts them to know that they didn't do nothing with their time. It's very important that while you can to actually take action and use time as best as you can, don't let it fly by, and waste it. Youngsters out there reading this, take advantage of these numbers. It's very important so when you do get up in age you can look back and see how much you've accomplished in



Art By: Christopher (Teddy) Mundy,  
2307 W. 6th Street, Los Angeles, CA 90057

# The Babylon System -

**Bab.y.lon** - noun, Etymology: Babylon, ancient city of Babylonia, 14th century, a city devoted to materialism and sensual pleasure, many liken Babylon to the United States, see Revelations 17-18.

*If any prisoner, family member, or community activist would like to submit an article that is critical of the state and county prison systems, courts, D.A. offices, police, capitalist corporate America, and the government, just forward your article to the HRC's Newsletter Department for possible printing.*

## America's Guilt Mill

*Thousands of Americans, many of them poor, are wrongfully convicted each year for crimes that don't make headlines. While innocence advocates focus on lifers, those falsely accused of lesser crimes are the overlooked casualties of our overburdened courts.*

February 9, 2015

By David J. Krajicek

### Part II of III (Part I found in Issue #26)

#### Case Clearance a Priority

Courts work hard to equalize the incoming and outgoing cases—to resolve today's crimes and infractions to make way for tomorrow's. The National Center for State Courts (NCSC) recommends that 75 percent of felony cases be disposed of within 90 days and 98 percent within a year. For misdemeanors, NCSC suggests clearance of 75 percent of cases within 60 days and 98 percent in six months, and for traffic cases 75 percent in 60 days and 98 percent in 90 days. Most states achieve 100 percent clearance. Illinois, for example, had 395,829 "incoming" criminal cases and 400,260 "outgoing" cases in 2012.

But some states lagged. California had an 86 percent criminal case clearance rate in 2012, with new cases outnumbering resolved cases by more than 200,000. West Virginia cleared just 76 percent, with 123,000 incoming and 94,000 outgoing cases. The lowest clearance rates were in Georgia (71 percent) and Hawaii (55 percent).

Courts use plea bargains to help equalize inboxes and outboxes. And experts say the use of enticements to wheedle admissions of guilt out of the accused makes the plea bargain process a lodestone for wrongful convictions. Ninety-seven percent of cases in federal court and about 95 percent in state court are resolved through negotiated pleas.

"To a large extent this kind of horse trading determines who goes to jail and for how long," Harvard Law School's William Stuntz and Robert Scott wrote in an authoritative 1992 journal article. "That is what plea bargaining is. It is not some adjunct to the criminal justice system; it is the criminal justice system."

Why would someone plead guilty to a crime they didn't commit? Low expectations is one answer. In 2013, the Sentencing Project reported that one in three black American males born today can expect to go to prison in his lifetime.



Allison Redlich

"I think you see a lot of pleas by people who have had previous contact with the criminal justice system, and maybe it didn't turn out well for them," says Zalman. "Maybe they've had a brother or an uncle who was locked up. Maybe they say, 'I'm branded already so I'm screwed one way or the other. I'll take the better of two bad options.'"

Many accused criminals are "lost in a whirlwind," says Albany's Redlich, a leading researcher on plea bargains. An indigent defendant typically meets his public defender, if he has one at all, just moments before he steps into court. Of-

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ten, the defender has worked out a deal with the prosecutor: little or no jail time for a guilty plea. He recommends that the offender accept the offer, and most grab it.

The New York Civil Liberties Association explored this meet ‘em-and-plead ‘em convention in a September 2014 report, “State of Injustice.” It said that one in three poor criminal defendants in Onondaga County, N.Y., never meet their appointed defender before court. In several New York counties, criminal defendants routinely appear at arraignment without an attorney. Anecdotal evidence suggests this is how business is done in many American courtrooms.

Mark Denbeaux, a Seton Hall law professor who has studied plea bargains, suggests that those accused of routine street offenses—fistfights, shoplifting, prostitution, and even traffic infractions—are keenly susceptible to the “overwhelming temptation” to accept a plea deal to get out of jail, even if they are innocent.

Local lockups overflow with this class of offender. In 2013, American law enforcers arrested 1.1 million people for simple assault, 468,000 for disorderly conduct, 444,000 for drunkenness, 355,000 for other liquor law violations, 201,000 for vandalism, 93,000 for receiving or possessing stolen property, 56,000 for loitering or curfew violations, 49,000 for prostitution and 26,000 for vagrancy.

In a March 2013 report, the Drug Policy Alliance described a bail crisis among indigent accused petty criminals in New Jersey, where four out of 10 county jail inmates were locked up because they were unable to post even nominal cash bails. Most were blacks or Latinos, and half of were charged with nonviolent offenses. Unable to make bail, many accept the Hobson’s choice of pleading guilty to gain freedom.

“The functional effect,” according to Alexander Shalom, senior staff attorney of the American Civil Liberties Union of New Jersey, “is that it extracts guilty pleas from innocent people on a routine basis.” (In November 2014, New Jersey voters approved bail reforms for indigent defendants, though the changes won’t take place until 2017.) These defendants see expeditiousness as more urgent than justice. Redlich says, “You have to ask whether these people were really rational actors when they accepted the plea, or were they making a decision based on some sort of cost-benefit analysis?”

Of course, the short-term benefit comes with long-term costs for those who later claim innocence. The criminal justice system does not embrace conviction challenges, and it is particularly unyielding to those who have a change of heart after a guilty plea. The ramifications can also include impediments to employment and sentencing add-ons for those later convicted of new crimes.

### **Shortcuts Lead to Errors**

The arm-twisting of plea bargains is the marrow of what Zalman calls our “sloppy” system of justice.

“If you look at any system that’s under a lot of pressure to produce outcomes, you get these little shortcuts and work-arounds that people create to hurry the process,” says James Doyle, a Boston attorney and former National Institute of Justice visiting fellow. “Then these shortcuts become the new normal.”

Doyle and other justice theorists are guided by the research of several scholars who work outside of crime. These include Lucian Leape and Donald Berwick, medical doctors who in 1999 began a campaign to urge their profession to act on the growing incidence of systematic errors. Atul Gawande, a Boston surgeon, writer and public health researcher, helped expose to the public the failures that afflict modern hospitals, from bacterial outbreaks to a surgical blunder that borrows a label from criminal justice: wrongful amputation. These doctors built upon the work of sociologist Diane Vaughn, who investigated the 1986 space shuttle disaster in her 1997 book, *The Challenger Launch Decision: Risky Technology, Culture, and Deviance*.

Vaughn blamed the shuttle explosion not on overt misconduct but on a series of bad decisions that snowballed. A phrase she used to describe that string of miscalculations has become part of the criminal justice reformer’s canon.

“It’s the most elegant statement we’ve ever seen to describe why those astronauts died, and it resonates in just about every wrongful conviction case you will find,” says C. Ronald Huff, a retired Ohio State University criminologist and

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early wrongful conviction scholar. “She called it ‘an incremental descent into poor judgment.’” Vaughn’s analysis made the Challenger disaster seem inevitable—not aberrative. Boston’s Doyle calls it the “normalization of deviance.”

In “Mending Justice,” a September 2014 publication that was part of the National Institute of Justice’s Sentinel Events Initiative, Doyle explained how certain events signal systemic problems in complicated bureaucracies like criminal justice.

*A sentinel event in the criminal justice system warns us of threats to justice, and it calls us to act. It is a significant, unexpected negative outcome that signals a possible weakness in the system or process. Sentinel events are likely the result of compounded errors and — if properly analyzed and addressed — may provide important keys to strengthening the system and preventing future adverse events or outcomes.*

Sentinel errors leading to wrongful convictions have many facets, Doyle says. “Most of the time you can’t blame it on a single cause,” he says. “When things go wrong, it’s an organizational accident. Criminal justice is this vast, fragmented, complex ecosystem, and everyone in the system feels the pressure to produce—cops, DAs, judges...And there’s fresh pressure every day. Cops have today’s cases to worry about, so they don’t have time to go back and look at the old ones for errors.”

### ‘Testi-Lying’

Those implicated in an unjust outcome manage to conjure an excuse or rationalization for how and why, Doyle says. That includes bad actors like Louis Scarcella, a former New York City homicide detective under investigation for allegedly framing numerous defendants in his deep portfolio of cases from the 1980s and 1990s.

“Even in an outlandish case like Scarcella, you have to ask yourself what was it in his work environment that made this seem like a good idea to him at the time,” says Doyle. “This guy had his reasons for what he did. They all do.”

Defense Attorney Alan Dershowitz has long assailed the police lies, both petty and grand, that become foundational to prosecutions. In a newspaper commentary 20 years ago, he wrote that testi-lying “has long been an open secret among prosecutors, defense lawyers, and judges.”

In the same era, Christopher Slobogin, now director of criminal justice at Vanderbilt’s Law School, published a damning article suggesting that lies are knit through our justice system. He wrote:

*The pressure to lie comes at the police from all sides. Peers routinely engage in deceit, supervisors stress quotas, and the public wants criminals behind bars without having to hear too much about how they got there. The criminals themselves lie all the time, and the police naturally enough would prefer to see them incarcerated rather than out on the street two weeks after they are arrested...Police lying is not always a calculated assault on our Fourth, Fifth, and Sixth Amendment rights. For instance, at the time they engage in a search or a seizure police usually believe, in good faith, that they have the goods on the suspect. But when they truthfully explain themselves to a judge, they often find that their suspicion, based on experience and gut feeling, was an unconstitutional “hunch.”*

Lying almost certainly is a byproduct of the disillusionment that is pervasive among cops and others who work in criminal justice. “The first thing you’re dealing with is cynicism,” says Christine Freeman, executive director of the Middle District of Alabama Federal Defender Program. “Everyone who works in courthouses has a deep cynicism about the clientele they are dealing with. There is an assumption that they must be guilty of something; if they didn’t do this, they probably did something else.”

This presumption of guilt is a billboard factor in a justice system “defined by error,” says Bryan Stevenson, executive director of the Equal Justice Initiative, a nonprofit legal advocacy organization in Montgomery, Ala. “We have this very simplified world view, where there are good guys and there are bad guys,” Stevenson says. “A victim is good. Someone accused of committing a crime is bad. The people trying to punish him are good. The people trying to defend him are bad.”

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"Part of this us-vs.-them dynamic is that we start to see accused criminals not as individuals but as entities, in a sense," says Sara Sun Beale, a Duke University law professor who teaches criminal justice policy. "They are not really people. They are merely perps."

During her long career as a public defender, Freeman says, she has learned that her peers are as susceptible to jading as cops and prosecutors. "The thing that we're all afraid of is that we've got an innocent client and our own cynicism keeps us from seeing that—from turning over that last rock that might prove it," she says.

### **Stolen Stamps and an Eager FBI Agent**

An FBI agent's guilty-of-something cynicism helped paved the path to a wrongful conviction for Rachel Alaffa Jernigan.

Her life was in a spiral in 2000. At 31, she was a mother of four young children. She was also a crack addict. She had grown up in the Phoenix area in a big Latino family—10 children supported by a truck-driver father. Drug problems took hold when Jernigan was young, and she was jailed several times for narcotics and theft offenses.

In September 2000, she grabbed a few panes of stamps from a rack at a local Post Office and ran out the door. A postal employee recorded the tag number of her car. She learned that she was wanted for questioning but tried to stay on the down-low.

"The smart thing would have been for me to just deal with it," she told me. "But I didn't want to get locked up again."

At the same time, Special Agent Kyle Richard, the bank robbery coordinator for the FBI's Phoenix Division, was investigating a stickup by an unusual perpetrator. On September 20, 2000, a petite Hispanic woman with a dark, blemished complexion robbed a Bank of America branch on East Guadalupe Road in Gilbert, in the Southeast Valley near Phoenix.

She showed a handgun and passed a scribbled note to teller Elizabeth Chlupsa: "Don't make a big scene, give me all your money, don't give me any dye packs or tracking devices and don't press the alarm or else I will shoot."

Jernigan was a diminutive Latina, and a postal inspector suggested to Agent Richard that his stamp-theft suspect might be the bank robber. Richard latched on to Jernigan as a suspect—the investigative tunnel vision that contributes to many wrongful convictions.

"That's all he had to hear from the postal inspector," Jernigan says. "He took my name and just ran with it."

Agent Richard and a Gilbert police detective, Pamela Brock, created a standard six-pack photo lineup for bank clerk Chlupsa. She pointed to Rachel Jernigan's picture. "I really feel confident," Chlupsa said.

Indicted for bank robbery, Jernigan continued to hide. "My family said, 'Turn yourself in,' she says. "But I knew what was going to happen. I had a record. I said, 'They're gonna hang me for something I didn't do.' And I was right."

On the day Jernigan was indicted, October 11, while she was still on the lam, a bank in Tempe was robbed by the same Hispanic woman. She hit another bank in Chandler, Jernigan's hometown, on October 25. Jernigan was finally arrested on November 10. She was held in jail, unable to afford bail. As her case began moving through the system, she faced the usual carrot-and-stick offer: plead guilty and get a lenient sentence, or fight the charges and face 27 years in prison if convicted.

Jernigan chose to fight.

Agent Richard showed the six-pack photo lineup to bank employees from the two October robberies, and he secured nearly unanimous identifications of Jernigan as the perpetrator. She was charged with two additional federal counts of bank robbery—a larger Sword of Damocles to induce a guilty plea. But Rachel Jernigan would not budge.

The case against Jernigan soon developed unmistakable "sentinel" problems, to use James Doyle's term. On November 28, while Jernigan was locked up, another Gilbert bank was robbed by a short Latina. The bank was directly across the street from the Bank of America branch that Jernigan was accused of robbing on September 20. Two days

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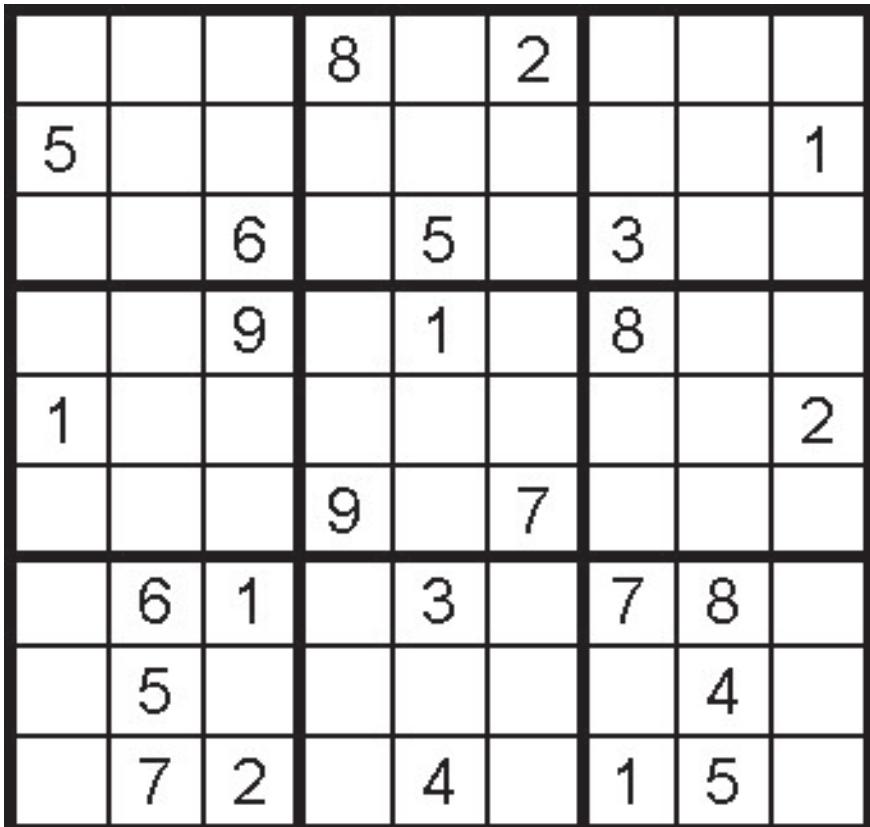
later, on November 30, a robber of the same description held up a bank in Mesa, another Southeast Valley city. That robber fled in a dark Toyota SUV, the same getaway vehicle used in the October 11 robbery in Tempe.

Agent Richard now had a serial collection of five bank robberies likely committed by the same person, unless he believed that two short Latinas driving matching Toyota SUVs were independently pulling stickups in the Phoenix area. He knew Jernigan could not have committed the last two in the series because she was locked up. He also knew that the getaway vehicle connected the second and fifth robberies. The prosecutor did not share these conflicting details with Jernigan's defense attorney, a so-called Brady violation of constitutional due process protocols for disclosure of exculpatory evidence, another wrongful conviction beacon.

She went on trial on March 21, 2001, for just one robbery, the September 20 Bank of America job in Gilbert. (The prosecutor asked to separate the two October stickups for later prosecution, apparently fearing disclosure of the messy exculpatory details.) Elizabeth Chlupsa and other bank employees identified Jernigan as the robber, and she was convicted and sentenced to 14 years by Judge Earl Carroll. It could have been worse: the sentence was lenient, a "downward departure" from the federal guidelines. Perhaps the judge sensed something amiss. Two months later, the government dropped the other charges against Jernigan.

**Due to the length of the above report, Part III of III, America's Guilt Mill, will be printed in the next issue of The Movement. Please note that this report has been edited for fit.**

**Full report may be found at: [www.thecrimereport.org/news/inside-criminal-justice/2015-02-americas-guilt-mill](http://www.thecrimereport.org/news/inside-criminal-justice/2015-02-americas-guilt-mill)**



Sudoku #1 (Hard)

Sudoku is easy to play and the rules are simple. Fill in the blanks so that each row, each column, and each of the nine 3x3 grids contain one instance of each of the numbers 1 through 9.

See page 51 for answers.

# I Can't Breathe

By: Asafo Chuma Asafo (7)

I CAN'T BREATHE

within the biased confines  
of police-state policies  
eleven times — ignored cries  
until an illegal chokehold  
silence me

I CAN'T BREATHE

asphyxiated  
by mass incarceration  
fixated  
on eradicating access  
to public education

I CAN'T BREATHE

beneath the weight  
of state-sanctioned hatred  
unleashed unabated  
onto a forsaken generation

I CAN'T BREATHE

pepper sprayed & handcuffed  
hands up in Ferguson  
no weapon displayed — not enough  
man down — a murdered son

I CAN'T BREATHE

choking on the smoke & mirrors  
of corporate-controlled  
tell-lie-vision  
promoting notions of hope & fairness  
in co-opted grand jury decisions

I CAN'T BREATHE

muzzled, incommunicado  
wondering what Obama would say  
about prison hunger strikes  
& struggles  
from call to ADX Colorado  
& Guantanamo Bay

I CAN'T BREATHE

swallowed into the jaws  
of extra judicial madness  
& water board tortures  
shrouded under laws  
enacted to suppress  
the much less fortunate

I CAN'T BREATHE

en-trapped  
within the narrow margins  
of democracy's hypocrisies  
& probable cause liabilities  
pushed back  
into the shadows of "harmless"  
color-blind fallacies  
& plausible deniability

I CAN'T BREATHE

12-years a child  
smothered by guile  
toy guns & lost lives  
covered by lies,  
foisted tongues & racial profiles

I CAN'T BREATHE

because my dark hue  
causes a re-public nuisance  
arousing the ire of the agents  
of empire  
and their collaborative stooges  
publicly lynched until I expire  
by police palms fashioned like nooses  
for the "high" crimes  
of bartering black-market loosies

I CAN'T BREATHE

IN AMERIKKA!!!