

GRATERFRIENDS

A Publication of The Pennsylvania Prison Society

Promoting a humane, just and constructive correctional system and a rational approach to criminal justice since 1787

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Fall 2017

The Illusion of Justice: Welcome to the Show That Never Ends

By Jules Jette, EW-4679, SCI Houtzdale

The movies, dramatic sitcoms, and reality shows portraying criminal justice investigations and trials feed society an illusion with their fictitious narratives.

Realistically, there is rarely an impartial investigation by either the police or the prosecutor's office, let alone an impartial trial. Consequently, there is never a just ending.

A few days – 48 hours, we will have a culprit.

Moreover, we never make mistakes, even when we are wrong – we are right. Millions are incarcerated and very few have proven us wrong. How can anyone question the justice system's accuracy?

States expend infinite resources making the justice system appear to society that it functions fairly, impartially, and flawlessly.

The misinterpretation is discovered only when you are unlucky enough –rightfully or wrongfully—to be caught in the intricate web that is the justice system.

From day one of the arrest, or the accusation drawing you into the judicial nightmare, the burden immediately shifts.

It is no longer “innocent until proven guilty,” as society is misled to believe. It is “guilty until you are proven innocent.”

(See The Illusion of Justice, continued on page 10)

Liberated Back into the Community

By Muti A. Ajamu-Osagboro, AM-6021, SCI Rockview

Landing back into the community is no accidental choice of words.

Navigating the systemically corrupt Philly court system can only be like returning from Mars, a place where the human laws of earth simply do not apply.

I was born and raised in the warm bosom of the Richard Allen projects, and not only was I falsely prosecuted as a child, but I am innocent with the evidence to prove it.

I was a child, not a juvenile. As I have often pointed out, the word juvenile is a sophistic white supremacist, legal euphemism for “n*gger child.”

Codified anti-black/brown hatred of children of color used to rob us of our childhood. As I always say, to de-childize us.

The phrase death-by-incarceration fully expresses both the gravity and depths of hatred white supremacy has for black, brown, or poor white people in general.

(See Liberated, continued on page 10)

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From the Editor

We're delighted to bring you the fall edition of Graterfriends. This summer we have focused our efforts in getting out the word about what the Prison Society. If we have made a difference in your life, let us know, we want to hear your story!

In early September when we were one of 15 organizations invited to set-up a table at the Made in America music festival in Philadelphia which is curated by Jay-Z.

The centerpiece of the exhibit we set up was a canvas where festival-goers could write the names of incarcerated friends and loved ones. It was a popular attraction.

While preparing for the festival, we redesigned our logo to better reflect what we do — provide support to inmates and their families through volunteer visits, buses from Philadelphia to the SCIs and Graterfriends.

Sincerely,

Claire



Spotlight

SORNA Cannot Be Applied Retroactively

By Robert Cicchinelli

In their decision in *Commonwealth v. Muniz*, 47 MAP 2017, A.3d (Pa., July 19, 2017), the Pennsylvania Supreme Court found SORNA to be punitive. Therefore, they held, SORNA's provisions cannot be applied retroactively to those whose original crimes predated December 20, 2012.

Jose Muniz committed his crime while Megan's Law III was in effect. By the time he was sentenced, SORNA has been enacted and he was subject to enhanced registration under the Tier system. He appealed all the way to the Supreme Court, where he was joined by many amici who argued that SORNA had become so broad and so burdensome to reach the point of being punitive.

If you are currently serving a sentence for violating SORNA or Megan's Law, your sentence may be illegal and could be vacated. You must meet both of the following criteria:

(See SORNA, continued on page 11)

GRATERFRIENDS

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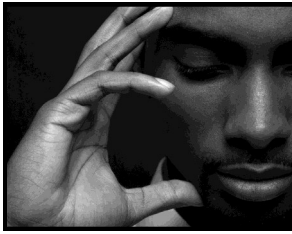
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We reserve the right to edit submissions. Original submissions **will not** be returned. We **will not** print anonymous letters. Allegations of misconduct **must** be documented and statistics should be supported by sources. Letters more than a page in length (200 words) **will not** be published in their entirety in Mailroom or Legal Chat, and may be considered for another column. All columns should be no more than 500 words, or two double-spaced pages.

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If you have a question about Graterfriends, please contact Emily Cashell, Executive Assistant at 215-564-4775 x116 or ecashell@prisonsociety.org



Think About It

Time = Love; A Simple Way To Reach the Forgotten With Christ's Love

By Phillip Bailey, BB-9184, DVI Tracy, CA

Our lives are often consumed in daily routines that keep us constantly busy. The days, months, and years relentlessly march on as we look back and wonder where it all went. Many of us have friends, families, co-workers and church groups that keep us fully occupied. It seems that everyone close to us is vying for our time and unfortunately, as time goes on we have less and less of it to give.

When someone from our inner circle is struggling in their faith, having family problems, fighting temptations, or dealing with grief; we have no problem showing our love and support by taking the time to reach out and help.

We may do this in many ways by offering kind words, giving advice, engaging in Bible study together, or even sharing a prayer. More often than not, it's the small, simple things in life that end up meaning the most to those around us. Besides the obvious failings of our criminal justice system, I think the thing that is lacking most is the message of hope. Will you help fill that void this month and spare some of the time that I was referring to earlier?

I would like to urge each one of you to send a letter consisting of a prayer, a copy of your favorite scripture, or even an encouraging story. Anything that you deem as appropriate and uplifting. It is easy to find an inmate locator on the internet for whichever state you choose. It will give you names, ID numbers, addresses and in most cases, photos. (Talk about a captive audience!)

All joking aside, to someone who is incarcerated, a simple letter can mean the world. It says to that person, "Someone who doesn't even know me took the time to do this."

It is a message that goes to show that there is still love and hope in the world. You have the power to change the course of a person's life you do not even know.

I want to thank you for taking the time to consider my plea. Tonight, while you are at home reading this, I will be one of the unfortunate 2.3 million who cannot.

Justice in Education for Inmates

By John Richardson, LS-7185, SCI Houtzdale

My name is John Richardson. I am currently enrolled in the ACSD (Adult Commonwealth Secondary Diploma) Program in school. I have been in school now for over two years and I am Native American.

The education department here keeps taking credits that I have earned. You need 15 credits to graduate; three in math, three in science, three in social studies, one in health, and one other in a class on how to be smart with money. I started with no credits, but earned some through the TABE test, only to have them taken away from me.

Later, I pulled two credits in the communication department only to have them pulled for a third time. They waited until now (7/18/17) to tell me, knowing that I was going to be done by the end of August and would graduate on the 13th of September.

For thousands of years my people have been getting screwed and even until this day we still are. They say here that we can be written up for lying to staff, but they lie to us all the time.





Our Voices

Fossilsandfeathers.org

By Robert Pezzeca, DX-1148, SCI Dallas

Have you heard of this new website solely for PA lifers? If not, have your family and friends go online and check it out. We started this because a friend of mine wanted to do something to help lifers and show the PA politicians that many of us are worthy and deserving of a second chance.

On July 25th, I spoke to Carolyn Woodall at State Representative Jason Dawkin's office. She assured me that their office would be reading every lifer's story on our website.

These are the rules for the site: It is not here for you to claim your innocence, we have researched various internet polls and society does not believe that there are innocent people in here.

This site is not to look for legal assistance, it is not to find a pen pal, and it is not to explain your legal/courtroom issues. It has one single purpose and that is to show the politicians that we can change.

We have changed.

Write your own autobiography, tell us how you grew up, if you had a hard life, single parent, drug addictions, but most importantly tell us how you ended up where you are right now.

You do not need to speak of your crime, we are just trying to share your personal transformation. Write your story, four pages maximum, and please type it if possible — neat print will be fine, as well. Include a photograph, even a family photo from the visiting room if possible.

Show off the loved ones who show support towards you. By the time your story is published, it will have already been connected on this site to every State Representative in PA. I am trying to get Fight 4 Lifers or CADBI to assist me with this but until I get an outside liaison.

The only way to get your story on this site is to have your people email: fossilsandfeathers@gmail.com.

Tell us how you have changed and what kind of accomplishments you have made since being incarcerated.

We, the men and women lifers, are the forgotten people of this state.

We all need to socialize the best we can with the politicians who make our laws. That is the only way we will get out of here. Get your story and photo on the site. If we do not work together, we will never accomplish our goals.

PAROLE FOR ALL LIFERS.

Please remember that any submissions we receive will NOT be published without expressed permission to print and a note stating that you are the original author.

If we receive a submission without either of these two requirements, we will not print it.

Submissions will not be returned.

Thank you.

In Loving Memory of My Mom, Beverly Brown

By Robert Pezzeca, DX-1148, SCI Dallas

Twenty-four hours ago, I learned from a Lieutenant that my mother had died of cancer. I had just spoken to her 48 hours before that. She had been fighting through illnesses for a few years, but when her leukemia returned in 2014, she lost her fight.

The last few months, as her treatments began to fail, my mom spent a lot of her time sleeping and in pain. She also spent a lot of time fighting for lifers. She was a tireless advocate for lifers. My mom called every politician's office, begging them to support HB135. Although she physically could not do much because the cancer ate away at her body, she could lay in her hospital bed at home and make as many phone calls as she wanted. She said the same thing to all of them when she called, "Please support HB135, there are people dying in prison who deserve a second chance."

To each and every lifer, we need to make a unified effort to talk to these politicians, get at least one or two-family members to call their office, and ask to speak to a specific representative. My mother knew parole for all lifers is a long way off but she had hope. I want to use my mom's memory to re-instill hope in all lifers. I have not slept in about 30 hours, but as I lay here, I remember my wonderful mother who never judged me or turned her back on me. She fought not just for me when she called the politicians, but she fought for all of us lifers.

I spoke to CADBI and there is a rally to support lifers and HB135 in Harrisburg scheduled for October 25, 2017. Please feel free to call CADBI for more details at (267) 606-0324.

My mom, Beverly Brown, did not give up and she fought until the very end of her life. I want to be like my mom and I will continue to fight until the end or until all lifers get the second chance that we deserve.

Editor's Note: CADBI (Coalition to Abolish Death By Incarceration).

Scabies Scare

By James R. Cruz, CL-1798, SCI Fayette

In mid-August, I was given a celly right out of the RHU. Not long after he moved in, he went on sick call due to a case of Scabies. While I was on the grounds crew, I was told to shut down the mower, return to my cell, remove all my linens and clothes and go to medical.

I was given a clean slate but was given six pills as a precaution and told to put on clean clothes. I was then told that the same celly would return to my cell that evening. He did return and I was pissed as the institution should have kept him in isolation until they knew for sure that he would not spread the Scabies.

They did not allow me to get a new mattress or pillow or to disinfect the cell but I did scrub what I could with soap and water. I am glad that I was not infected and got a new celly the next day but nobody should be exposed to individuals known to have Scabies.

So, if you are itching and scratching, you might want to get yourself checked out by medical professionals.

Editor's Note: Scabies is caused by a bite from a bug that is so small that you cannot see it on the skin. When the skin reacts to the mite, an extremely itchy rash develops. This mite can travel from the infected person to another person. Most people get scabies from direct, skin-to-skin contact. Less often, people pick up mites from infested items such as bedding, clothes, and furniture. The mite can survive for about three to four days without being on a human. Fortunately, it is easy to diagnose and treat (see your Medical Department).



Mailroom

Thieves

By David Flood, BM-7392, SCI Dallas

Recently, the CERT team from the DOC locked down Dallas and got away with stealing a lot of property from inmates. The CERT team came into housing units and made each inmate stand against the wall with their hands cuffed behind their backs.

Today, I went to use the typewriter and noticed that the ribbons I had purchased from the commissary were missing from my foot locker. The only way that they could be missing is because the CERT team took them.

On the day of the search, they threw away any food items that were open. They took things that were unopened, as well. They took mayonnaise, mustard, and ketchup packets that were purchased by me along with my ribbons. When the CERT teams come into the prison they have no name tags so that inmates cannot report missing items. The guards that searched my cell would not give their names to me. The DOC should not allow CERT teams from other institutions to come into this institution and take anything that they want without being able to be reported.

Something needs to be done to stop this theft by the DOC. It is not right that inmates are not allowed to know the names of the officers doing the searches. I was told not to say another word and to face the wall during the search or I would be locked up in the hole. It had been way beyond the fifteen days to file a grievance, not that it would matter since inmates do not know the names of the officers to report anyway.

Each inmate needs to write to the Secretary and have this policy changed about how the CERT team is allowed to search cells. Help put a stop to the DOC stealing from us. Write letters to the Secretary since he is the only one who can stop it.

Second Chances Do Matter

By Sarita Miller, OJ-3158, SCI Cambridge Springs

In my fourteen years of incarceration, I have had the opportunity to get to know some of the smartest and caring women serving time behind these gates. Most of us, myself included, serving life in prison have matured so much and have worked very hard over the years to prove ourselves.

We have proven ourselves to the point that some of us have been allowed to teach various supervised groups within the institution. I had the opportunity to attend a victim's awareness seminar. A group of us who were convicted of violent offenses, sat with loved ones of those that were victims of homicide and we listened to their heartfelt stories of how crime impacted their lives.

In return, a few inmates shared their stories and expressed grief and great regret of how their crime impacted their victims and families. There wasn't a dry eye in the house. Call me a dreamer, but I sincerely believe that these changes taking place in giving lifers like myself a second chance isn't just the luck of the draw.

My belief is that we have a mission and a continued debt to society to help eradicate this vicious cycle of violence. I'm here in the struggle with everyone. May we all be safe in God's Will.

Landmark of Love: Loving v. Virginia

By Bryant Arroyo, CU-1126, SCI Frackville

The Supreme Court's civil rights decision, *Loving v. Virginia* (1967), set the precedent for constitutional support for interracial marriage. This unanimous decision eliminated all race-based legal restrictions on marriage in the United States. The decision is commemorated each year on the day of the ruling: June 12th.

For those of us in interracial relationships or unconventional partnerships, we now know that there will always be people, like Mildred and Richard Loving, with enough tenacity to fight for the right to choose one's partner without government sanctions or interference.

S.I.S.T.E.R.S

By Heather Lavelle, OK-8736, SCI Muncy

The Muncy Inmate Organization (MIO) recently created a new Lifer's Committee — S.I.S.T.E.R.S, which stands for Sisters In the Struggle: Teaching, Empowering and Rising Strong. Our committee will focus on mentoring new lifers and advocating to abolish life without parole, i.e. death by incarcerated sentences.

Sheena King is the Chair, Diane Metzger is the Co-Chair and Heather Lavelle is the Secretary. We are reaching out to all the men's lifers organizations to introduce ourselves and ask for your support and encouragement. Our lifer community is coming together at this crucial time to make sure the women lifer's voices are heard.

We are motivated and ready to do our part and support HB135, improve the commutation process, and push the courts on issues addressing the fundamental unreasonableness of DBI sentences for people of all ages and degrees of culpability.

We look forward to hearing from anyone interested in assisting us in our struggle.

Food for Thought

By Roy Summers, LS-7088, SCI Somerset

While reading the Reading Eagle this past June, I stumbled across an article about helping children who have incarcerated parents.

It went on to say that State Corrections Secretary John Wetzel, with sponsorship from Senators Vincent Hughes, Jay Costa, Pat Browne, and Richard Alloway came together to start a fund called "The First Chance Trust Fund."

This fund will create scholarships and produce other resources for children that are the most at risk of dropping out of school.

I feel that this is a great start for defying the statistics of children with an incarcerated parent, or parents. This is a game changer that has the potential to open many doors hopefully, and eventually ceasing mass incarceration.

Assisting these children will allow them to make a better life for themselves, especially with the opportunity to receive a better education.

Addiction Advice

by Angel G. LeBron, LY-1417, SCI Albion

The use of heroin has a tremendous impact on the family and community. Parents ask, "How could this be when I've done everything right?" The truth of the matter is that heroin creeps into the homes of all types of families.

No matter what kind of treatment addicts have been given (long-or short-term, inexpensive or costly, high- or low-quality), most addicts relapse. The question is, "What are we doing wrong?" An important first step is to educate everyone, including: families, school staff, law enforcement officials, etc.

Because we have an addiction epidemic, we must address the root causes of addiction, such as stress, trauma, and mental health problems. When our loved ones who are addicted are given a sense of love and support, addiction will decline.

It is crucial that addiction be treated as a serious disease. Imprisoning addicts does little more than subject them and their families to more trauma, hardships and heartache. It does not protect or serve the interests of the community either.

When the afflicted get past the withdrawal stage and have a great support system, they can then begin to regain their self-confidence and appreciation for life. They will need help with nutrition, exercise, physical health, mental health. We must offer love, support, and forgiveness.

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Legislative Highlights

Several current laws are listed below. Note that this list has new and moving legislation. The bills are current and updated as of 9/25/17.

| Bill & Printer No. | Description | Prime Sponsor | Action | Position |
|--------------------------|--|---|--|----------|
| SB 8 PN719 | Civil Asset forfeiture – these are civil proceedings against property that allow law enforcement to take possession of property of certain persons suspected of crime. Cash, cars and homes are seized for certain drug arrests and more. | Sen. Mike Folmer, R- Dauphin (part), Lebanon, York (part) Counties | Passed Senate Judiciary 1/31/17. Passed Appropriations 4/18/17. Passed the Senate 4/26/17 (39-10). In the House Judiciary 4/7/17. | Support |
| SB 62 PN 43 | An Act amending Titles 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for children of incarcerated parents through arrest protocols, in proceedings prior to petition to adopt, and further providing for grounds for involuntary termination. | Sen. Stewart J. Greenleaf R-Bucks (part) & Montgomery (part) Counties | Passed Senate Judiciary 1/24/17; Tabled in the full Senate 3/22/17. On hold on the Senate table. | Support |
| SB 121 PN 104 | An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in State intermediate punishment, further providing for findings and purpose, for definitions, for referral to State intermediate punishment program, for drug offender treatment program, for written guidelines and regulations, for reports and for construction. | Sen. Vincent J. Hughes D-Montgomery (part) & Philadelphia (part) Counties | Passed Senate Judiciary 5/9/17; On the Senate Floor 5/9/17. | Support |
| SB 522 PN 875 | An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes Merger Bill. The consolidation of the Department of Corrections DOC and the Board of Probation and Parole BPP into the Department of Criminal Justice will increase cost savings, decrease overlapping functions, and increase efficiencies. The BPP will maintain independent decision making and Corrections will oversee agents supervising parolees | Sen. Stewart J. Greenleaf R-Bucks (part) & Montgomery (part) Counties | Passed Senate Judiciary, 3/16/17; Passed Appropriations 5/8/17. Passed the Senate 5/24/17 (38-12). In House Judiciary 5/25/17. | Support |

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| SB 523 PN 867 | An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, Merger Bill. An Act amending the act of November 24, 1998 (P.L.882, No. 111), known as the Crime Victims Act; further advancing the merger of the DOC and the BPP. Provides for the Office of Crime Victims and costs of offender supervision programs. | Sen. Stewart J. Greenleaf R-Bucks (part) & Montgomery (part) Counties | Passed Senate Judiciary, 3/16/17; Passed Appropriations 5/8/17. Passed the Senate 5/24/17 (48-2). In House Judiciary 5/25/17. | Support |
| HB 631 PN668 | An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a mandatory period of three years' probation following release from incarceration for certain sex offenders. | Rep Ron Marsico R-Dauphin (part) County | Passed House Judiciary, 3/21/17; Passed House Appropriations, 3/22/17; Passed the House 4/3/17 (189-9). In Senate Judiciary 4/6/17. Waiting for final vote on Senate floor. | Oppose |
| SB 529 PN 854 (see HB1419) | An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, Clean Slate Clean Slate calls for automatic sealing of most non-violent misdemeanor convictions for individuals who have remained conviction free for at least 10 years. It would also automatically seal records of arrests that do not lead to convictions. It includes a provision for employer immunity for liability. Sealed records are hidden from the public, but still available to law enforcement. Clean Slate reduces the burden on the courts and expands on expungement legislation which passed in 2016. | Sen. Scott Wagner R- York (part) County | Passed Senate Judiciary 5/6/17. In Senate Appropriations Committee 6/12/17. On the Senate floor 6/20/17. Passed the Senate on 6/28/17. In house Judiciary. | Support |

(The Illusion of Justice continued from page 1)

The spectacle of pre-trial rituals, the rules and fancy language of the trial are theatrical illusions continuing the fallacy of impartial justice. Defense counsel is merely a prop: *How many had that theatrical experience?*

Imprisoned, a pariah, silenced and forgotten—the pariah, family and friends diligently seek relief (justice) through the appellate process. The odyssey on the state appeal will take years, and the federal habeas process takes even more years. The money required is endless and in most cases, leads to bankruptcy—monetarily for the family and friends, but mental bankruptcy for the one who is incarcerated.

All, however, believe that a mistake has been made.

All think the mistake is remediable, which rarely amounts of nothing more than the proverbial donkey chasing the carrot hanging in front of him on a stick; all have been deceived to believe in the “illusion of justice.”

Those incarcerated devote numerous hours reading, drafting, filing and filing some more just trying to correct the “mistake.”

The truth is that the system’s power is wielded in secret, and accountable to no one. The public perception is limited to the deception created by the system itself.

The system plays on the gullibility of society, creating an illusion that makes their actions seem reasonable. They play by their own one-sided rules, which are always right, thus giving the impression that the system is infallible.

Only until someone is entangled in the justice system’s web will they learn of the system’s deceitfulness. Consequently, when they do it is too late.

Welcome to the illusion and the show that never ends!

(Liberated... continued from page 1)

Sean from Decarcerate PA and the Amistad Law Project, ironically, asked me to join in the community’s efforts in promoting Restorative Justice. Doing so, I will be supporting Child Deather, Brother Gani’s contested child death-by-incarceration resentencing hearing by informing the community at a rally on September 23rd of this year.

Legally speaking, I have never harmed anyone in the community. However, I still must make amends for the personal relationships that have been destroyed by my being kidnapped.

I will continue to do the work that I did when I was in the community under the stewardship of Sister Nadirah Williams.

This includes:

- **Afrikan Centered Think Tank** – To expose, deconstruct, and refute the systemic anti-Khemetism (and Afrikan culture) in our society on issues from A to Z.
- **Juveniles R Us** – An organization that I founded, which answers our mission and mantra of “Juveniles? No, we are CHILDREN.”
- **P.O.W.E.R. PA** – Parents Organized for Winning Education Results. To advocate for black and brown children in public education from A to Z. Provide updated and relevant textbooks and supplies by making sure school budgets are directly allocated to the children first.
- **The Temple of Ma’at** – To cater to the spiritual needs of the Afrikan community from a purely Afrikan centered perspective. Providing a fully immersive cultural haven from the otherwise cultural encroachment.
- **Publishing House** – will publish the works of children and adults who come up with innovative ways to solve problems, surmount challenges, and who write stories that give creative ways to win despite an oppressive society.
- **Food Sovereignty** – Creating and maintaining a self-sustaining “People’s Food Bank,” so that the community can grow and eat its own food.

(SORNA *continued from page 2*)

- You are currently serving a sentence for violating 18 Pa.C.S.A. § 4915.1 “Failure to comply with registration requirements”
- The sexual offense(s) which resulted in your placement on the registry occurred prior to the effective date of SORNA, December 20, 2012.

For those who are not under sentence for violating SORNA, the effects of Muniz are still being analyzed. The Commonwealth has obtained a stay in the Supreme Court of Pennsylvania and has also announced their intention to petition for certiorari in the Supreme Court of the United States.

There is no precedent to “roll-back” to any prior version of Megan’s Law. Megan’s Law III was declared a nullity. Megan’s Law II applied to far fewer crimes and imposed fewer burdens; it was also upheld as non-punitive.

The legislature has already started looking at a replacement law that will apply retroactively. As long as the new law is non-punitive under Muniz, it would survive a constitutional challenge. Concurrently, SB 854 would remove the crime of interference with the custody of a child from SORNA

If your underlying sexual offense occurred after SORNA’s effective date, nothing changes for you. If your crime was before **December 20, 2012**, you will likely see some relief once the judicial and legislative processes are complete. Until such time as changes are put in place, you must fully comply with the law.

Those who were adjudicated as Sexually Violent Predators will not see the adjudications reversed, but your registration obligations will probably be eased.

The Defender Association of Philadelphia has provided guidance to all public defenders statewide and the Pennsylvania Association of Criminal Defense Lawyers has also been active in this case.

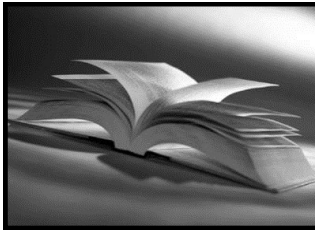
The Prison Society does not provide legal representation. You should always follow the advice of counsel.

Editor’s Note: The Policy Subcommittee for Sex Offense Issues was created about thirteen years ago through the efforts of both The Prison Society and the Joseph J. Peters Institute. Key members include treatment providers, advocates, attorneys, criminologists, educators, survivors, former offenders and members of the Prison Society Board of Directors, Official Visitors and staff. Our mission is to bring representatives of all sides of this difficult issue together to study legislation, litigation, policy and public safety, to provide learned input in the policy-making process, to educate the community, and to support former sex offenders as they pass through incarceration and back into the community. Please contact us if you have any questions.

The Prison Society does not offer home plans.

However, our online resource, **The Prisoner Reentry Network** has **800** organizations, many of which can assist in finding a home plan.

If you are in need of contacts for a home plan, have your counselor or loved one help you search on the Prisoner Reentry Network at www.phillyreentry.com.



Literary Corner

Dear Friend

By Anthony R. Lewis, DE-1442, SCI Fayette

Smile, enjoy life, and praise the small things that
we take for granted.

Don't allow evil to consume you,
Don't allow the misery or sadness of others dim
your shining light.

Even in the darkest days, there is always a light
that shines on you even though you don't see it, it
is there with you.

Keeping yourself strong and with your head held
high, nothing can bring you down.

Be grateful,

Be thankful,

Be blessed,

Be alive.

No matter what your situation is, there is always a
relief that comes with every hardship.

Smile even on your loneliest days and nights that
may seem so cold.

Your heart is strong, warm, and nothing can take
that away from you.

Know that your kindness is not your weakness.
But your weakness is the fear of giving up.

Keep yourself strong,

Keep your hopes alive,

Keep your faith real,

And keep your smile in the heavens.

Life is about love, care, and faith; all these ele-
ments turn into strength, and with that you have a
healthy life.

There are those who are born evil, they hate and
love to suck the blood from you. But you are too
strong for that, because you are on top of the
world.

You will always have the last laugh at those who
wish to see you fail. What they don't realize is that
is what makes you stronger, that is your very own
super-power.

Life has its tests. You have the strength to fight
any battle that life throws at you.

To overcome your weakness, discard your fear of
not trying. You must believe in yourself, and stop
thinking of the worst that could happen.

Always believe that there is a blessing for all your
hardships. Once a flower dies there is a new one
being reborn, and with that new flower that grows,
your prayers will be answered

Twenty-Five Years of Being the Empty Chair

By Kermit B. Gosnell, LJ-1445, SCI Huntingdon

Twenty-five years behind bars is more than a life-
time...

Twenty-five years without a mother's hug, laugh,
cooking, and the tender touch of loved ones, long
lost...

Twenty-five years of no privacy, no toilet seats,
and repetitive mundane meals...

Twenty-five years of friendships forged on shared
sparsity and poverty...

Twenty-five years for those many with recrimina-
tion, repentance, and regret...Twenty-five years of
"correction" thriving on punishment...

Twenty-five years of watching our democracy be-
come the will of those most able...

Twenty-five years when the glimmer of an officer's
humanity is best hidden from his peers...

Twenty-five years of not understanding God's will,
but continuously learning to accept it...

Twenty-five years of waiting for change, of watch-
ing our backs...

Twenty-five years behind bars is more than a life-
time.

"Though Death..."

By Charles Sullivan, 298541-A

Though death consumes this inner-man,
Pushing further away from where I stand.

Nothing seems to take away,
The pain I feel inside each day.

Destructive means self-esteem,
Lost within a broken dream.

Of turmoil, hurt and twisted pain,
Sometimes in life, we can't explain.

Troubled by our riddled past,
Longing for a love that lasts.

Stepping down the stairs of loss,
And more each day paying the cost.

Though I never asked to be born to this,
Torn from hope, love, and bliss.

A victim to my own desires,
Who can never extinguish his inner-fires.



This is My Life, This is My Story

*By Sherman Pitt, 339603, Spring Creek Correc-
tional Center, Seward, AK*

I was born on Christmas Eve, one of three,
Mother, father, then along came me.
I was quite the splendid gift to some,
And a certainly non-refundable one.
I was born on the wrong side of the tracks,
And have spent my whole life falling through the
cracks.

I was state raised and taught,
And a life of crime is all I've got.
Went to the school of hard knocks,
All it taught me was how to break rocks.
Conflicts and fights made me bleed,
Solitary confinement forced me to read.
The culinary arts taught me to cook,
I learned through practice and out of a book.
While looking out a window one day,
An epiphany made me change my way.

I wrote and then talked to a Lama,
About all the ways I could change my karma.
He told me to just "do me,"
And to let all the others just be free.
I learned how to meditate for hours,
Focused on cool ponds, and sweet summer flowers.
Decades have passed and I'm still doing time,
Decades to go before I cross freedom's line.
For now, my freedom is all in my head,
Because the state wants my body until it's cold
and dead.
I'm paying my debt to society and karma,
Trying to live a life free of all drama.
I've picked up a pen and paper for most of my
fights,
And learned to litigate for all of my rights.
Although a practicing Buddhist, free from sin I
still ain't,
I'll always be a sinner, because I'll never be a
saint.

A work in progress is all I'll claim,
Like a candle in the wind, a wavering flame.
I'll burn away without a trace,
Until the day no one can remember my face.
But through it all, I've learned to be happy and
not worry,

Because this is my life, and this is my story.



Nicole Sloane

You are Still RRRI Eligible even with a Single, Present Conviction for a Crime of Violence

By Nicole Sloane

Writing for the majority in *Commonwealth v. Cullen-Doyle*, 164 A.3d 1239 (Pa. 2017), Justice Saylor held that a single burglary conviction did not constitute a “history of present or past violent behavior” which would make Cullen-Doyle ineligible to receive a Recidivism Risk Reduction Incentive Act (RRRI) sentence.

By way of history, the RRRI Act was codified in 2009. It is intended to encourage eligible offenders to complete Department of Corrections programs to reduce recidivism. Criminal defendants who receive a RRRI sentence are eligible for release before their minimum sentence. At the time of sentencing, the court is required to determine whether a defendant is RRRI eligible, and if so, impose the RRRI sentence which is a sentence below the minimum sentence that was imposed by the court.

In *Cullen-Doyle*, the defendant entered a guilty plea to several counts of conspiracy to commit burglary as well as one count of first-degree burglary. The parties agreed that the burglary in Cullen-Doyle’s case was considered a crime of violence. The trial court refused to impose a RRRI sentence after determining that Cullen-Doyle’s burglary conviction made the defendant ineligible for a RRRI sentence. Cullen-Doyle appealed.

On appeal, Cullen-Doyle argued that it was unlikely that the statutory text excluding those with a history of violent behavior from a RRRI sentence was intended to encompass a first-time, single-count offender. Cullen-Doyle argued that if the General Assembly intended to exclude a first-time, single-count violent offender, then it would have said so more clearly by using inclusive language such as excluding from RRRI eligibility those with all convictions involving violent behavior.

In ruling for the defense, the Pennsylvania Supreme Court acknowledged that the RRRI statute excludes for eligibility criminal defendants who have been convicted of certain enumerated offenses, crimes with the use of a deadly weapon, personal injury crimes, crimes requiring sex offender registration and the most serious drug offenses.

However, the Court also noted that the list of disqualifying offenses which include both violent and potentially non-violent offenses does not include burglary. The Pennsylvania Supreme Court found that this led to the conclusion that the Legislature did not intend all crimes of violence to disqualify a criminal defendant from receiving a RRRI sentence.

Even more significantly, the Pennsylvania Supreme Court held that a single, present conviction for a crime of violence does not constitute a “history of violent behavior” that would exclude RRRI eligibility. Where the language of a statute is not clear, the language should be interpreted in the light most favorable to the accused. Any ambiguity around the meaning of the word “history” must be resolved in favor of those asking to be RRRI eligible.

What steps do you take if you were denied a RRRI sentence although you believe you are eligible? If your judgment of sentence is not yet final (if it has been less than 30 days since you were sentenced), file a post-sentence motion followed by a Notice of Appeal if necessary.

If your judgment of sentence is final, quickly file a petition for post conviction relief (PCRA) arguing that you are serving an illegal sentence referencing the Cullen-Doyle opinion. If you file a PCRA later than one year since your judgment of sentence became final, invoke any timeliness exception that you believe applies to the facts of your case and attach this article to your PCRA or simply file a Motion to Correct RRRI Eligibility or a similarly-named motion. Ask for appointment of counsel if you file the PCRA without the assistance of counsel.

Transportation Services

What prisons do you visit?

We have buses to all Pennsylvania State Prisons except Camp Hill, Chester, Graterford, and Quehanna Boot Camp.

Who can travel?

Anyone can travel as long as he or she is on the inmates visitor list, including infants and children. **Please check with whomever you are visiting prior to purchasing a ticket to ensure that you are on his or her list.** You will not get a refund if you are unable to visit because you are not an approved visitor.

How can I pay for a ticket?

Cash, debit, or credit card in the office. There is a \$2 surcharge per ticket to use a credit card.

How do I get a seat? Can I mail in my payment?

Tickets can be purchased online, over the phone, in the office, or by mail. We only accept money order payments via postal mail. **Do not send cash in the mail.**

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Pennsylvania Prison Society
245 N. Broad Street, 2nd Floor
Philadelphia, PA 19107

Please make money orders payable to: PA Prison Society at the address listed above.

When sending payments through the mail, please include your full name, prison you are visiting, and your telephone number. We may need to contact you.

Editors Note: For more information, contact Ebonee Allen at: (215) 564-4775 x 103, eallen@prisonsociety.org, or www.Prisonsociety.org

2017 Family Transportation Schedule

| DATE | DESTINATION |
|---------------------------|-----------------------------|
| October 2 nd | Laurel Highlands & Somerset |
| October 6 th | Greene |
| October 12 th | Benner & Rockview |
| October 12 th | Houtzdale |
| October 13 th | Albion |
| October 16 th | Cambridge Springs & Mercer |
| October 16 th | Forest |
| October 20 th | Fayette |
| October 20 th | Pine Grove |
| October 23 rd | Dallas & Retreat |
| November 3 rd | Greene |
| November 6 th | Laurel Highlands & Somerset |
| November 10 th | Albion |
| November 10 th | Coal Township |
| November 13 th | Forest |
| November 13 th | Frackville & Mahanoy |
| November 14 th | Muncy |
| November 17 th | Fayette |
| November 20 th | Huntindon & Smithfield |
| November 25 th | Waymart |
| December 1 st | Greene |
| December 4 th | Laurel Highlands & Somerset |
| December 8 th | Albion |
| December 11 th | Forest |
| December 14 th | Houtzdale |
| December 14 th | Benner & Rockview |
| December 15 th | Fayette |
| December 15 th | Pine Grove |
| December 18 th | Cambridge Springs & Mercer |
| December 18 th | Dallas & Retreat |

Resources

National Commission on Correctional Health Care

1145 W. Diversey Pkwy.
Chicago, IL 60614
P | 773-880-1460
F | 773-880-2424
Email | info@ncchc.org

Women Lifers Resume Project of PA

PO Box 324
New Hope, PA 18938

Reconstruction, Inc.

ATTN Fight for Lifers
PO Box 7691
Philadelphia, PA 19101
P | 215-223-8180

Juvenile Law Center

The Philadelphia Building
1315 Walnut Street, 4th Floor
Philadelphia, PA 19107

Decarcerate PA

Coalition to Abolish Death by Incarceration
(CADBI)
PO Box 40764
Philadelphia, PA 19107
P | 267-606-0324

The Campaign for the Fair Sentencing of Youth

1319 F Street, NW Suite 303
Washington, DC 20004
P | 202-289-4677

PRISONER ADVOCACY ORGANIZATIONS

Pennsylvania Institutional Law Project

Philadelphia Office

The Cast Iron Building
718 Arch Street Suite 304 South
Philadelphia, PA 19106
P | 215-925-2966

Pittsburgh Office

429 Forbes Avenue, Suite 800
Pittsburgh, PA 15219
P | 412-434-6175

STATE OFFICIALS

Governor Tom Wolf

Governor's Correspondence Office
508 Main Office Building
Harrisburg PA 17120
P | 717-787-3391, Fax: 717-772-8284

Attorney General Bruce Beemer

Strawberry Square, Harrisburg PA 17120
P | 717-787-3391, Fax: 717-787-8242

Senator_____

Senate P.O. Box 203 ____*
Harrisburg PA 17120

Representative_____

P.O. Box 202 ____*
Harrisburg PA 17120

*If you know the three-digit district number for your Senator or Representative, add it to the P.O. Box

number. If you do not know, information for Senators is available at www.pasen.gov; information on

Representatives is available at www.house.state.pa.us.

Human Rights Coalition

Pittsburgh Office

c/o FedUp! Chapter
5129 Penn Avenue
Pittsburgh, PA 15224
P | 412-361-3022 (ext. 4)

Philadelphia Office

c/o LAVA Space
4134 Lancaster Avenue
Philadelphia PA 19104
P | 267-293-9169

Prison Health News c/o Philadelphia FIGHT

1233 Locust St, 5th Floor
Philadelphia PA 191017
P | 215-985-4448

PRISONER BOOK PROGRAMS

Books Through Bars

4722 Baltimore Avenue
Philadelphia, PA 19143

Provides book packages to individuals and institution libraries

Prisoners Literature Project

c/o Bound Together Books
1369 Haight Street
San Francisco, CA 94117

Prison Book Program

c/o Lucy Parsons Center and Bookstore
1306 Hancock Street, #100
Quincy, MA 02169
P | 617-423-3298

PRISONER PEN PAL SERVICES

(note: these are not matchmaking services)

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St. Louis, MO 39502
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Joy Writers

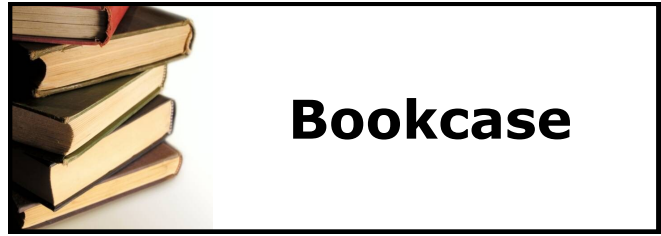
2001 Liberty Square Drive
Cartersville, GA 30120
Also offers Christian Prisoners Resource List

Letters Outside

PO box 2608
Dublin, CA 94560

Reaching Out

PO Box 928
Pinole, CA 94564



Prison Lives Almanac: 2018 Prisoner Education Guide by Prison Lives, available on www.prisonlives.com and any online booksellers

THE TRIALS OF WALTER OGROD (The Shocking Murder, So-called Confessions, and Notorious Snitch that Sent a Man to Death Row)

By Thomas Lowenstein

Roughly four years ago, I was making regular trips from West Virginia to visit my son at the Salvation Army in Pittsburgh. It's a dull, boring drive and I thought one way to break up the trip would be to stop off at SCI Greene in Waynesburg. I was retired from practicing law after nearly 50 years and wanted to get inside the "Capital Unit" at the prison.

The other reason was that my favorite clients in private practice were people charged with murder or drunk drivers. Almost always, I put them in a chair and concentrated on tearing up the prosecution. The presumption of innocence is a powerful thing and there's the lawyers' cliché that you don't put a guilty person on the stand. My first visit to SCI Greene on behalf of the Prison Society was with Walter Ogrod. Martha Connolly, a retired attorney in Pittsburgh who had visited Ogrod, told me that "he might actually be innocent." This will be a first, I thought.

Walter was charged in 1988 with the worst imaginable crime: The kidnapping and murder of a four-year-old girl from the streets of Philadelphia. Two and a half hours after the disappearance, the body was found in a cardboard box.

The crime was "solved" four years later by two detectives from the "cold case" squad after a long in-custody interrogation which produced a confession. At the end of the trial, Ogrod heard the foreman of the jury pronounce those wondrous words "NOT GUILTY."

(See Bookcase continued on page 18)

(Bookcase continued)

However, when the judge polled the jury, one juror said that he wasn't sure about the verdict and the judge declared a mistrial. An appeals court said this wasn't double jeopardy, and Ogrod had a second trial. At the second trial, a jailhouse "snitch" provided another confession. An interesting sidebar to the book is that the author is not a "bleeding heart liberal." His father, New York Congressman Allard Lowenstein, was murdered by a person who largely "got off" for mental reasons.

To an outsider, the death penalty would appear to be on its last legs in the Commonwealth. Only three men have been executed since the death penalty was reinstated in the 70s and they had voluntarily abandoned their appeals. Neither West Virginia nor Maryland, for example, have any formal "death row." A man I know served time in Maryland with several men who had been sentenced to die. "Nobody messed with them" he said.

Also, people convicted of a capital offense usually make model inmates. He would have no vested interest in preserving this shaky conviction. Ogrod who has an "autism spectrum disorder" looked at me after he had explained his situation during our first meeting and said--I thought rather philosophically--"If this doesn't work, I guess I'm stuck here."

Time will tell.

Editor's Note: The Trials of Walter Ogrod is available in bookstores everywhere as well as Amazon.

Notes in Passing

Dale Gardner, who taught the special needs unit at SCI Smithfield, was a juvenile lifer for just under 30 years. He passed away on July 20, 2017, just before his resentencing this upcoming December.

All lifers please pray for Dale, his mother Ann Gardner, and his family.

Announcements

Prison Lives is a non-profit organization that exists to help you do just that. We enable prisoners to be productive individuals by providing access to useful resources and services specifically designed for your unique needs.

Contact us to purchase one of our guides or services, or learn more about what we offer:
PO Box 842, Exeter, CA 93221
www.PrisonLives.com | info@prisonlives.com

RESOURCES

Our constantly updated, comprehensive Almanacs, offer the most reliable prisoner-focused information available.

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Prisoner Resource Guide -- New every year, 500+ pages, 4,000+ listings covering every prison concern. The nation's largest, most complete guide of CURRENT prisoner resources to help you self-sufficiently stay productive.

Prisoner Education Guide -- New every year, 500+ pages. The ONLY current and most comprehensive guide of through-the-mail courses for prisoners. It includes thorough school and course descriptions, current prisoner scholarships, education resources and much more.

Prisoner Entertainment Guide -- New every 3 months, 400+ pages. The ONLY up-to-the-season source of entertainment designed just for prisoners, including upcoming season TV/movie/sports schedules and info, huge current magazine distributor price comparison guide, games, contests, reliable shopping and much more.

SERVICES

We understand how difficult it can be to get even the simplest of tasks done from behind prison walls. Our Prisoner Assistance Services offer a broad range of reliable solutions designed to directly help you accomplish your goals.

Quiz

1) What percentage of female inmates are on the mental health roster in Pennsylvania?

- A) 9%
- B) 49%
- C) 70%

2) Pennsylvania is ranked as having the _____ largest death row.

- A) 2nd
- B) 5th
- C) 31st

3) True or false: Philadelphia has the 9th highest incarceration rate out of any city in America.

- A) True
- B) False

Our New logo



Editor's Note: (Answers to quiz)

1) C, 2) B, 3) False

Facts

Pennsylvania's prison population has increased 850% in the last 40 years.

Forty years ago, Pennsylvania had 7 prisons. Today we have 25.

Mass incarceration in Pennsylvania has brought profound financial and human costs:

- On any given day, more than 80,000 Pennsylvanians are in prison or jail.
- Today, Pennsylvania spends more than \$2.4 billion a year to lock-up its citizens.
- It costs \$42,000 to incarcerate someone in a Pennsylvania prison and \$16,000 to pay for a year of college at a Pennsylvania state school.
- Half of the state's prisoners are Black, even though only 11% of the state's population is Black.
- Nearly 25% of Pennsylvania's prisoners are awaiting trial – they haven't been convicted of anything, they are jailed while waiting to be seen by a judge.

The impact of mass incarceration on safety in Pennsylvania has been modest, at best. Crime rates have gone up and down. They are largely independent of the number of people in prison. Violent crime rates in Pennsylvania are now same as in the mid-1970s, before mass incarceration began.

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