

GRATER FRIENDS

A Publication of The Pennsylvania Prison Society

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

Volume 47, Issue 1

www.prisonsociety.org ■ www.facebook.com/PrisonSociety

Spring 2016

Changes in Pennsylvania Law Related to Parole and Commutation Decisions

by Gene Breisch, Official Visitor at SCI Muncy

On Tuesday, March 22nd, 2016, Lycoming County Judge Marc Lovecchio spoke to a packed house of inmates including lifers, juvenile lifers and short-term re-entry-eligible inmates. Judge Lovecchio spoke on a broad range of issues including: mandatory minimums, the Sex Offenders Registration and Notification Act (SORNA), juvenile lifers, the Post-Conviction Relief Act (PCRA), the Recidivism Risk Reduction Incentive (RRRI), parole eligibility, commutations, shifting judicial perspectives and re-entry initiatives. While many of Pennsylvania's mandatory minimum sentences are now unconstitutional, unless the case was on direct appeal or pending at the time *Alleyne* was decided, it cannot be used to collaterally attack a conviction. Cases to look at include *Ruiz*, *Hopkins*, *Riggle* and *Newman*. While the door seems shut except in limited circumstances there are a handful of cases up for allowance of appeal that may change the landscape. Because PCRA relief is virtually the sole means to collaterally attack a conviction and because a first PCRA petition entitles one to counsel, it is definitely worth advancing constitutional claims with respect to mandatory minimums. Parole decisions seem to be more favorable than in years past but the board is overwhelmed and understaffed. Furthermore, face-to-face interviews with victims by advocates are now being conducted more often. Judges and DA's still have input in parole decisions by responding to Board requests but who knows what impact the responses have in the ultimate decision. Judges may submit a positive recommendation if they become aware of an inmate's achievements and growth while incarcerated. While many judges may not read correspondence from inmates, there are many who do and will respond. Juvenile lifers will be given greater opportunities for early release based on the *Miller* and *Montgomery* cases. The courts will need to decide on the procedure but there is much optimism. Further, the rationale behind the decisions may apply to other cases involving youthful offenders.

(See Changes, continued on page 17)

Assistance Requested by Coalition for Capital Case Prisoners

by Robert Gene Rega, FA-4771, SCI Greene

Pennsylvania capital case prisoners, collectively, seek any assistance your organization may provide in the following regard. Because capital case prisoners have been incarcerated under the oppressive and highly restrictive conditions of solitary confinement for numerous years (and in some cases for decades), we seek to file and successfully litigate a civil rights lawsuit to challenge the DOC's deliberate indifference to the deleterious effects of long-term segregation. Solitary confinement allows mental illness to become well established before its signs become apparent and in some cases, due to late diagnosis, mental illness may become pernicious and/or irreversible as when it leads to suicide. Notwithstanding Governor Tom Wolf's public statement that he intends to sign a reprieve for all death warrants that come across his desk, the DOC continues to force capital case prisoners to live under the oppressive and highly restrictive conditions of solitary confinement, as if their executions were imminent.

For far too long, the DOC has ignored our plight and has refused to implement any programming to ameliorate the mental and psychological illnesses profession which are prevalent among capital case prisoners. They have failed to offer the types of programs the Justice

(See Assistance, continued on page 17)

In this Issue

From the Editors,	Legislative Highlights .10
Think About It 2	Literary Corner.....13
Spotlight..... 3	Announcements 14
Mailroom 4	Bookcase16
Our Voices..... 6	Graterfriends Form.....18
Legal Chat.....8	Resources.....19
Legal Forum.....9	



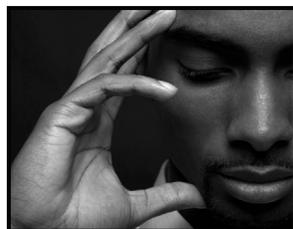
From the Editors

We have all seen amazing criminal justice headlines in the news recently. The Supreme Court has weighed in on Juvenile Lifers and, in Pennsylvania, that means that we will see resentencing hearings and, in time, some releases. Expungement legislation has been signed into law as Act 5 and although it only impacts certain misdemeanors after ten years of crime-free behavior, it is a step in the right direction. Decision makers on the local, state, and federal level are working together to address the impact of overincarceration. And even Presidential candidates are discussing criminal justice issues.

At the same time, however, there are issues and concerns about everyday life. *Graterfriends* helps raise these issues and this edition continues that tradition. You will read about the new tablets recently introduced into many state prisons and the importance of family for those in the system.

This issue of *Graterfriends* has been a collaborative process. We are thankful to the authors as well as volunteer Jen Stevens, Board Member Joan Porter, intern Samantha Cruz, and staff member Emily Cashell for their dedication and time. They made this happen! But, our publication schedule has changed due to other staff changes and challenges, including our Designer and Editor Mindy Bogue moving to a new job. This issue as you will note includes January through March. We apologize for any inconvenience and hope to be able to publish in a more timely manner in the future.

(See Editors, continued on page 17)



Think About It

REFORMING THE GRIEVANCE PROCESS

by Donald Scott, JY-1727, SCI Somerset

If the DOC wants to reduce recidivism, why don't they reduce grievance recidivism? It is time for them to re-evaluate the failure of the current grievance process. They need to look in the mirror if they want to make meaningful change in the grievance system. Currently, DOC grievance denials are self-serving and misleading. Grievance answers are routinely erroneous, mistaken, misconstrued, or outright lies, even when an inmate cites the right DOC policy in their complaint.

The DOC needs to stop viewing inmates as evil and as less than human. The DOC views convicts in dehumanizing ways, promoting an "us" versus "them" attitude, and a "we're always right, you're always wrong" mentality. This attitude makes the brutish treatment of inmates seem justified and contributes to grievance recidivism. The DOC needs to make the system fairer, more honest, less reliant on faulty human processes, and more compassionate. First steps should include:

- (1) Eliminating automatic grievance denials;
- (2) Airing grievances on the prison channel or DOC website (the start-up costs would be dwarfed by the long-term savings in reduced paperwork and civil court cases); and
- (3) Requiring grievances to be evaluated by a three-person panel that includes one inmate.

These steps would reduce errors and biases, would help combat tunnel vision, and would make it harder to ignore conflicting evidence. We are limited only by our imaginations and the DOC's stubborn adherence to the way things have "always been done." The arc of history does not bend toward justice unless we bend it.

GRATERFRIENDS

EXECUTIVE DIRECTOR AND EDITOR-IN-CHIEF:

Ann Schwartzman

DESIGNER and EDITOR: Emily Cashell

EDITORIAL ASSISTANTS:

Jennifer Stevens, Nicole Reid, Samantha Cruz, Joan Porter

FOUNDER: Joan Gauker

The Pennsylvania
PRISON SOCIETY
SINCE 1787

245 North Broad Street · Suite 200
Philadelphia, PA 19107

Telephone: 215.564.4775 · Fax: 215.564.1830

www.prisonsociety.org · www.facebook.com/PrisonSociety

Graterfriends is a publication from the Pennsylvania Prison Society. The organization was founded in 1787 and works toward enhancing public safety by providing initiatives that promote a just and humane criminal justice system.

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 Room, and may be considered for another column. All columns should be no more than 500 words, or two double-spaced pages.

To protect *Graterfriends* from copyright infringement, please attach a letter stating, or note on your submission, that you are the original author of the work submitted for publication; date and sign the declaration.

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



WHAT HE DID ON HIS SUMMER VACATION

by Walt Peterson, Pittsburgh, PA

The bus ride across Pennsylvania is long, but he doesn't mind. The motor coach seats are like living room chairs, only bigger and softer, and there is the hum of wheels on the highway. And he has his orders: Don't dare ask when we are going to get there. He knows his mom means it, about not asking. She lets him sit beside the window and he sees the sunrise.

Later, when they get there, his mom is first off the bus and pushes the door of the visitor's entrance. It won't budge. People from the bus pile up behind them. "Push the button, lady!" There is a little metal box with the button beside the door. Still they wait. Inside the man with the grey shirt doesn't seem to notice. After many minutes, the door clicks. They go in, pass through the metal detector like in the movies. She signs a large book and the crowd behind starts to do the same. The man in the grey shirt says, "Sit over there. When your husband appears at the window (motioning across the large waiting room), go to that door on the opposite side of the room and push the button." When she does, they do. Of course they wait. The inner door slides away. The boy likes that. The next door doesn't have a button. Inside the visitors' room there are chairs in rows that remind him of the movies, but the rows face each other. While they wait, the boy reads the signs posted on all four sides of the huge room.

ONE KISS ON GREETING AND UPON LEAVING A QUICK EMBRACE

Anyone violating this will receive class 1 disciplinary action. DOC 141

Men come out. They are dressed alike in brown clothes. His father comes out in the same brown PJ uniform with soft shoes like slippers. His mother has told him Dad was being a good guy, taking the blame for something his friends did. He won't be home to watch the boy's ballgames for a while. He misses the way his father fills a room with his presence like his mom used to fill the same room with perfume. His dad's smell, the way his face felt like sandpaper and the sinew and scars on his father's forearms: the boy tries not to think about it. But he is glad his dad is loyal to his friends. Dad hugs Mom and the boy notices the shirt has D.O.C. on the back. He gives the boy a bigger hug. The boy doesn't ask his dad when he will be home. He has orders from mom about that too!

After a while, his mom and dad whisper and the boy knows it is time to explore. There are a lot of kids here, too. The room is mostly glass and the men in grey shirts and black pants are the guards, but they don't have guns. He would never think of saying something untrue, but later on when he told about his visit, the guards would have guns. Besides, he thought then, who would know?

The TV room has stuffed toys and picture books and little kids but nothing in there for him. He sees through the thick glass wall a yard outside. It is long and narrow, surrounded by a chain-link fence and on the top, coils of razor wire. It reminds him of the picture above sister's desk showing Jesus crowned with thorns. He thinks it is beautiful. He will remember how the sun catches the many razor barbs and sparkles off the stainless wire. Bigger boys play wiffle ball and at the other side are plastic slides and swings like at McDonald's and a green turtle with sand in it. What if the bigger boys get a foul tip outside the fence, in the nest of the razor wire? He decides not to go out and play with them.

His mother has brought a lot of dollar bills for lunch from the vending machines in the visitor's room; she calls it the merry-go-round of Death. The boy has fun watching candy bars, pies and hamburgers spin, turn, and fall down to an opening in the machine. When the boy and his mother leave the visitor's block, the sun is already behind the back of the tower.

The boy and his mom will get home late at night and he won't remember the sound of the interstate rolling under the wheels of the bus but he will realize what he should do with this day. In September, Sister Appassionata will give the class their first writing assignment and he will take his stub of a pencil and start:

THIS SUMMER I WENT TO VISIT MY DAD IN PRISON.

Sister will pretend not to believe it when he reads his essay but remarks, "You're blessed with imagination and your details are so real, I may have to give you a passing grade." He knows the other boys in class will be jealous of his adventure and he hopes Nancy Kramer, Little-Miss-Raise-Your-Hand, with her carrot top of red hair, will understand that he is bad. Bad!

According to the
Department of Corrections, in 2014
over 81,000 children
had at least one parent in state prison.

This does not include those who have a
parent in a federal or county facility.



Mailroom

FILING COMPLAINTS ABOUT POOR CONDITIONS

We haven't had heat in cells O-A-side 17 to 32 and 49 to 64 at all this winter. I filed a grievance. Other inmates filed grievances. Staff members at SCI Camp Hill say they don't understand. I told the superintendent. She says it's an old building. Governor Tom Wolf and DOC Secretary John Wetzel were on TV saying it cost \$41,000 a year to house an inmate. Does this include the heat?

Mental health inmates at SCI Camp Hill are forced to work in kitchen #2 where there are wet floors and no rubber floor mats. Remember, mental health inmates take medications that can cause dizziness, lightheadedness, and sleepiness, making it especially risky to walk on wet floors. Two inmates fell in the kitchen and injured their heads (both are now OK). Does \$41,000 include safety features?

All inmates who are concerned about these and similar conditions should write to Governor Tom Wolf and DOC Secretary John Wetzel. (see page 19 for addresses)

James Bryant
KT-0632, SCI Camp Hill

SOLITARY CONFINEMENT

SCI Greene has, for the last several years, had a messed-up practice of placing every inmate entering their prison into solitary confinement, whether they are newly committed to the prison or simply returning from court. I have been here since 2007 and I have not had a write-up or misconduct since 2009. Yes, because I am fighting to get free, I had to go to court twice and each time I returned, I was placed in the hole, even though I left from the general population.

They say they have no beds for us in population but every Tuesday and Thursday, they bring more people into the prison, causing the problem. If you have no room for the inmates you already have, why would you bring more without first fixing the problem? This is unfair to us inmates who stay out of trouble and also to the guys just entering the system who have deadlines to meet. We are being unjustly and unfairly punished. If there is anything you can do to help us or to help curb this problem, it will be deeply appreciated.

Khalif Alston
HA-4546, SCI Greene

LETTERS TO STATE OFFICIALS AND ELECTED REPRESENTATIVES

First of all, thanks for all you do for us inmates of the Pennsylvania prison system. I want to address letters by Dana Lomax Williams and Ernest Woods that were in the Fall 2015 issue of *Graterfriends*.

I wrote a letter supporting the legalization of marijuana and sent a copy of it to each of the 203 state representatives. Out of all of them, I received 7 replies. So yes, we can write to our state representatives but the question is, will they reply to our letters? Or will they take action on our behalf? After all we do not have the right to vote while we are incarcerated.

Senator Scott Wagner wants ideas on how to save money in state government. I wrote to him and mentioned that a lot of inmates sit around with no jobs in the prisons and that we should be put to work growing our own food, raising beef, chickens, turkeys, pigs, fish, etc. That would cover the cuts to our food, such as having eggs cut from our menu.

Robert Henry
KB-5763, SCI Laurel Highlands

REMOVED CABLE CHANNELS

Greetings brothers and sisters incarcerated throughout the state of Pennsylvania. I am submitting this letter with the hope that someone will be able to assist me in regaining the channels that were removed from the cable system here at SCI Albion. Over the last year we have seen the loss of at least eight different channels. These include MTV, VH1, BET, GAC, Spike, Comedy Central, and the Travel Channel, just to name a few. Each of these channels was frequently viewed. I went through the process of sending a request to the business manager about it. I was told that the responsibility regarding the cable was in the hands of the company. It was brought to my attention that the company, CCTV, is located in Texas. So I wrote a letter and sent it out to them. Not once, but twice. Each time I sought the relief of having the channels reinstated. No response. The second letter also offered up the religious discrimination that is occurring through the process of there being five channels on the system that are dedicated specifically towards the Christian faith. I let them know that there are hundreds of practitioners who follow a different path and they deserve equal consideration. This, too, went unanswered.

I come to you now and ask if there are others who are dealing with the alteration in the cable system that has gone on without input from the population of the facility and also to ask for help in rectifying this situation so that we might once again be able to enjoy the shows, videos, movies, etc., that we once did. Thank you for any and all wisdom shared for the benefit of all.

Lee Whitt
JZ-5098, SCI Albion

COLLECTIVE EFFORTS ON PAROLE/ COMMUTATION FOR LIFERS IN PENNSYLVANIA

Together, Lifers Inc., the NAACP, the Latin American Cultural Exchange Organization (LACEO), the Unity Community Action Network (UCAN), the Gray Panthers, and Veterans Chapter 466 at SCI-Graterford, are calling on lifers' organizations, groups, and committees around the state to converge and strategize concerning parole eligibility and commutation expansion for **all** persons sentenced to life-without-parole (LWOP) and virtual life sentences.

On October 29, 2015, we conducted a "Mass Incarceration vis-à-vis Over-Incarceration Forum" at Graterford prison involving community stakeholders and professionals who have done a comprehensive study on the status of LWOP in Pennsylvania. The purpose of the forum was to generate a conversation and movement that will allow lifers' issues to become an essential part of the "mass incarceration" reform that is taking place across the nation, with a particular focus on Pennsylvania.

Consequently, we successfully inspired two of our outside guests, Movito Johnson-Harrell and Bryan Lentz, to write an Op-Ed article in the *Philadelphia Inquirer* on December 4, 2015, entitled "Some Lifers in PA Should Be Eligible for Parole." As a larger part of the follow-up, the above organizations at Graterford are seeking support and participation from lifers statewide in our efforts to develop a collection of biographies of lifers throughout Pennsylvania, to be used in a profile championing lifers' cause for commutation and parole.

We would like you to share with us the work that your lifers' group/organization has done or is doing, so it can be included in the profile. We are also contemplating an Annual Retreat Day with all outside volunteers to unify them in our collective efforts. We also would like to include your volunteers in this retreat that is tentatively scheduled for May or June 2016 (date to be determined). Any thoughts or ideas you may have concerning how we can advance our struggle will be greatly appreciated. Thank you for your time and consideration. We hope to hear from you soon.

Kevin S. Mines
AY-5941, SCI Graterford
President, Lifers Inc.

PRICE GOUGES ON TABLETS

Recently, the DOC began selling Global Tel* Link (GTL) tablets to all Pennsylvania DOC inmates. Price tag: \$147 and \$1.80 per song. Emails can be sent and received at an additional cost. These GTL tablets, like the over-priced 19" RCA flat screen TV's that the DOC has been selling, are virtual junk since they have a tendency to malfunction. A high quality tablet is available on Amazon for \$50.

(See Tablets, continued on page 17)

BONUS FOR NOT FEEDING PRISONERS

On May 8, 2015, I attended an awards ceremony where it was announced that the Corrections Food Manager would be receiving a bonus for all the money he saved on the food budget. This took place just months after the implementation of the policy of toast for breakfast twice a week. I wrote Right to Know requests to inquire about the amount of the bonus. I was told that this information would pose a demonstrable risk to the security of staff. I was also told that we were receiving 92.6 grams of protein per day. When I asked for the numbers used to calculate this figure, I was told they don't exist. They must have used something to come up with this number. I would like to know why our food is being reduced while staff is being given bonuses for **NOT** feeding us. Over the past year it has gotten even worse. My guess is that the Food Manager is in line for yet another bonus.

Patrick Horan
HF-2541, SCI Benner

LOOKING FOR HOME PLANS

Brothers and sisters: I am in need of your assistance. I am looking for any list of organizations or individuals willing to provide home plans, i.e., apartments or transitional housing programs willing to rent to ex-felons or ex-offenders. I help people locate home plans and I, myself, will be seeing parole for the first time in March of 2017. I am pulling on your collective knowledge to find these places. When we help each other, instead of hating or warring with each other, we can do productive, positive things. Only when we put aside our differences and pettiness, open our eyes and realize we are all human beings, can we accomplish many amazing things. Please consider helping by writing me at: Jesse Keith Blough, HQ-7572, SCI Albion, 10745 Route 18, Albion PA 16475. Or if you know of a place, feel free to send my information to them. No multi-level marketing scams please. Open your hearts and minds and consider helping me. Peace be with you all Brothers and Sisters.

Jesse Keith Bough
HQ-7572, SCI Albion

The Prison Society does not offer home plans.

However, our online resource, **The Prisoner Reentry Network** has over 700 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.



Our Voices

CAMP HILL ISO RUN-A-THON

by David A. Mayberry, HG-7152, SCI Camp Hill

On November 17, 2015, the SCI Camp Hill Inmate Service Organization (ISO) held their annual banquet to recognize all those inmates who participated and contributed to the Charities Committee 36th Annual Run-A-Thon. Almost 200 men came out to the rain-shortened event, held on Saturday, September 12th.

The ISO members, with the help of the Activities Staff, worked together to set up the field, serve fruit and Gatorade, count runners' and walkers' laps and clean up after the event. All of the general population inmates look forward to this event each year. Each participant and supporter was given a special event certificate.

Through an entry fee and contributions, the Run-A-Thon raised almost \$1,200. These funds, along with the proceeds from our food sale fundraisers, totaled \$3,620. At our banquet, a check was presented to Mark Hawthorne from the Boys and Girls Club of Harrisburg. He thanked all those who made this contribution possible and told us that the funds will impact the lives and futures of children in the Harrisburg area.

A huge **THANK YOU** goes to all who helped make our contribution possible and the ISO a success. It is so rewarding to see that, even in a place like this, we are still able to make an impact on our surrounding communities.

TOILET PUNISHMENT

by Paul Schlueter III, AY-8900, SCI Dallas

SCI Dallas has begun to install water restriction devices in the cells. Toilets get a button that automatically punishes users for flushing more than once within five minutes by refusing to flush again for a full hour. The same device installed in single cells is also being installed in double cells.

The only reason to install these devices is punishment. The environmentalist purpose could easily be achieved by installing buttons that only permit one flush per five-minute period, an even simpler device to build than the DOC's new gadget. Diabetics have a physical need to urinate frequently. Other health problems make it necessary for others to defecate frequently. To punitively impose hour-long flush restriction for the "offense" of flushing twice is cruel and unusual punishment and violates humane standards of sanitation and hygiene.

The DOC actively tempts "violation" by **LETTING** an inmate flush twice and **THEN** abuses legitimate punitive measures when he does so. A belligerent or thoughtless cellmate will inevitably lead to violent conflicts, especially under these conditions. This toilet punishment is a really bad idea and should be outlawed. Will it take court action or will the DOC do the right thing?

PROSECUTORS' VESTED INTEREST VS. TRUTH

by Bryant Arroyo, CU-1126, SCI Frackville

In the Pennsylvania government, the prosecutor's office represents the state in each of the federal judicial districts. The District Attorneys and Attorneys General are vested with the power to represent "we the people" on behalf of the commonwealth's interest. Before becoming an elected official, they begin kicking the political football campaign by using their propaganda machine to influence the votes of "the people" with the promise of protecting the victims of crime, and safeguarding the actually innocent from wrongful conviction. The D.A.s and Attorneys General are sworn to "search for the truth" during every trial - not just obtain an outright conviction.

There are three concepts of truth: (1) agreement of thought and reality; (2) eventual verification; and (3) consistency of thought with itself. Most D.A.s and Attorneys General fail to "seek truth" in accordance with both the spirit and the letter of the law. If you think the truth doesn't matter, think again. When one's life is in the hands of an authority figure you can only hope this elected official is vested in and stands firm in the truth. Otherwise, you can end up being the next unsuspecting victim subjected to our fractured judicial system, represented by these empty suits that decline to adhere to the oath they were sworn to uphold with integrity in every trial.

On the other hand, every elected official will be confronted with the dilemma of choosing to either "seek the truth" and thus commit political suicide, or manipulate and misrepresent the facts to seek a wrongful conviction to secure their political careers. They must choose to stand for the unpopular notion of being on the side of truth or choose popularity and untruth. This question remains unanswered, and will only become clear once the elected official has taken office. Once in office, the people will get to know where this elected official stands when it comes to searching for the truth.

This reminds me of the old adage, "The lie travels half-way around the world before the truth puts on its shoes." It is unconscionable that there are so many citizens that have been wrongly imprisoned for years, especially, when one day spent in prison for a gross miscarriage of justice is one day that can potentially be their last. How many more wrongful convictions will it take before the taxpayers and politicians initiate the proper legislation to make the necessary changes to our fractured criminal justice system and hold the D.A.s and Attorneys General accountable for their failure to live up to their sworn oaths to search for the truth in every trial?

(See Prosecutors, continued on page 16)

(Our Voices, continued from page 6)

SCI CAMP HILL 2016 DAY OF RESPONSIBILITY

by Harold Moser, KK-2055, SCI Camp Hill

*It takes a village to raise a child;
it takes a nation to raise a man.*

On February 27, 2016, Camp Hill SCI held its Annual Day of Responsibility. Over 100 inmates participated, hearing testimony from community leaders and then sharing their own experiences in small focus groups. According to the feedback, everyone gained valuable insight from the day's activities.

Events such as the Day of Responsibility show many state prisoners the disturbing truths that some of us already know. Our crimes not only devastate our victims but often destroy their families, our families, and entire communities as well. Anyone affected by our actions will never be the same.

By coming together as a united group, we can educate each other on the impact of crime. With eyes open, inmates are now motivated to change their lives and live more responsibly. Finally, with conviction, new thinking and support, inmates will return to society - as new men. Special thanks to all presenters and administrators who make this yearly event possible. We appreciate you.

ONE PRISONER'S PERSPECTIVE ON TIME

by Clayton Mibroda, LA-1879,
Westmoreland County Prison

Sometimes, mostly all the time, it is unfathomable to think about time, how fast it goes, how much is wasted behind bars. Time waits for no one, it does not wait for us to be the parents we truly want to be.

Time is indifferent and impartial. It doesn't care about your feelings. Time won't let you go back and change the way things went down. Sadly, it is not a Super Nintendo that let's you reset the game.

Time doesn't know you're innocent. Time didn't see the police and certain agencies conspiring to put you on trial for murder. It didn't notice the overzealous District Attorney and biased judge and jury that did not care about the truths you spoke. Time doesn't know what an incompetent public defender is. Time didn't notice that everything about your case was a really bad joke.

Time is indifferent, impartial, unsympathetic. It didn't care then and doesn't care now. With time, there are no faces, just a blurred mass.

I did not write this to discourage or depress. To the contrary, I wrote it to face my biggest fear: running out of time. What matters most to me in this life is to be a father to my beautiful child. Yet the courts deny, deny, and deny again with their twisted sense of "justice." It is always a crushing blow to the shred of hope that we hold on to.

I wrote to place this into a perspective that I could understand: we have no control over the time that is being lost. We have no control over the decisions a judge makes based on what he/she had to eat for breakfast. Sadly, this is what they call "justice."

What we can control is what we do with our time. Read, educate yourself. Turn your pain into power. Make things right and fight against injustice all your life.

What can we say to the unsympathetic, indifferent "justice system" that has miserably failed America? What can be said to the faceless, indifferent entity named Time? Even in these chains, you cannot hold me, you cannot break me. Light will shine in your darkness and reveal the injustices you've committed. One day you will be held accountable!

CLEAN INDOOR AIR ACT

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

Why do so many non-smokers still put up with those who smoke? If you don't like the smell of smoke, if you worry about your health, knowing that secondhand smoke causes cancer and that secondhand smoke is worse for the nonsmoker than the smoke inhaled by the smoker, then why does the DOC allow a smoker to be celled up with you?

If you are a nonsmoker who is forced to share a cell with a smoker and are tired of living in a cell that smells like a dirty ash tray, you can file a grievance, sending copies to the Governor and the Attorney General (see page 19 for addresses). If your grievance is denied, you can appeal to top DOC management.

There are more non-smokers incarcerated than smokers, so the ball is in your court, Ladies and Gentlemen, and your health is at stake.

According to the
American Cancer Society,
there is no safe level of exposure to
secondhand smoke (SHS).

Any exposure is harmful.

The only way to fully protect non-smokers
from exposure to SHS indoors is to
prohibit all smoking in that indoor space
or building.



Legal Chat

THERE IS HELP OUT THERE FOR US

I am writing in regard to a service called “Jus Aequum.” I learned of this service from the “Corrections Compendium” newsletter in November 2015 and it was a featured story on the National Public Radio Show “All Things Considered.” It is a service that helps inmates attract publicity, attention, advocacy and other kinds of help for their legal situation.

I sent them \$30 along with my docket numbers and an explanation of my legal situation. They created a web page for me where they explained my case in as much detail as I provided to them, and sent me a copy of the page. Then, they sent my web page (via Twitter, Facebook, and email) to thousands of lawyers, as well as to law schools, law students, prisoner advocacy groups, human rights advocacy groups, media outlets, activities, and others who are willing and able to help inmates who are trying to get justice.

I have received over 100 responses, and I continue to receive responses, from people all over the United States who have investigated my case in ways that I never could have from in here. They have shown me several illegal aspects of the sentence I have been serving for 20 years and I am in the process of getting my illegal sentence vacated. I passed their information on to a few other people in here and they have had very similar results.

I highly recommend this service to anyone who has any kind of legal situation that may be getting mishandled, neglected, ignored, buried, or swept under the rug by the Courts and others, or if they feel their case is not getting the attention it needs and deserves in order to get resolved. The address is: Jus Aequum, P O Box 13097, Harrisburg PA 17110.

Horace Harriott, Jr
DF-9780, SCI Benner Township

Editor's note: The Prison Society was unable to confirm or deny the existence or effectiveness of this organization.

LAFLER AND FRYE

In the June 2013 issue of *Graterfriends*, Christopher Berry, AY-3534, wrote a very interesting piece about *Lafler v. Cooper* and *Missouri v. Frye*. If Mr. Berry or anyone else knows of any cases in the Circuit Courts being appealed on the issue of whether or not the *Lafler* and *Frye* decisions are retroactive, please let the rest of us know with another letter to *Graterfriends*.

The issue of whether or not *Lafler* and *Frye* are retroactive might also be ultimately decided by our High Court. Any news on *Lafler* and *Frye* would be greatly appreciated.

Rafael Hernandez
EC-5403, SCI Greene

HOW TO FILE COMPLAINTS AGAINST THE DOC

Having read the two most recent issues of *Graterfriends*, I was encouraged by the growing awareness, statewide, of the deceitful abuses and predations of the Pennsylvania DOC and its sister agency and partner-in-crime, the Pennsylvania Board of Parole. On a daily basis, I hear talk of filing suit against the DOC to address this problem or that.

A quick check with Lexis Nexis revealed that SCI Dallas, alone, has been named a defendant in more than 500 current lawsuits in just the local judiciary of Luzerne County! Clearly, one can surmise that this DOC is not in any way discouraged, in its pernicious and nefarious schemes, when one or more of us prisoners either threatens to sue or actually files suit.

In light of such facts, and based on more than eight years of firsthand observation, I've concluded that the only effective mode of bringing the DOC to heel on issues where our rights are violated is to inform them that you WILL bring criminal charges against any and all staff involved in the criminal conduct. I have found that this strategy gets their undivided attention in short order.

The two catches to pursuing such legal remedy against each staff member in their ‘individual-capacity’ are (1) you must fully intend to follow through with filing a criminal complaint and (2) you must act strategically. By this I mean, do not threaten criminal action, putting your prison's staff on notice to now surreptitiously employ any and all subterfuge necessary to prevent you from contacting outside authorities. You must (a) file a criminal complaint on a generic form available in most law libraries, (b) file it with federal authorities, like your region's federal magisterial justice, and (c) send a copy of the complaint to Pennsylvania's Attorney General, who is currently the criminally-indicted Kathleen Kane (*see page 19 for address*). Don't expect her office to act properly and actually take up your cause by filing her own charges against the DOC's offending staff, but send her office a copy of your complaint anyway to allow the A.G. first right of refusal to investigate your allegations.

This strategy succeeded against the Medical Director at SCI Retreat, who immediately relented and remedied the prisoners' complaints the same day he was served the ‘notice-to-appear’ in court. Chronic problems such as the ongoing smoking issues in our prisons and the toilet flush ‘cut-off’ devices are criminally actionable if we take the time and care to properly file criminal actions in each instance. I suggest that this can also be done for commissary price-gouging and monopoly issues.

Until we band together and take this leviathan to task, seeing them prosecuted for their unabated and numerous willful crimes against us as a group, they will continue to enslave, extort and blackmail us and all who come into prison behind us. Now is the time to act.

Ronald Janda
HU-3080, SCI Dallas



MANDATORY LIFE WITHOUT PAROLE MAY VIOLATE 8th AMENDMENT UNDER MILLER

By Kerry “Shakaboona” Marshall, BE-7826,
SCI Rockview

In *Miller v. Alabama*, the U.S. Supreme Court held that imposing a mandatory sentence on a child offender constituted cruel and unusual punishment in violation of the 8th Amendment of the U.S. Constitution. The question remained whether the holding in *Miller* applied retroactively to cases on collateral review. Three years later, the Court took up that question in *Montgomery v. Louisiana*, and held that *Miller*'s prohibition on mandatory Life Without Parole (LWOP) sentences for child offenders announced a new substantive rule that, under the constitution, is retroactive in cases on collateral review.

The argument in *Montgomery* provides a roadmap for future 8th Amendment challenges. Specifically, *Miller*'s substantive and procedural aspects have new implications for the scope of the 8th Amendment, and offer interesting opportunities for future adult offenders (petitioners) to challenge the constitutionality of mandatory LWOP sentences and indeed, all LWOP sentences.

Lost in the discussion about the question of the application of *Miller* to cases on collateral appeal are the broader consequences of the *Miller* decision in both its substantive and procedural components. In fact, the retroactivity discussion in *Montgomery* sheds light on these potential collateral consequences.

As a substantive decision, *Miller* extends the core principle of *Woodson v. North Carolina* and *Lockett v. Ohio* that criminal offenders deserve individualized sentencing consideration. As such, mandatory death penalty sentences and mandatory child LWOP sentences violate the 8th Amendment.

Since a LWOP sentence is the imposition of a death penalty by other means, commonly called Death-By-Incarceration, *Miller*'s core principle of individualized sentencing should also apply to mandatory LWOP and LWOP sentences. The Court has stated that “death is different” and now “kids are different,” so there is no reason that LWOP should not be considered “different” just the same. The consequence of the sentence is significant enough to mandate judicial consideration of mitigating evidence. The idea here is that the seriousness of the sentence invokes the 8th Amendment

requirement of individualized sentencing and consideration of mitigating evidence, such that cabining the application of this constitutional principle to the death penalty and child LWOP seems arbitrary.

A broad reading of *Miller* as a procedural decision similarly opens the door to a host of arguments but related to LWOP sentences, not mandatory LWOP. If *Miller*'s core principle is requiring consideration of mitigating characteristics at sentencing, in light of the rehabilitation potential of children, then it follows that subsequent hearings further into an offender's time spent in prison might also be helpful to determine the length of sentence.

Imposing a LWOP sentence threatens human rights in similar ways to a mandatory sentence. The mandatory sentence denies consideration of one's potential for rehabilitation; the LWOP sentence denies any future consideration of one's actual rehabilitation. Refusing an offender a “second look,” forecloses any opportunity to present evidence supporting release from prison, just as a mandatory sentence forecloses any opportunity to present evidence supporting release from prison.

The human right here lies in the procedure – the opportunity for a court or parole board to consider the merits of an offender's case for mitigation and release.

The procedural consequences of *Miller*, then, suggest that LWOP sentences may also violate the 8th Amendment in that they deny consideration of mitigating evidence at a point after the initial sentencing hearing.

Under each conception of *Miller*, there exists significant potential to challenge the constitutionality of mandatory LWOP and LWOP sentences.

In light of *Miller* and *Montgomery*, prisoners serving mandatory LWOP or LWOP sentences can use those cases to immediately file either a direct or collateral appeal in the court claiming their mandatory LWOP or LWOP sentence violates the 8th Amendment. Then let the fight to abolish mandatory LWOP and LWOP sentences begin across America.

Kerry “Shakaboona” Marshall
Co-Founder and Editor of *THE MOVEMENT Magazine*
Prison Radio Correspondent
Founding Member of the Human Rights Coalition
Child Offender serving mandatory LWOP in PA



Legislative Highlights

by Ann Schwartzman, Executive Director, and Samantha Cruz, Intern

The Pennsylvania General Assembly is currently in its 2015-2016 Legislative Session. If you can access the Prisoner Reentry Network (www.phillyreentry.com), check the “Legislate” tab on top to search for bills and additional information. Please note, this information is correct as of May 6, 2016.

BILL NO. PRINTER	DESCRIPTION	CHIEF SPONSOR	PPS POSITION
Act No. 5 [SB 166 PN1517]	Allows some individuals convicted of nonviolent misdemeanors, of the 2nd and 3rd degree, who served their sentence, paid all fines and costs, and remained free of arrest or prosecution for ten years to file for an order of limited access requesting the court to seal such record from the public including employers. The cost is \$132 to petition the court to seal the record. You can ask for in forma pauperis (IFP) if you cannot afford this fee. Other criteria apply, lawyer consultation is highly recommended. (Approved by the Governor 2/16/16; takes effect 11/14/16)	Sen. Stewart Greenleaf R-Montgomery and Bucks Counties	Support
HB 220 PN217	Further defines fleeing or attempting to elude a police officer by criminalizing failure to remain in or at one's vehicle after having been stopped by the police. (Passed the House 4/5/16; Referred to Senate)	Rep. Mike Regan R-Cumberland and York Counties	Oppose
HB 877 PN 1080	Institutes minimum eligibility requirements for applicants seeking clemency from the Pennsylvania Board of Pardons (PA BOP) and the Governor. Institutes a five-year waiting period following one's conviction (excluding summary convictions for traffic related offenses) before one would be eligible to submit an application for a pardon or commutation with the PA BOP (excluding persons sentenced to death). (Referred to House Judiciary 4/6/15)	Rep. Justin Simmons R-Lehigh, Montgomery, and Northampton Counties	Oppose
HB 1353 PN 1930	Increases mandatory minimum sentence for second and subsequent homicide by vehicle DUI offenses from 3 to 5 years. (Passed House 4/5/16; Referred to Senate)	Rep. Dan Moul R-Adams County	Oppose
HB 1632 PN 2366	Further provides for sentences for offenses committed with firearms and for sentences for certain drug offenses committed with firearms. Restores PA's mandatory minimum sentencing provisions relating to violent crimes committed with firearms. (Passed House; Referred to Senate Judiciary 10/30/15)	Rep. Todd Stephens R-Montgomery County	Oppose

BILL NO. PRINTER	DESCRIPTION	CHIEF SPONSOR	PPS POSITION
SB 411 PN 1335	Amends Right-to-Know Law. Ensures that prison inmates have access to records related to themselves and their incarceration, but otherwise limits their right to file requests. (Passed the Senate; Referred to House State Government 10/23/15)	Sen. Dominic Pileggi R-Chester and Delaware Counties, now Judge, Delaware County Court of Common Pleas (as of 1/4/16)	Oppose
SB 1134 PN 1570	Further provides for post-conviction DNA testing to reflect advances in technology. Allows citizens no longer under correctional supervision to apply for DNA testing. Allows those who plead guilty to access testing. Requires the Commonwealth identify all physical evidence in a case. Allows testing when new DNA technology becomes available. Testing results will be added to the FBI's DNA database, called CODIS. (Referred to Senate Judiciary 3/4/16)	Sen. Stewart Greenleaf R-Montgomery and Bucks Counties	Support
SB 1147 PN 1576	Prohibits Juvenile Life Without Parole (JLWOP). The goal of this legislation is not to abdicate responsibility from juveniles, but rather to ensure they receive a just sentence. This is in response to the recent US Supreme Court Montgomery decision. It provides penalties for juveniles serving life without parole who will now be resentenced. The <i>Montgomery</i> decision makes an earlier Supreme Court decision in <i>Miller v. Alabama</i> retroactive which stated that juveniles cannot be given an automatic life without parole sentence. The bill sets forth penalties as follows: For 1st degree murder: 35 to life if 17 years old and 25 to life if under 17 For 2nd degree murder: 35 to life for age 17 and 20 to life if under 17 (Referred to Senate Judiciary 3/4/16)	Sen. Shirley Kitchen D-Philadelphia County	Support
SB 1138 PN 1571	Amends criminal homicide, further providing for murder of the second degree. The bill includes the following language in defining felony murder: "the defendant intentionally, knowingly or recklessly disregarded the risk that the death of another human being would occur as a result of their participation in the perpetration of the felony." (Referred to Senate Judiciary 3/4/16)	Sen. Daylin Leach D-Delaware and Montgomery Counties	Under Review

Clean Slate Legislation

Clean Slate legislation allows for the **sealing of minor nonviolent cases** including misdemeanor convictions, summary convictions, charges not resulting in convictions, or juvenile adjudications **automatically** if there are no other felonies for misdemeanors. The sealing will allow only law enforcement to access this information. Both SB 1197 and HB 1984 have been recently introduced with extensive bi-partisan support. A broad based coalition across the Commonwealth is working on this legislation to seek support for passage by this legislative session.

SB 1197 PN 1725	Implements automatic sealing of records providing a clean slate for convictions of nonviolent misdemeanors, summary offenses, and non-conviction records after a specified amount of time. (Referred to Senate Judiciary 4/20/16)	Sen. Scott Wagner R-York County	Support
HB 1984 PN 3202	Implements automatic sealing of records providing a clean slate for convictions of nonviolent misdemeanors, summary offenses, and non-conviction records after a specified amount of time. (Referred to House Judiciary 4/14/16)	Rep. Sheryl Delozier R-Cumberland County	Support

(Reexamine LWOP, continued from page 20)

In Pennsylvania, a life sentence without the possibility of parole is the penalty for first and second degree murder which includes felony murder. Only 13 states have life without parole sentences for first degree murder and only 9 states allow it for felony murder. While Pennsylvania also has a death penalty option for first degree murder, it has never been used since it was reintroduced in 1976 but for three volunteers. Not only are the perpetrators of a homicide subject to this extreme penalty but less culpable persons such as the getaway driver or a lookout in a robbery gone awry are also subject to the same sentence under the felony murder rule. In Pennsylvania a felony murder conviction occurs when a murder was committed during the commission of a felony. All participants in the crime are subject to the same sentence regardless of their individual culpability.

Steve Blackburn typifies this type of case. He got into a fight with someone at a rock concert, chased him outside where a friend shot and killed that person. The friend negotiated a plea deal and received a sentence of less than 10 years. Steve went to trial, was convicted of felony murder and got a life sentence. William Smith is in his 49th year of a felony murder conviction sentence for being an unarmed bag man in a robbery where his accomplice shot and killed the store owner behind his back. While prosecutors may strive to ensure they charge the correct crime before issuing an arrest warrant, there is little regard for the inequities that the current sentencing structure creates. Senator Daylin Leach [D, Mont. Co.], recently introduced legislation, SB 1138, which would modify felony murder. Several other bills have been or are being introduced to raise the possibility of parole or focus on juvenile lifers such as Senator Shirley Kitchen's SB 1147. (See the *Legislative Highlights for more information on these bills.*)

Pennsylvania has over 5,410 inmates who are serving a sentence of life without the possibility of parole. Of these, 1,217 individuals are serving a sentence for second degree murder, and the vast majority of these are felony murder convictions. Approximately 500 of these individuals were convicted of homicides committed when they were under the age of eighteen; Pennsylvania houses the largest such population in the world. In 2012 the U.S. Supreme Court ruled in *Miller v. Alabama* that a mandatory life sentence without the possibility of parole for these juveniles is cruel and unusual punishment and violates of the 8th Amendment of the United States Constitution. They reasoned that juveniles haven't had the benefit of the maturation process.

In 2013, the Pennsylvania Supreme Court ruled in *Commonwealth v. Cunningham* that *Miller* was a mere procedural ruling and refused to apply it retroactively to those 500 individuals. But just last month the U.S. Supreme Court ruling *Montgomery v. Louisiana* ruled that *Miller* is to be applied retroactively. Our legislature then passed a law that gives 25 to 35 year sentences for juvenile homicides depending of the age at the time of the crime.

Overall our lifer population is second only to Florida. The average lifer spends 23.4 years in prison. The cost of housing such individuals for the rest of their lives is astronomical, averaging more than \$870,000 over their lifetimes. An average of 133 new lifers enter the system each year with 28 dying behind bars. Joseph Ligon is the longest-serving lifer, he is currently 78 years old and in his 63rd year of his sentence for a crime committed in 1953 when he was 15 years old and costing taxpayers approximately 2.31 million dollars. Paul Studenroth is 72 years old and was convicted when he was 18, 54 years ago, costing \$1.98 million dollars.

At one time, Pennsylvania lifers could seek relief from their sentences through commutation. In the 1970's Governor Milton Shapp commuted 30 lifers a year and 251 during his 2 terms. Former Philadelphia District Attorney Norris Gelman once testified that his office generally understood when going for a second degree murder conviction that the individual would most likely be commuted after 15 or 20 years of good behavior. Since then the political winds shifted dramatically and that is no longer a viable option. Governors Ridge and Corbett issued no commutations while they were Governors. Governor Casey issued 27 and Rendell 5 commutations. Governor Wolf just issued his first. When William Smith, who participated in the armed robbery of a check cashing business in 1968, applied for commutation in 1992, the five member Board of Pardons unanimously approved his commutation application but Governor Casey never signed it. He tried again in 2014 and got four positive votes but failed to get Lt. Gov. Crawley's vote and was thus denied, despite 48 years of an outstanding prison record, support from the prison system, and support from his two brothers, Philadelphia Police officers, who offered him housing and employment. The commutation process was made much more difficult after the tragic release of a known snitch Reginald McFadden, who killed two people and raped a third after his commutation and release. Now a unanimous vote is required by the Board of Pardons before it goes to the Governor's desk which the Prison Society had challenged. The Board was created in 1874 as a buffer against executive abuse when the Governor was caught selling pardons. Ironically it now protects the Governor from making these difficult decisions.

It is important to note that recent updates indicate that there are changes pending here too, as Lt. Governor Michael Stack, Chairman of the PA Board of Pardons, is creating an Advisory Council as well as process changes for the Board.

In these ever-changing times, Pennsylvania should reconsider LWOP sentences especially given the recent loss of public confidence in our criminal justice system. Porngate forced the resignation of two Supreme Court justices and the resignation of several prosecutors. Another Supreme Court Justice was recently convicted of a felony and removed from the bench. The emergence of the Black Lives Matter movement has also heightened scrutiny of our system of justice.

(See Reexamine LWOP, continued again on page 18)



Literary Corner

WHEN JUSTICE ISN'T JUST...

by *Ira Allen Johnson, ES-5887 SCI Huntington*

From the Belly of the Beast to the top of Mount Sinai
Let our calls for justice become our battle cry!

Before we take to the streets demanding the release of
those unjustly confined,
Remove the blindfold from Lady Justice's so-called
blind eyes
So she can bear witness to the injustices destroying
our people's lives.

Let her see first-hand the brand of justice
she's providing
The kind that ends relationships and causes
races to collide,
Drains the economy and causes our nation to divide.

It's a must that we mistrust those who tell lies,
For there is no trust to be gained from us
when justice is denied.

When it's just us screaming "INJUSTICE"
we must be prepared to give our lives,
If for nothing more than to keep our movement alive.

They can shackle our feet and place cuffs upon our
hands
But these Stalin-esque practices will never defeat our
plans.

TO RESTORE JUSTICE TO THE JUST, TRAPPED IN
AN UNJUST LAND!!!

LOYALTY

by *Termaine Saulsbury, GP-3965, SCI Camp Hill*

Loyalty
The foundation of love
Loyalty
Honor and respect
Loyalty
It can't be bought
Loyalty
It has to be instilled
Loyalty
Something builds over time
Loyalty
I rely on for strength
Loyalty
The peak of solidarity
Loyalty
Do you have it?

THOUGHTS OF THE MADMAN

by *Anthony Stafford, KE-3212, SCI Frackville*

Speaking with a friend of mine
I listen to him while he cleared his mind
With thoughts purely from the brain
Embraced by the heart
Released by the mouth.

This path ain't right
This math don't add up.

In my prison cell
I look for a smudge of light
But I'm blinded by how harshly they painted the picture
of me
The judge's final thoughts when he made his judgment,
A thing only GOD CAN DO.

I feel alone
Walking down the long prison road.

My life in the lawyer's hand
He acted as if he was on my side
No doubt in my mind
He wanted me to take the ride to the point of no return
No longer any of his concern.

Then I say to myself
Countless winters and summers
But I catch myself before I fall
As my mind springs into action
Speaking for those who are unspoken.

In many ways, their words relate to my own shout-out to
my homie Vann.

Quick thoughts of the mad man.

Inspired by L. Vann

IF ONLY YOU

by *William "Juicy" Coward, 182140, Lehigh County Jail*

You said I wouldn't make it
If only you
Could see me now.
You said I was a nobody
But to him I'm somebody
If only you
Could see me now.
If only you
Could see me now
I'm on top of the world.
If only you
Could see me now
I made it through
Without one bruise.

Look at me
Look at you
If only you
Could see me now.



Announcements

Barber Issues?

Have you had problems with a barber license? Have you been told that you cannot take the exam to become a barber? Or has the government said it wants to revoke your license? The Pennsylvania Prison Society has heard from inmates in several different state correctional facilities that they are being prevented from working as barbers.

We are very interested in exploring ways to try to solve some of the problems that people are having in getting, or keeping, their licenses.

If you've been affected by this, we'd like to hear from you.

We are interested in learning about how many people are having these problems, and what the nature of the problems include. We are not able to represent you, so if you get a notice saying that you have to appeal by a certain date, we encourage you to file an appeal directly on your own, so you don't miss the deadline.

Please send a summary of any issues surrounding obtaining the barber test, license or other issue.

Contact the Pennsylvania Prison Society, 245 N. Broad St., Suite 200, Philadelphia, PA 19107. Please explain the problem and include copies of any notices that you have received. Please keep the original copies for your own files. Thank you in advance.

Families Against Mandatory Minimums (FAMM) wants to hear from Pennsylvania state prisoners who are serving long mandatory sentences for drug and gun offenses.

FAMM, a D.C.-based sentencing reform organization, is working to fight mandatory minimums in Pennsylvania, but needs case examples to help convince lawmakers to support fair sentencing.

If you are serving a long mandatory sentence for a drug or gun offense, please send 1) your name, 2) contact information for yourself, 3) contact information for an outside friend or family member, 4) a brief description of your offense, and 5) your sentence (example: I received a 10-20-year mandatory minimum), to:

FAMM
Attn: Pennsylvania Stories
1100 H Street, NW
Suite 1000
Washington, DC 20005

FAMM does not offer direct legal assistance and cannot respond to every letter received, but the organization will contact you by mail if they'd like to learn more about your case.

Pen Pal Program needs Writers Mary Mother of Captives, based in Greater Philadelphia, hosts a pen pal program that allows the public to "visit" the imprisoned from home. This program has grown to include over 175 state and federal prisons across the country, and the organization currently serves over 575 incarcerated individuals. The writers' names and addresses are kept confidential, and the program helps prisoners know that some "on the outside" recognize their plight and want to help (non-monetarily) support them during their incarceration. The program serves all religious beliefs, races, genders, etc. For many prisoners, pen pals are the only contact they have with the outside world. The program is currently experiencing a shortage of writers; about 100 prisoners are backlogged, waiting for writers to contact them. If you are interested in becoming a writer for this program, contact John or Sue at 610-259-3178, or email SUsan_MMOC@comcast.net. (Please note that this is NOT a matchmaking service.)

The Veterans Legal Foundation, Inc., and the Pennsylvania Veterans Justice Project are asking all veterans incarcerated to notify their family members and friends about supporting veterans. Call or write your district legislators and ask them to support bills that help incarcerated veterans. The Vietnam Veterans of America Chapter 46 has written an act that advocates legislative reform for all veterans who find themselves involved with the judiciary system in Pennsylvania. All concerned citizens should contact their family member/veteran and let them know that they are supporting any new legislation that helps incarcerated veterans. Please contact the Veterans Legal Foundation, Inc. for more information:

Melvin C. Dill, Jr. or Richard Tut Carter
PO Box 155
Chester, PA 19016
484-350-6945

If you are a prisoner who has written a book, Prisons Foundation wants to publish it. There is no charge to publish or read your book. Your book will be scanned and published exactly as we receive it. Any language is acceptable. It may contain drawings and photos. For more information, contact:

Prisons Foundation
PO Box 58043
Washington, DC 20037

Bread & Roses

We would like to thank Bread & Roses for their continued support of *Graterfriends*, our mission, and those we serve here at the Prison Society



Inmates diagnosed with psychological or psychiatric disorders after you were sentenced:

If you were diagnosed by the DOC with such a condition after you were sentenced, please contact The Center for Returning Citizens and request our case study questionnaire. We may be able to assist you in overcoming time bar for collateral appeal. Please do not call us or send records to us.

James Hendel
Center for Returning Citizens
1501 Cherry Street
Philadelphia, PA 19102

Fight For Lifers West In Pittsburgh, Pennsylvania

Meetings are held every third Saturday at Thomas Merton Center, located at 5129 Penn Ave., Pittsburgh, 15224 at 10:00 a.m. until 12:00 p.m. Contact FFLW at 412-361-3022 (leave a message) or at fightforliferswest@yahoo.com for more information.

Edward Walko, Prison Society Official Visitor

Edward "Ed" Walko, 65, passed away suddenly on March 18, 2016. Ed graduated from Pitt in 1973 and went on to earn a Master's in Special Education in 1976. He began as an Official Visitor for the Prison Society around 2000 and visited SCI Greene until he retired from teaching Special Education in 2012. He left Greene County and returned to Pittsburgh. He was active and healthy right up to the end.

Do you want to subscribe to
Graterfriends?

See the order form on
Page 18.

229th Anniversary

The Pennsylvania Prison Society is celebrating our 229th consecutive Annual Meeting with a Fundraiser & Program on May 19, 2016 from 5:30-8:30 PM at Eastern State Penitentiary.

Please encourage your family and contacts to attend.

We are also seeking sponsorships for the event that range from

Gold Sponsor - \$5,000 (includes 6 tickets)
Silver Sponsor - \$1,000 (includes 4 tickets)
Bronze Sponsor - \$500 (includes 2 tickets)
Benefactor - \$229 (includes 1 ticket)

Tickets (ahead of time) - \$45
Tickets (at the door) - \$50

Sponsorships are tax-deductible to the full extent of the law

After nearly 229 years, we continue to follow our mission to advocate for a humane, just and restorative correctional system, and to promote a rational approach to criminal justice issues.

We greatly appreciate your interest and support!



MUST READ BOOKS

by Warren E. Henderson
BQ-4775, SCI Albion

1. City of Nightmares Part One. *Real life stories about life inside the prison system.*
2. City of Nightmares Part Two. *Continues the prison madness in deeper details.*
3. Must I? *The life experiences of a man re-entering society after spending 10 years in prison. The drug game, the drug wars, the women and much more!!*
4. Hotter Than. *True facts about the government, the mind, and life experiences... One of the most true, raw, informative, deep and knowledgeable books of the century!!*
5. Pleasure of Hell. *Horror fiction. The most horrible, horrible story ever written. Said to be too horrible for the human mind!!*

To order, send check or money order for \$20 per book to

Xlibris Corporation
1663 Liberty Drive,
Bloomington, IN 47403

Email: info@xlibris.com
Phone: 888-795-4274
Fax: 610-915-0294

Please remember that any submissions we receive will NOT be published without express 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.

Thank you.

(Prosecutors, continued from page 6)

In the article featured in the *Socialist Viewpoint* entitled “Our Broken Judicial System,” (Vol. 15, No. 6, pp72-73), Lorenzo “Cat” Johnson highlights a grim history that includes the outrageous number of 125 wrongfully convicted men and women who were formally exonerated in the nation, up to the year of 2014. The record further substantiates the prosecutors’ and Attorneys General egregious practice of failing to seek the truth to prevent the actually innocent from suffering a gross miscarriage of justice. Our broken judicial system continues to rear its ugly head by wrongfully imprisoning innocent people who, years later, are found to be innocent and are finally released. There is a timely quote by the late Senator Barry Goldwater (1909-1998), “**Those who seek absolute power, even though they seek it to do what they regard as good, are simply demanding the right to enforce their own version of heaven on earth, and let me remind you, they are the very ones who always create the most hellish tyrannies.**”

It is frightening to know that our lives are subjected to these elected officials who are sworn to uphold their oath to **seek the truth at all cost** but refuse to do so. Historically, these elected officials have obviously engaged in misrepresenting the truth by twisting the laws to trap taxpaying citizens, to pad their resume with convictions of innocent victims. **Do our lives really matter to these elected officials?**

Correction

In the Fall 2015 issue (Volume 46, Issue 5), *Graterfriends* published a letter entitled “Discrimination at SCI Benner.” Since the letter was published, we have been informed that it was incorrect.

We regret any consequential issues and apologize. We are now reviewing our publishing process but want to emphasize that we spell out the procedures for publishing in each issue. This was listed on page 2.

Please note that as with many publications, we do not assume any responsibility for any of the letters or articles submitted and published. We follow our guidelines and expect contributors to adhere to our rules.

The opinions expressed in this publication are of the authors and not necessarily those of *Graterfriends* or the Pennsylvania Prison Society.

Changes, continued from page 1

While courts throughout the Commonwealth are not known particularly for leniency, there has been a shifting attitude within the bench. Criminal behaviors need to be effectively addressed but only after taking into account all of the relevant sentencing factors and options. Drug and alcohol use, mental health, education, job training and cognitive behavioral changes must all be considered and utilized. While accountability will remain paramount, effective long-lasting change comes from being smart and not just tough.

Editors, continued from page 2

Please note that it is crucial when submitting an article to *Graterfriends* for potential publication that you include a note giving us permission to print it and indicating that you are the original author. Our staff is small and we wear a multitude of hats and are not able to ask permission for each submission nor are we able to interview each author regarding their piece. We receive some letters that we would like to print but cannot without permission from the author. Please note that a one-time note indicating that anything from you is printable is not enough—we must have permission for each individual submission. In addition, we are reviewing our publication submission rules and may make some changes. Until that takes place, however, we will continue to require permission per letter. Thank you for your cooperation and we look forward to reading and publishing your articles.

Tablets, continued from page 5

The DOC has a history of selling its inmates inferior products so we will have to purchase a replacement. I discovered that New Jersey sells GTL tablets to its DOC inmates for \$35 and the Federal Bureau of Prisons sells GTL tablets to its prison population for \$39. This amounts to price gouging by the Pennsylvania DOC as they overcharge all of us for yet another inferior product. DOC policy (DC-ADM 815 ET SEQ.), as well as Pennsylvania case law stipulates that the DOC is “NOT” permitted to make a profit of more than 5% on anything it sells to inmates and those earnings must be applied into the Inmate General Welfare Fund (IGWF) for future inmate commissary cost reductions.

If you want to try to stop this overcharging for tablets and numerous other commissary products, file a grievance all the way up the ladder. Then, once you’ve exhausted that avenue, contact The Human Rights Coalition and the Pennsylvania Institutional Law Project. Both organizations have offices in Philadelphia and Pittsburgh (see page 19 for addresses).

Richard Grosso
CW-6956, SCI Forest

Assistance, continued from page 1

Department mandated for several classes of RHU non-capital case prisoners since late 2015.

We capital case prisoners seek the following assistance:

- Sending letters of support to DOC Secretary John E. Wetzel (see page 19 for address);
- Donating money to pay for an expert forensic psychiatrist for the purpose of expert testimony (we are currently applying for a 26 U.S.C. §501 (c)(3) waiver from the IRS.
- Helping us create an independent website for our coalition; and
- Emailing this letter to all fellow organizations.

If you are able to provide assistance, please respond to me at the address below:

Robert Gene Rega, FA-4771
SCI Greene

The Prison Society does not provide compensation for overcrowding in the Philadelphia Prison System.

It’s a rumor.

Contrary to what you may have been told, no compensation is available from the Prison Society — or any other agency — for individuals who have experienced overcrowding at the Philadelphia Prison System

It’s simply not true.

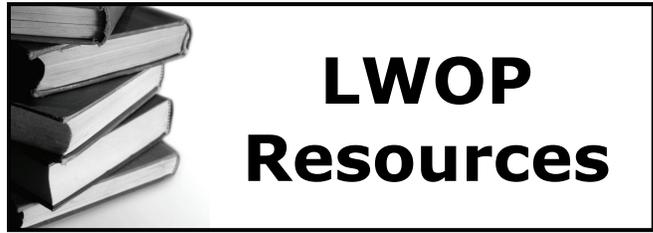
For more information on previous class action suits concerning overcrowding in the Philadelphia Prison System, please contact: The Pennsylvania Institutional Law Project, The Cast Iron Building, 718 Arch Street Suite 304 South, Philadelphia, PA 19106

The Pennsylvania Prison Society is a non-profit organization advocating for and providing initiatives that promote a humane, just and constructive correctional system.

Reexamine LWOP, continued again from page 12

Let's scrutinize how we impose punishment with the same level of scrutiny utilized in charging and convicting people with crimes. Mandatory sentences such as these have also drawn increased scrutiny as intruding on the province of judge's discretion.

It is important to remember that a change in the law, if enacted, would only make one eligible for parole and not lead to an automatic release. The victim and sentencing judge would have input into any possible release which would be under strict parole supervision for life. Let's follow the lead of Pope Francis and President Obama and make a second chance a reality in Pennsylvania. Justice delayed is justice denied. Let's give worthy life-sentenced men and women a second chance.



Women Lifers Resume Project of PA
PO Box 324
New Hope, PA 18938

Reconstruction, Inc
ATTN Fight for Lifers.
P.O. Box 7691
Philadelphia, PA 19101
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
267-606-0324

The Campaign for the Fair Sentencing of Youth
1319 F Street, NW Suite 303
Washington, DC 20004
202-289-4677

As of March 31, 2016,
there are **5,443** people
serving life sentences in
Pennsylvania State
Prisons.

SUBSCRIPTION INFORMATION

Support our mission and become a member!

Receive *Graterfriends* and *Correctional Forum* for:

- | | |
|----------------------------------|----------------------|
| \$5 Prisoner | \$200 Patron |
| \$10 Prisoner Family/
Student | \$250 Sponsor |
| \$40 Regular Membership | \$500 Founder |
| \$100 Friend of the Society | \$1,000 1787 Society |

Make a check or money order payable to
The Pennsylvania Prison Society
245 North Broad Street, Suite 200
Philadelphia, PA 19107

Prisoners may pay with unused postage stamps.

Are you a prisoner who just wants *Graterfriends*? You may subscribe just to *Graterfriends* for \$3.

.....

Name _____ Prisoner Number _____ Institution _____

Address _____ City _____ State _____ Zip _____

Payment Amount _____ Payment Method _____

NEW SUBSCRIBERS: Please allow 6-8 weeks for receipt of your first issue.



STATE OFFICIALS

Governor Tom Wolf

Governor's Correspondence Office
508 Main Office Building
Harrisburg PA 17120
Phone: 717-787-2500, Fax: 717-772-8284

Attorney General Kathleen Kane

Strawberry Square, Harrisburg PA 17120
Phone: 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.*

DOC OFFICIALS

DOC Secretary John Wetzel

19020 Technology Parkway
Mechanicsburg PA 17050
Phone: 717-728-2573
Email: ra-crpadosecretary@pa.gov

Director Anthony Miller

DOC Correctional Industries
Phone: 717-425-7292

PRISONER ADVOCACY GROUPS AND RESOURCES

Hepatitis Education Project

911 Western Ave, #302, Seattle WA 98104
Phone: 206-732-0311

Prison Project of Santa Fe & Coalition for Prisoner Rights

P O Box 1911,
Santa Fe NM 87504-1911
Phone: 510-893-4648

PRISONER ADVOCACY GROUPS AND RESOURCES (continued)

Pennsylvania Institutional Law Project

Philadelphia Office
The Cast Iron Building
718 Arch Street Suite 304 South
Philadelphia, PA 19106
Phone: 215-925-2966

Pittsburgh Office

429 Forbes Avenue, Suite 800
Pittsburgh, PA 15219
Phone: 412-434-6175

Human Rights Coalition

Pittsburgh Office

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

Philadelphia Office

c/o LAVA Space
4134 Lancaster Avenue
Philadelphia PA 19104
Phone: 267-293-9169

Human Rights Watch: Listing of Resources

Website: <https://www.hrw.org/news/2010/07/20/pennsylvania-prison-resources>

Center for Health Justice

900 Avila St, Suite 301
Los Angeles CA 90012
Phone: 213-229-0985

Prison Health News c/o Phila. FIGHT

1233 Locust St, 5th Floor
Philadelphia PA 191017
Phone: 215-985-4448

Prison Book Program

c/o Lucy Parsons Center and Bookstore
1306 Hancock St, #100, Quincy MA 02169
Phone: 617-423-3298

Editor's Note: Thanks to all who submitted these suggestions

First Class postage is required to re-mail

The Pennsylvania
PRISON SOCIETY
SINCE 1787

245 North Broad Street
Suite 200
Philadelphia, Pennsylvania 19107

Spring 2016

GRATERFRIENDS

NON-PROFIT
ORGANIZATION
U.S. POSTAGE PAID
CLAYSBURG, PA
PERMIT NO. 84

It's Time for Pennsylvania to Reexamine LWOP

Adapted from a longer text by Angus Love, Executive Director, Pennsylvania Institutional Law Project,
in the winter of 2015

The national mood on criminal justice issues has dramatically changed in the past few years. Fear of crime and personal safety are no longer leading political concerns as the economy and terrorism have taken their place. This past July, President Barack Obama became the first U.S. President to visit a prison when he went to the El Reno Federal Prison. In September, Pope Francis visited the Curran Fromhold Correctional Facility in Philadelphia during his first visit to the United States. He addressed the inmates and staff and called for more empathy and compassion in our sentencing practices. Former Attorney General Eric Holder instituted several significant reforms at the U.S. Department of Justice aimed at increasing police accountability, reducing the harsh consequences of the drug war and minimizing racial disparities in sentencing. More recently, the President has undertaken policy changes that were highlighted during Reentry Week. He and Attorney General Loretta Lynch announced a stronger commitment to second chance grants, a new process to expedite ID's to those being released from federal prisons, new guidance from the U.S. Department of Housing and Urban Development HUD to landlords and home sellers that they may be in violation of the Fair Housing Act if they turn down individuals based on criminal records, changes in solitary confinement that bans this practice for juveniles in federal custody, increased the number of pardons, and granting thousands for drug offenders early release.

The United States has seen its overall prison population go down for three straight years after decades of unprecedented growth. New Jersey has reduced its state prison population by 31%. New York's state population has gone down over 20% as it has closed prisons and New York City reduced its jail population from 24,000 to under 10,000. More conservative states like Georgia and Texas have instituted major criminal justice reforms, cut prison population and saved millions of dollars with no risk to public safety while crime rates have gone down there as well. Against this backdrop, it is time for Pennsylvania to get on board.

(See Reexamine LWOP, continued on page 12)