

THE MOVEMENT

Spring
Issue #37

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

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



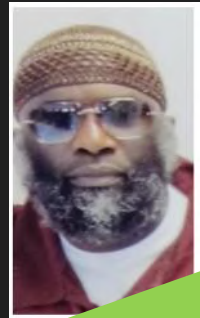
David C Rouse AM2918

Devin "Salim" Rouse



Naree
Abdullah
CY7979

Abdus-Sabur



"A SCANDAL OF THE 2ND DEGREE"



Avis Lee 54-years-
(2015)



Zakee B. Murray



Mario Belgrave
CT2032



Debra Ward
OO6940

"THIS IS WHAT 253 YEARS WORTH OF ILLEGAL SENTENCES SERVED LOOKS LIKE. EVEN THIS ISN'T ENOUGH FOR OUR OPPRESSORS! THEY WANT OUR "DEATH BY INCARCERATION". HOWEVER, WE HAVE OTHER PLANS..."

Congratulations to Mike and Debra Africa !!!

April 2019

This wedding day was the most perfect day. Mike and Debbie got the love and support they deserve and worked so hard for. The 300 guests got to enjoy the the reunification of two souls that refused to be denied



oneness. The love within my parents has generated cohesion amongst people that were otherwise enemies. This love that my parents share for one another has pulled people together that had not been seen for decades. It has created opportunities for people who never knew, to discover and take part in this beautiful celebration. Thank you all for coming and participating in the fun games we played. Thank you all for showing your love. Thank you all for loving me as I love you. Thank you all for embracing my parents. Thank you all for just being you. I love you all.

From: Facebook of Mike Africa Jr.

Photos taken by: Tommy Oliver



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A Word From This Issue's Guest Editor ...

This issue of "The Movement" magazine is strictly dedicated to the illegality of "life without parole" (LWOP) sentences for 2nd degree murder in Pennsylvania. The compiler of this issue is the incarcerated cofounder of 2ndDegreeLWOP, Devin "Salim" Rouse.

What Pennsylvania has been doing to its citizens convicted of 2nd degree murder (since 1974) is nothing short of a scandal, thus the cover title! I have dedicated the last 4 years to this issue. I have thoroughly done my research and have come to the conclusion that an LWOP sentence for 2nd degree murder is an illegal sentence for more reasons than one; not only that,



the criminal justice system has colluded to keep it this way. But, help is on the way, God willing.

There has been a wave of positive developments regarding this issue, legally and legislatively speaking. Each day that passes the public is becoming more and more aware of this scandal and are poised to uproot it, once and for all.

The 'Human Rights Report' section in this issue of THE MOVEMENT is my compilation of the 2nd degree scandal in seven parts including interviews with five people severing 2nd Degree LWOP sentences. Special thanks to Shakaboona for this opportunity.

Sincerely,

Salim

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Call for Contributors

THE MOVEMENT magazine is looking for quality writing, especially from the families of prisoners, prisoners, and former prisoners that can contribute to critical thought and reflection in the various sections of this magazine. In particular we are interested in the following:

Feature articles: In-depth, analytical articles that critically examine the criminal justice System, poverty, racism, and that provide solutions to those issues.

Book reviews/political satire art/poetry: Is there a book you'd like to review for THE MOVEMENT magazine? Do you create political satire cartoons or other artwork? Do you write poetry? Let us know and send us copies of your work.

Letters: We love to hear from you. Families of prisoners and prisoners send us a shout-out letter and visiting room photo for our 'Love Knows No Bars' section, and send your letters to the Editor for our new 'Writings of Multiplicity' section of THE MOVEMENT. Please let us know if we have your permission to print your letter.

CADBI Chapters

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For information on **CADBI-Lancaster, CADBI-Reading, CADBI-Allentown, CADBI-York** and **CADBI-**

Coatesville write to:

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THE MOVEMENT

www.hrcoalition.org

Building Movements to Abolish Prisons in America

By David Lee #AS3041

When I think about abolishing prisons in the United States, I realize that this will be a monumental task due to the amount of money and politics tied to the subject. Nevertheless, I do believe that there are practical approaches to this subject. It is important to begin by looking how to reduce the criminalization process, which is so prevalent in this country. The American judicial process criminalizes far too many desperate/financial behaviors such as prostitution, drug addiction/drug use, petty drug dealing, retail theft, and other non-violent human actions. However, it would be far more beneficial to the people living in this country if we were to work collectively to develop solutions to the above problems through treatment and healing rather than incarceration.

We can also begin to thoroughly examine countries like Denmark, Germany, and others to see how they have been able to move progressively away from over incarceration and towards treating human beings who have problems in a manner designed to heal them rather than to degrade them. Even in situations where violent people need to be separated from our communities, do we really need to place them in cages? There must be more humanizing and healthy approaches to addressing violent behavior. Hence, we need to start by reevaluating our education, entertainment, and other institutions, which disseminate signals about how to gain respect or attention. Education institutions should be teaching our youth how to respect each other without having to be violent towards one another, and our entertainment industries should understand the responsibilities they have in regard to the messages they convey to our youth. These efforts are important, because we need to teach people what it means to function as balanced human beings.

For us to truly approach the subject of prison abolition we must be willing to address issues of wealth inequality in American society. Thus, capitalism must be seen as the root of many of the problems, which confront us. If we are not able to provide people with decent sources of income, we must expect them to do what is necessary to survive. It is obvious that desperate people will do what they need to do in order to survive, and the people with power refer to their desperate acts as crimes in order to hide their own crimes against humanity. Usually the power brokers are responsible for either taking the wealth for their own selfish purposes or allowing the elite business community to extract enormous wealth from innocent people. This powerful business elite will work people at wages below anything remotely livable while at the same time extracting huge profits from the labor of their workforces. Afterwards they sell the products produce by the workers back to them at top dollar.

Thus, powerful people are able to find legal ways to steal wealth from working class and unemployed people, and then criminalize the desperate actions taken by the powerless as they seek various methods of survival in a rigged game called capitalism.

Health care is another issue, which leads to desperate actions. All human beings deserve to have quality health care, because unhealthy people usually make unhealthy decisions. Health care systems must include adequate methods for dealing with mental health issues. We see more and more people with unattended mental health issues seeking attention in violent manners, and we need to ask ourselves why? Another important aspect of the mental health related topic should be the ACE study, which means adverse childhood experiences study. This study explains the problems that derive from childhood traumas that have not been addressed in a healing fashion. Many of the people with high ACE levels end up dying early deaths or end up in prison. Therefore, it is imperative that we take the information which we have at our disposal about various forms of trauma and use it to help heal people in this country. Healthy people who have a decent source of income usually do not do harm to other people.

Food and shelter should not only be for those who have the money to afford those basic human rights because every human being should have an opportunity to live in a safe home and eat quality food every day. Hungry people are desperate people, and they will do what is necessary to survive. But we need to ask ourselves one fundamental question, why are there so many homeless people and malnourished people in the wealthiest country in the world? Well-educated, healthy, sheltered and nourished people do not normally break just laws. The key phrase is **just laws**. Just laws are not designed to protect the interests of the ruling class over that of the working class and unemployed. One unjust law, in particular, is the 13th Amendment of the Constitution which allows for slavery to exist in this country. The 13th Amendment allows for prisons to violate the human rights of those whom are held in the cages around the country. No just law would allow human beings to be subjected to enslavement of any sort. No law should reduce a human being to the status of a slave and pretend to be working in the interest of justice.

We also need to study and understand concepts like restorative justice and transformative justice in order to move away from punitive models of justice. If people do commit harm to one another, how do we go about the business of repairing the parties who have been injured? Punishing people has not solved the issue of crime in American society, so it is obvious that punishing folks has gotten us nowhere. Transformative justice will assist with the transformation of people who lack a sense of communal consciousness in a wholesome manner. Both young and old who are already incarcerated must be educated in a manner designed to elevate their sense of consciousness. Again,

(Continued on page 5)

(Continued from page 4)

healthy people are more likely to find ways of resolving their problems in a healthy manner. Also, there are ways to move away from caging human beings who are violent. Placing human beings in sub-human conditions does nothing to prevent crimes. In fact, dehumanizing folks is dangerous because most of the people being dehumanized usually will someday return to society with a ton of built up frustration and rage. Transformative justice deals with the developmental needs of human beings, thus preventing the need or desire to do harm to others. The goal should always be to prevent harm, and what better way to do that than to take away the need or desire for people to commit acts of desperation in the first place? Transformative justice should not just be about transforming individuals, but also about transforming systems that are oppressing us.

When we speak about incarceration in the United States most politicians claim that they are interested in public safety. However, if public safety is the goal of incarceration then why allow corporate interests into the incarceration equation? Once corporate interest entered the incarceration equation the focus became profit, and profit will trump all other concerns, and that includes human decency. Prison abolitionists will have to deal with issues of profit over healing and human decency because the elite business community is not interested in a completely healthy American society, especially those businesses operating inside of prisons in this country. Well-developed, healthy, well-nourished and sheltered human beings contribute to society in a manner which is beneficial, not destructive. American's public servants allow these nefarious actions to take place because they have financial and political interest at stake, and no one should be allowed to profit from the sort of politically manufactured agony associated with incarceration.

Another critical point, which we cannot ignore in the movement to abolish prisons is the fact that powerless Black and Brown bodies are the main one's filling prisons in America. Earlier I referred to the 13th Amendment and how it allowed slavery to exist in the context of those people who have been convicted of a felony. If we take an honest look at which communities in the country are receiving the most aggressive attention from the police, we will see the direct connection between powerlessness and imprisonment. Therefore, if we really are interested in abolishing prisons, we have to figure out ways to collectively share power! Collective sharing of power eliminates vulnerable communities and the people assigned with the duty to protect and serve will truly be doing what they have taken an oath to do. Not to mention that there would be no need for militarized police forces, or a heavy police presence in this country, because if we implemented all the elements needed to nourish and develop the people of this country, then crime would certainly almost disappear.

The question that everyone has to be asking at this point, in this essay, is what do we do with the over 2 million people already incarcerated in this country? We must engage in an intensive program to educate and release them to the new reality we are

planning to build for us all to share. Hence prison abolition goes far beyond just tearing down prisons and releasing those of us who are incarcerated because millions of human beings currently occupy these prisons, and tens of thousands of people work in these prisons, and they will fight tooth and nail to preserve their current reality. Those people working in these prisons must go through an intensive reeducation process, because this is their livelihood we are now talking about, and no matter how oppressive this reality is, they will fight with extreme passion to preserve this system as is, because they see nothing better to replace this oppressive animal known as capitalism. These are some very radical steps we are talking about implementing and many people are not going to accept these radical changes without a serious fight.

I have been incarcerated inside of a Pennsylvanian cage for over 30 years, now, and have personally witnessed and studied this system and others like it around the country. I can remember being an underdeveloped young person running around the streets of Philadelphia lacking any sense of purpose or direction. If I were given the proper mental, spiritual, physical, and material nourishment in my youth I would have made better decisions in my life. I have never referred to myself as a criminal because my actions were more out of a sense of desperation and lack of purpose than anything else. Furthermore, though I did not commit the act for which I have been incarcerated for the last three decades, I did place myself in some very vulnerable positions. Back then I had absolutely no understanding of what ACE's meant and could not place my childhood traumas into any sort of political context, nor did I understand what a healthy life entailed. Since developing a sense of conscious understanding, I have personally witnessed the intentional lack of development of many young people coming from inner city communities, and how their lack of development has been criminalized for the benefit of the elite business community and others wishing to benefit off our misery. Again, we should not be building systems which incarcerate people based on political or financial interests. In the United States this is exactly what has and is happening to us, and it is unacceptable, because this contradicts the supposed purpose of incarceration. Incarceration is supposedly about public safety, not profit or political capital. However, we can witness the extreme financial exploitation and oppression of powerless people taking place every single day inside of American prisons, and this is totally unacceptable! Prison reform is not nearly enough to address the sort of problems that exist inside of American prisons, and even if we were to reform the entire criminal justice system that, still, would not address all of the other vitally important issues plaguing this country in reference to unhealthy actions or the real reasons why desperate acts are taking place in American society. Prison abolitionism is about addressing the major economic and political issues, which lead to desperate acts taking place, or other actions associated with imbalanced people. The abolitionist movements taking place must deal with all of the basic needs of human beings if abolishing prisons is to become a reality.

To: John Wetzel, Secretary of Corrections
From: Justin Lee Burrell/#NF7478/SCI-Retreat
Re: The Need for Insolated Boots (Footwear)
Date: January 30, 2019

I am writing to you in regards to footwear. In 2018, after the tragic death of Sgt. Baserman of SCI-Somerset the Department of Corrections (DOC) responded by removing all of the insulated boots for purchasing from the commissary/Secure Pack, allegedly, pending review. Some staff speculated that it was because of the Timberlands' thick, hard, rubber soles and [said] another alternative would be given. So far, it hasn't. The problems we're having from the lack of insulated boots range from work details to inclement weather. Ninety-nine point nine percent of the sneakers sold on the commissary/Secure Pack are either cotton or nylon. They offer no protection from the snow, ice, or rain (elements). In fact, they're like sponges. Thousands of inmates across the DOC who are Shower Workers, Plumbers, Janitors, and Compound Workers are getting their feet soaked daily. We step in squeegee, mop, or shoveled contaminated water almost everyday that is being absorbed by our shoes. This is causing shoes to rot, smell, and an increase in foot fungus. It's the same with our un-insulated state issued boots.

I am asking that an insulated boot or galosh be issued by the DOC and/or sold on commissary or by approved vendors for sanitary purposes. There are numerous insulated, soft rubbered boots available for purchase to accommodate our needs such as the: "Worx 6" comp. boot #1022037 and the "Wolverine Davis 6" comp. toe boot #1022030 from an approved vendor @ UnionSupplyDirect.com .

Dear Mr. Wetzel,

I'm writing you in regards to the photos/pictures situation here within the Department of Corrections (DOC). The poor quality of the pictures have taken away the sentimental value of the photos and, not only that, they are using over 50 pieces of paper to print 25 pictures.

I am hopeful that you would be willing to listen to an alternative on how the inmates could receive their photos/pictures. A most efficient method and not a security issue would be by dealing with some of the online companies out there that provide great service to the inmates such as Shutterfly.com and Free-Print.com. This is not a security risk because the photos will be coming straight from the company.

In closing, I would like to thank you in advance for both your time and cooperation in this matter.
Respectfully,

Richard X. Sutton/#AM5242/SCI-Retreat

2nd For 2nd

Greetings,

My name is Maurice Everett, I'm presently incarcerated at SCI-Phoenix serving Life w/o parole which is Death By Incarceration for 2nd degree murder. I'm Co-Chair of 2nd For 2nd movement here at Phoenix Prison. Second For Second stands for second chance for the men/women sentenced to death by incarceration under the cruel and unusual and wholly unjust 2nd degree felony murder law.

Here in the Commonwealth of Pennsylvania there are over 1,300 men/women sentenced to die in prison pursuant to the above stated felony murder rule, many of whom didn't kill, intend to kill, or possess any knowledge that he person they were with intended to kill someone during the commission of the underline crime. In other words, under Pennsylvania's Felony Murder doctrine, you don't have to be the actual principle (i.e., the triggerman or the one who actually committed the murder) to be sentenced to die in prison. This is what a Life w/o parole sentence means. You will DIE IN PRISON! Do you know that under current Pennsylvania law, if someone (acting alone) kills someone and no evidence is presented of the intent to kill, the perpetrator is guilty of 3rd degree murder, and will receive a sentence 20-40 years in prison?

The point of emphasis that needs to be addressed is how can you kill someone in the 3rd degree and get less time than someone who didn't kill anyone? I ask this of the tax paying citizens of Pennsylvania, is this what they consider justice? Our mission is to bring much needed attention to this grave injustice. We are seeking support from you, our family and friends, over all, and the general public to assist us in our fight to get rid of this draconian law. I want to be very clear about one thing. We're not proclaiming that we are innocent, nor are we insensitive to the fact that lives were lost during these senseless crimes. What we're saying is, two wrongs don't make a right, the law is supposed to punish one according to his or her culpability.

As it presently stand in [these] cases, the law doesn't do this. It's obviously sentencing (punishing) groups of men (everyone) for the acts of one individual, who himself had no intention of taking the life of anyone. With that being said, how or should I say why has Pennsylvania gotten away with such an egregious act of injustice for many decades. How can a conspirator know the intent of a principle when the principle's intent wasn't to cause any lost of life? Fairness would be to sentence one to his/her degree of culpability.

Sincerely,

Maurice Everett/CX-2647/SC Phoenix



PENNSYLVANIA DEPARTMENT OF CORRECTIONS:

AN ANTI-FAMILY INSTITUTION

By Vox AWI Populi



AN OFTEN TOUTED PROCLAMATION of Pennsylvania Department of Corrections (PA DOC), is that inmates' connections to their respective families and overall communities is held as a high priority, essential to prisoner rehabilitation even. Yet Department of Correction (DOC) practices and policies tell a much different story, as they have become increasingly draconian, drawing prisoners and their families into an ongoing tug-of-war over the most basic modicum of human decency. Several years ago, in fact, Prisoner Advocacy groups alongside prisoners and their families pushed back against the avaricious alliance between PA DOC and Global Tel Link Connect Communications (GTL Connect) and the stranglehold monopoly they hold over the state's prison phone system, winning a significant price reduction; and then fought a similar battle to reduce the price of J-Pay emails and to wire funds (after the money-order standard was phased out completely).

Before that, the combined efforts of families, prisoners and community-based attorneys had to battle the prison department on the Solitary Confinement frontier, securing the releases of several prisoners who were held in the most soul-numbing, sensory deprivation conditions imaginable for many years—some even decades, where the psychological toll is still being assessed. Many prisoners have even returned to their communities more damaged than when they entered as a direct result of prolonged solitary confinement. And while some strides have been made in this area, there is still work to be done to completely abolish its torturous use.

Then came the “Muffle Mumia” law---an austere “legal” machination devised by former Governor Tom Corbit—at the (political) prodding of Philadelphia's lodge 5, Fraternal Order of Police (FOP), aimed at silencing prisoners from speaking from behind the walls and fences about their cases and other political

commentary. And after a fierce legal battle waged by several community-based law collectives, including the Abolitionist Law Center, it too, was overturned.

The latest hurdle erected by the *"We value family-prisoner connection"* PA DOC, is the insidious mail system where, in the wake of what many believe to be a thinly-veiled hoax orchestrated by state prison guards and staff who reported (the now questionable) symptoms of contamination as a result of coming into contact with the infamous synthetic marijuana K2 and other illicit drugs, the families and friends of prisoners are now compelled to mail their personal letters all the way to St. Petersburg, FL, to be scanned and essentially faxed back to Pennsylvania to be handed out to prisoners at about 30 facilities; a process so depersonalized it prompted veteran Human Rights activist, Sandra *"Nan"* Hill to ask Governor Tom Wolf (and his DOC minions): *"Can you scan a tear?"* A question that if answered honestly would amplify the contradictions in the pro inmate-family connection spiel readily proffered by Department of Corrections gatekeepers and profiteers.

And with the incipient throes of the Legal Mail portion of the overall U.S. mail violations battle underway in the judicial theatre, it threatens to raise a more poignant question: Why did PA DOC Secretary John E Wetzel (secretly) enter into a multimillion dollar contract with mail scan clearing house, Smart Communications in St. Petersburg, FL, **PRIOR** to the so-called state-wide contamination epidemic? The answer (among several) is clear: Secretary Wetzel has ostensibly chosen the path of profits and prisoner repression over the restoration of the larger community at the behest of the guard's union and other private-sector prison poachers who only see inmates as *"job security"*.

This has been a huge disappointment to prisoners, Human Rights advocates and other concerned citizens who, in light of Secretary Wetzel's tour of Germany's prison system, and other Western European correctional institutions, hoped that some of their family/community-centered and other progressive policies pursuant to REAL rehabilitation, would have been adopted in Pennsylvania. It is, however, common knowledge that prisons are a reflection of the societies that produces them (both demographically and politically). And since America's prisons, unlike those in most other countries, bear the unique distinction of being a continuum of the wretched slave system, where the breaking up of the black family into commoditized chattel was a salient feature, it gives clearer context to PA DOC's foisted rhetoric of *"keeping prisoners and their families connected"*, while the very opposite remains standard practice---underscored of course by the fact that the U.S. is the only country on the face of the earth where the legalization of slavery, within the framework of imprisonment, is held in place by its own constitution (the duplicitous 13th amendment). And although more pabulum *"legal"* lexicon have come to encode this 21st century version of America's *"original sin"*, it is a quarter where raw racial politics still finds open expression.

According to the NAACP's *"The Criminal Justice Fact Sheet"*, Blacks are imprisoned at roughly 6 (six) times the rate of whites, and currently make up close to 1 million of the overall 2.2 million incarcerated. When the numbers of Blacks and Latinos are counted together they comprise 58% of the U. S. prison population. There are 1.2 million Black children in the United States with a parent in prison. Furthermore, other academics estimates that if Blacks and Latinos were locked up at the same rate as whites in the U. S. the prison population would drop by almost 50%.

These among other statistics looms as haunting phantoms of how neo-conservative political posturing and policies hurled the “*Tough On Crime*” pendulum so far to the right that “*The Land of the Free.....*” has come under global scrutiny, as it leads the world in caging its own “citizens”—mainly Blacks, Latinos and poor whites—while it hypocritically calls other nations out on their human rights violations. And from this motley cast of ultra right-eous political opportunists came Bush’s crony, Tom Ridge whose “*Lock’em up and throw away the key*” platform hoisted him into the Pennsylvania Governor’s mansion in the mid 1990’s. And his rise to state power marked the rapid decline of any semblance of prisoner rehabilitation. With a single stroke of the pen and a handpicked D.O.C. Secretary (Martin Horn), Pell Grants for college courses, weekend furloughs, advanced career training programs, family day gatherings, etc. were completely eviscerated.

But even more distressing was the scattering of prisoners hundreds of miles away from the urban centers where most were essentially extracted, in a sort of crude diaspora—and made to fill the beds in the DOC’s new high tech dungeons that have come to dot the forreaches of rural Pennsylvania. And while these remote prisons may provide padded residential census and political advantages including robust career opportunities for predominantly whites, they have served to isolate prisoners, mainly non-whites, from their families and the inner city communities where they are to return.

And though sitting Governor Tom Wolf and his corrections department front man, John Wetzel, are several administrations removed from the (Ridge) flashpoint of this anti-family purge, they have done very little to curtail it...and in some cases have even contributed to it. It is therefore fitting to state that Governor Wolf along with DOC Secretary Wetzel represent “*the voice of the past*”, to borrow the phrase from progressive Philly D.A., Larry Krasner who, in a November 18, 2018, *Philadelphia Daily News* article covering a speech he gave aptly titled, “*The Urgency of Now*”, at a University of Pennsylvania event where he also points out: “*We have a motivated bunch of rural counties.....who want to have our Philadelphians, mainly black and brown Philadelphians, in their jails because it gives them power, it gives them money.*” Not surprisingly, Centre, Luzerne, Somerset, and Huntingdon counties—each of which boasts two state facilities (under the stewardship of Wetzel)—have remained mute on these points.

We did, however, hear the voices of the family and community supporters of Robert Asafo Williams, a long-held Pennsylvania state prisoner who, just 17 months and a few days removed from the parole eligibility ruling favorable to scores of his Juvenile Lifer peers, (who met the “*politically correct*”, “*under 18*” age criteria), has pretty much grown up behind the walls and fences of close to a dozen of the state’s prisons—most of them in rural western Pennsylvania—extreme distances from his family and community; a grind up that isn’t necessarily unique only unto him, as throngs of other PA prisoners suffer similar punishments. But what distinguishes his particular situation from those of some of the others, however, is the DOC’s vague rationale.

After poring over a wide assortment of prison records and other documents in an effort to trace Asafo’s DOC footsteps we couldn’t find the standard fare: Weapons, Drugs, Violence, Gangs and the like. Instead, we found that most of his transfers were actually without disciplinary misconduct reports. The picture became even more clear when we learned of his longtime membership with the Human Rights Coalition, and his history of standing up against racial bigotry and other abuses endemic to the almost all

white run prisons in the state. So as an unofficial punishment he has been shuttled to and fro some of the states harshest prisons, in the remotest of locales..... was even confined to the dreaded Albion, the farthest from his hometown of Philadelphia, twice.

Juxtaposed with the "Mandela Rules", a Universal Standard of Treatment of Prisoners, embodied in a United Nations charter to which the U. S. is signatory, we see a pattern of Human Rights violations that are alarming. The Amistad Law Project Collective, committed to aiding Robert Asafo Williams, along with the Abolitionist Law Center, in appealing his 1990 second-degree murder conviction based on gross over charging, have lamented the challenges that comes with trying to confer and coordinate with confined clients that are wantonly dispersed at prisons throughout the state, far away from their respective core support systems

Similar concerns were raised about another veteran member of the Human Rights Coalition and Philly native, Kerry Shakaboona Marshall, who was resentenced as a Juvenile Lifer but denied parole, for what many believe was his decades-long human Rights activism in Pennsylvania's prisons. He too, have been kept at conspicuously long distances from his family and supporters.

More concerning still, is the fact that these DOC measures that were once characterized as sporadic incidents of indifference have become streamlined into more inured policies which have proven impervious to the plight of poor working class families and their captive kin. And it is, interestingly enough, these and other related forms of state repression that is giving rise to a burgeoning resistance movement consisting of consolidated cadres of the very prisoners and families whose (collective) existence have been arrogantly dismissed by the state as socially (and politically) irrelevant.

Moreover, this intrepid Human Rights movement have developed the ability to discern the specter of "Criminal Justice Reform," as myopic, Protempore maneuvering on the part of the state, as it scrambles to palliate the myriad contradictions that are manifesting themselves in an increasingly adversarial state government precluded, by its very self-centered construct, to engage in real, authentic equalitarian governance while---at the same time---fulfilling its own vaunted agenda, an agenda that is inextricably tethered to the parasitic exploitation of the very people it (rhetorically) claims as its *raison d'être*. So it strives to keep the masses stagnant, and spellbound by nominal gestures whose principal functions are to suspend any meaningful movement toward a more concrete systemic overhaul---where not only prison policies (in the short), are discussed---but where the very politics of poverty (where "crime" is incubated) and every other social maelstrom borne of the broader (top heavy) hierarchical socio-political establishment, are eventually resolved.

So, make no mistakes, if the state, including its ancillary prison industrial complex, are to remain loyal to its own iniquitous self-interests, it has to, by that very fact, remain an anti-family institution. It simply cannot have it both ways.....never mind all fork-tongued allusions to the contrary. Likewise, The People cannot move toward a more just system while supporting the existing one. Our organized, coordinated divestment from all of its exploitative tentacles will hasten its collapse! This should be our course moving forward. Rise Up!

The HomeFront: Serving Our Community!

PA Superior Court Urges PA Supreme Court to Review Whether Avis Lee can Challenge Life-Without-Parole Sentence Imposed at 18 years-old

Posted on March 1, 2019 by abolitionist



Friday, March 1, 2019: The Pennsylvania Superior Court issued a unanimous [en banc decision](#) today disallowing Avis Lee the opportunity to challenge the constitutionality of her life without parole sentence, which was imposed for her role as a lookout in armed robbery 39 years ago that resulted in a homicide. The Superior Court held that it was “constrained to affirm” the lower court’s dismissal of Ms. Lee’s Post-Conviction Relief Act (PCRA) Petition on the basis that only the Pennsylvania or United States Supreme Court could permit a consideration of the constitutionality of Ms. Lee’s sentence. In reaching this conclusion the Superior Court wrote: “We would urge our Supreme Court to review this issue in light of the research [on adolescent social and neuro-development] available even since *Batts II* was decided in 2017.”

Ms. Lee brought this challenge to her decision in March 2016 after the U.S. Supreme Court’s decision in *Montgomery v. Louisiana*, which held that the right established in the 2012 decision of *Miller v. Alabama* that prohibited mandatory life- without-parole sentences for children younger than 18 years of age applied retroactively to older cases. In *Montgomery*, the Supreme Court found that the right in *Miller* was substantive, not merely

procedural, and that it prohibited a sentence of life-without-parole – commonly referred to as “Death by Incarceration” – upon any defendant whose crime “reflected the transient immaturity of youth.”

In the Superior Court, Avis was arguing for the right to make an argument,

to be heard on the merits on this issue for the first time, as she has never had the chance to argue that her sentence is unconstitutional under the new constitutional standards of Miller



and Montgomery. On October 23, 2018, counsel for Avis argued in front of a 9-judge en banc panel that she deserves at least that one opportunity to challenge her sentence under current law, and there is nothing in state or federal law to prohibit that. The Philadelphia courthouse was packed to overflowing with the family members of those serving DBI sentences.

The offense Ms. Lee is currently serving a death-by-incarceration sentence for occurred in November 1979, when she agreed to serve as a lookout in an armed robbery. When the victim attempted to resist her co-defendant and older brother shot him, resulting in his death. Ms. Lee was convicted of 2nd degree felony murder, which in Pennsylvania is defined as a homicide that occurs in the course of another felony. The offense does not require any intent to kill on the part of the defendant, and it carries one penalty – death by incarceration.

Ms. Lee’s 2016 PCRA petition argued that a sentencing court should be required to consider the factors identified by the U.S. Supreme Court in *Miller* and *Montgomery* in order to determine if her sentence amounted to disproportionate punishment under the Eighth Amendment to the U.S. Constitution. The petition contained extensive discussion of the poverty, trauma, and vio-

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The HomeFront: Serving Our Community!

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lence that Ms. Lee had been exposed and subjected to since she the very first years of her life. The petition also included copious examples of her exemplary prison record, including going without any prison misconduct for more than a quarter of a century, and her involvement in numerous volunteer and service projects.

Ms. Lee is also widely known and admired for her irrepressible optimism, which she maintains in spite of her circumstances. When informed of today's opinion, she said: "Thank you for standing by me and continuing to stay strong, because I will [too]. Eventually we will prevail."

The Abolitionist Law Center represents Ms. Lee, along with Duquesne Law School Professor Tiffany Sizemore and University of Pittsburgh Law Professor Jules Lobel. ALC legal director, Bret Grote, said

*We are not surprised by this outcome and have always recognized that ultimately it is the Pennsylvania Supreme Court that will determine whether the PCRA statute should be read consistent with its text and purpose and permit Ms. Lee the mere opportunity to argue this issue on the merits. It is beyond dispute that Avis, beloved and respected by all who know her, is serving a sentence that lacks any social or penological purpose. To read the law in such a way as to keep the courthouse doors forever closed to meritorious claims against permanent punishment is to enshrine a tortured and incorrect formalism over substantive justice. **We intend to appeal.***

Abolitionist Law Center Communications Director, Miracle Jones, added:

When it comes to fighting against Death-by-Incarceration at the ALC defeat is not an option. We are part of a powerful and growing movement that will not rest until every person sentenced to DBI has the opportunity to return to their families and communities, until the right to redemption becomes the North Star of the justice system.

#FREEAVISLEE

FROM: <http://abolitionistlawcenter.org/2019/03/01/media-release-pa-superior-court-urges-pa-supreme-court-to-review-whether-avis-lee-can-challenge-life-without-parole-sentence-imposed-at-18-years-old/>



CADBI CHAPTERS ARE ON THE MOVE

I would like to give a shout out to ALL my brothers and sisters. I love you All.

CADBI (Coalition to Abolish Death By Incarceration) is spreading across the globe.

On Saturday, March 9, 2019, I had the privilege of once again meeting people needing support and just don't know how to help their loved ones, or where to go, or what to do. However, they tapped into the power of coming together from different locations to establish a CADBI Chapter in Lancaster, PA. We held this power meeting at the Brightside Opportunities Center Community. The forum was based on Life Without Parole. There were some dynamic discussions, solutions and suggestions on our progressive fight to change these outlandish laws on many levels. Families were in attendance from Lancaster, New Jersey, Delco, Philly and other parts of the city. It was an empowering event where every seat was filled - standing room only. Everyone at this event believes in the *possibility of redemption*. The current system is centered on punishment. We want a system that encourages transformation and accountability, and where those who have perpetrated harm can try to atone for some of the harm they caused.

As people of faith we believe in the power of transformation and forgiveness. We believe that people can work to change themselves for the better. The prophet Isaiah wrote, "Surely the arm of the Lord is not too short to save, nor his ear too dull to hear." (Isaiah 59:1). All of our traditions command us to seek forgiveness. The Qur'an states, "Show forgiveness, enjoin what is good, and turn away from the ignorant." [Surah Al-A'raf 7:199].

Please my brothers and sisters know and believe that change is coming. It's a process that isn't as fast as we want to it be, **HOWEVER** your voices are being heard. We are working ferociously. Please ask all your family and friends to get involved. We'll give them direction in how to help us help you and at the same time they will be learning how to advocate on your behalf and the behalf of others. I love you ALL.

Dana Lomax-Williams"

On The Move".



THE MOVEMENT

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The HomeFront: Serving Our Community!



March 5, 2019 was THE DAY OF EMPATHY. ONE OF THE LARGEST DAYS OF ACTION IN CRIMINAL JUSTICE REFORM HISTORY. This was a day when lawmakers met face to face with people who've been impacted by the criminal justice system at SCI-Muncy. We know that those closest to the problems are closest to the solutions, but farthest from the resources, power, and opportunity.

The lawmakers were shown the film: Real Stories Original: Dying Out Loud. Paulette Carrington and Joyce Granger along with other impacted women spoke and shared their experience and how it affected them, their families, and communities. Ms. Yvonne Newkirk spoke on behalf of her daughter Stacey Newkirk who's at Muncy. Her story was breathtaking and sad. Please write your local and state representatives and asked them to support us. I'll keep you all posted. I love you all.

Just want to give a HUGE shout out to Madusa a.k.a. Blak Rapp for preserving and fighting to get this on the map and WE WILL. She not only spoke at this event she also ended with a dynamic rap as always. I Love you ALL.

"ON THE MOVE"

Dana Lomax-Williams

Standing Straight and Tall

Once there was a bamboo tree that lived next to a papaya tree. One day the papaya tree, who stood very straight and tall, asked the bamboo if it was tired of always bending. The bamboo said no, it was built to bend in the wind. At this the papaya stood even straighter and looked down at the bamboo. One day a hurricane blew very high winds. When the wind and rain ended the papaya tree lay uprooted on the ground and the bamboo stood straight. It explained to the papaya that it is necessary to bend sometimes in order to stand tall and straight at other times.

I dedicate this little tidbit of knowledge to all the men and the women of CADBI, HRC, Global Women's Strike, Prison Society and any other group's people who are helping us in this struggle, to right the wrongs that was done to many of us who are incarcerated for "LIFE". I want to especially give a shout out to Ms. Yvonne Newkirk, Theresa Shoats, Nicole Holmes, Phoebe, Mama Patt to name a few, and countless others whose names I know and don't know. Also a shout out to the SCI-Dallas Lifer's Association, and to Brothers who have 30, 40 and close to 51 years in, namely Percy, Gary Green (Who put me and my sister on to the various factions), Ford, Troy, Carlos (Los), Brother Yah-Yah, Yusef, Skip, Red, Maroon, Mumet, Farakhan, Mr. Roy, Abdul Rasheed, Rasheed, Abu Bayot, Burgess, Hoppo, Nasir, Quawi, Kevin Coleman, Shiek Kareem, Kevin Cannady, Pondsy (The Bottom), Abdul, Sufyan, Smoky, Spence, and all the other lifer's that I know and don't know. I want to say that just because you were not mentioned you are never forgotten. I now know and understand why the saying goes "Behind every strong man is a strong WOMAN" because they are the ones who are standing tall and strong; I'm not taking anything from the men but the sisters are doing it.

Your Brother in the Struggle

"Sunni Sakim"

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CADBI: Building To Win

In March a number of CADBI-Philly Statewide Committee members traveled to Lancaster to start our newest chapter in the CADBI Movement Family. The forum was attended by over a hundred people and CADBI gained many new members and allies in the fight to abolish death by incarceration. The launch of CADBI-Lancaster is a part of CADBI's larger strategy of building chapters statewide to build statewide power to move legislators and the community to support parole for Lifers. CADBI presently has chapters in Philadelphia, Chester, Pittsburgh, Harrisburg, Reading and Bucks County. In addition to these counties CADBI has active membership across the state. What constitutes a CADBI Chapter is regular monthly meetings and the ability to organize legislative visits with people from the district the chapter is in. On April 13th CADBI will be in Coatesville, PA to set up a CADBI branch and on April 27th CADBI will be setting up a chapter in Allentown, PA. On the Western end of the state CADBI is looking to set up a chapter in Erie and also active membership in Westmoreland County.



Above: CADBI Lancaster Forum

As part of this project CADBI has partnered with progressive statewide political advocacy movements such as Lancaster Stands Up, Keystone Progress, Make The Road, Pennsylvania Together, Reclaim Philadelphia, Put People First, Democratic Socialists of America, Poor People's Campaign, Voices of Westmoreland, etc. CADBI has defined these partnerships as "strategic" meaning CADBI will support these movements to build progressive as long as they support CADBI's campaign for Parole For Lifers and progressive criminal justice reform.

CADBI statewide strategy and vision is driven by CADBI being a base building movement that invests in its members. CADBI is not a protest or rally movement. Unlike other advocates CADBI does not just call the families of prisoners out to show up at an event to support prison reform, CADBI places the families and prisoners in leadership positions. The overwhelming majority of CADBI's work is building power by building up the leadership and capabilities of our members, advocating within our communities, engaging legislators, and networking with allied organizations. CADBI holds leadership trainings for its members on How A Bill Becomes Law, How To Use Social Media For Advocacy, Public Speaking, How To Speak To Legislators, etc. These trainings are because we believe that in order for CADBI to be strong, our membership must be strong.

In March CADBI had its annual Strategy Retreat where we power mapped our strategy and work for the next year. This Retreat was attended by CADBI members from across the state. Our program is thought out and based on years of experience and is led by activists and families directly impacted by mass incarceration. Some things to emerge from the Retreat was a Legislative Plan to Victory for Senator Street's bill and a Faith Based Initiative to build more support for ending DBI within the faith based community. We encourage prisoners to have their families and friends join CADBI. The most important way prisoners and Lifers can support CADBI is by: 1.) Join CADBI, 2.) Have Your Family/Friends Join CADBI, 3.) Recruit others to Join CADBI.



Above: CADBI Retreat

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Recent Legislative Visits:



"Is Innocence Irrelevant?"

The following state cases represent the "faces of HRC". As you read, ask yourself if justice is being served by the judicial system when it criminally tries and convicts individuals knowing of their innocence, and intentionally deny fair trials to others.

Welcome to THE MOVEMENT. I finally tracked down Jerome "Hoagie" Coffey, a person many know to be one of the thousands of innocent people falsely accused and wrongly incarcerated in the Pennsylvania Department of Corrections (PADOC), and have gotten the chance to now interview him about a host of issues related to his innocence and corrupt Philly Cops, DAs, and Judges.

Jerome "Hoagie" Coffey was convicted of 2nd degree murder of a crime he did not commit, given a Death-By-Incarceration/Life With Out Parole (DBI/LWOP) prison sentence, and since have been incarcerated for 26 long and hard years.

I first met Hoagie around 2001 in solitary confinement at SCI-Greene Super Maximum prison in Greene County, PA. I affectionately begin to refer to him as Chairman Hoagie, as his creativeness, communication, and organizing talents reminded me of the assassinated Chicago Black Panther leader Chairman Fred Hampton. Throughout the decades I ran across many guys in prison from Hoagie's neighborhood that, without any interrogation from me, confession-ally spoke of Hoagie's innocence, that he had been framed by corrupt cops looking to clear an unsolved murder, and some have stated they knew who did the murder but are reluctant to clear Hoagie's name. That being said, I now share with you the personal interview I had with Jerome "Hoagie" Coffey.

Shakaboona: First and foremost, I extend my humblest regards to Momma Daisy, one of Human Rights Coalition earliest converts, and to you I humbly apologize because this interview is way overdue.

Jerome Coffey: (laughing) Brother Shakaboona -- Momma Daisy's health is O. K. and I will tell her you and Momma Pat asked about her.

Shakaboona: That's What's up.

Jerome Coffey: Almost 20-years Momma Sarah, Momma Rose, Sista Walidah, Sista Theresa, and we come along way from solitary confinement to general population promoting peace and struggle.

Shakaboona: Okay, So you have an important court date April 12, 2019.

Jerome Coffey: Yes!

Shakaboona: Why is this court date so important to you?

Jerome Coffey: Because this is my first Post-Conviction Relief Act application more than 20 plus years due to the games the Philadelphia Criminal Justice System play, and we going to expose the arrested homicide detectives, police officers, trial prosecutor, and the trial Judge's misconduct.

Shakaboona: How long have you been incarcerated?

Jerome Coffey: 26-years.

Shakaboona: I want you to explain in your own words the reason Philadelphia Police Department put your name into the investigation death of Johnny Moss, December 12, 1992?

Jerome Coffey: I want say this on the record first, I am not a angel and I never shun away from my criminal history. When I was a juvenile, I assaulted a Philadelphia police officer that's the

only reason I can personally think of in retaliation and they charge me with the unsolved death of Johnny Moss.

Shakaboona: Walk the people through December 12, 1992?

Jerome Coffey: On December 12, 1992, a brother name Johnny Moss was brutally murdered, and his brother Walker Moss was shot at 24th & Thompson Street. On March 3, 1993, I was arrested for the unsolved death of Johnny Moss and found guilty by a jury trial of second-degree murder on June 17, 1994. However, former District Attorney Lynne Abraham tried to seek the death penalty on me.

Shakaboona: Former District Attorney Lynne Abraham tried to seek the death penalty on you?

Jerome Coffey: Yes, but the jury found me guilty of second-degree murder after trial Prosecutor Hugh Colihan deceived them using trickery.

Shakaboona: Is it your theory that the Philadelphia Police Department penned a unsolved murder on you?

Jerome Coffey: The evidence look that way. For example, I was on Pennsylvania state parole being supervised by a parole agent, my career was boxing. I was into the gym heavy. I was arrested 3/3/93 for the unsolved death of Johnny Moss. Now, if you examine the timeline. Detective Douglas Culbreth was assigned to investigate the death of Johnny Moss. At the same time, Philadelphia Police Department had a written policy that if the assigned detective can't solve the homicide within 45-days it's considered a cold case, therefore go automatically to the Special Investigation Unit. This case went to Detective Robert Snell from the Special Investigation Unit from day one he started employing all kinds of unconstitutional behavior such as using jail house informants against me.

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Shakaboona: I read this case *Berger v. U.S.* 295 U.S. 78,88 (1935) ("The prosecutor's duty in a criminal prosecution is to seek justice. Therefore, the prosecutor should "prosecutor with earnestness and vigor" but may not use "improper methods calculated to

Jerome Coffey: Indeed. When it comes down to Philadelphia Criminal Justice System, in particular, African Americans seeking justice is still unrepresented. The last 53-years the leadership of the Philadelphia District Attorney's Office has been amuck. In summary, Arlen Specter was District Attorney from 1/3/66 to 1/7/74 (8-years); F. Emmett Fitzpatrick was District Attorney from 1/7/74 to 1/2/78 (4 years); Edward G. Rendell from 1/2/78 to 1/6/86 (8 years); Ronald D. Castille from 1/6/86 to 3/12/91 (5 years); Lynne Abraham from 5/15/91 to 1/4/10 (19 years); Seth R. Williams from 1/4/10 to 6/29/17 (7 years); Kelly Hodge from 6/24/17 to 12/31/17 (6 months); Larry Krasner 1/1/18 to present. Lynne Abraham, Edward Rendell, and Ronald Castille they learned all those dirty tactics from each other. Arlen Specter ended up United States Senator; Edward Rendell ended up Mayor & Governor; Ronald Castille ended up Pennsylvania Supreme Court Justice. These same people are responsible for mass incarceration and was undermining people trials in Philadelphia.

Shakaboona: I read that critical trial transcripts are missing in your case?

Jerome Coffey: No doubt! For example, June 1, 1994 day two of jury selection; June 2, 1994 day three of jury selection; June 3, 1994 day four jury selection; June 9 & 10 somebody altering the transcripts and removed testimonies of prosecutor witnesses Latoya Singleton; Police Officer Anthony McBride, Mobile Crime Unit; Police Officer Cliff O'Hara, Firearms Examiner.

Shakaboona: In 1997, former Philadelphia District Attorney Lynne Abraham was going up for reelection against former Assistant District Attorney Jack McMahon and she release a training tape of McMahon teaching Prosecutors how to excluded African Americans off the jury trials.

Jerome Coffey: Thanks, to our Brother Mumia Abu Jamal for exposing Ronald D. Castille for producing that jury training tape for Prosecutors trying to get around *Batson v. Kentucky*, 476 U. S. 79 (1986).

Shakaboona: That's probably the reason your jury selection is missing.

Jerome Coffey: No doubt! It's sad because 162 years ago in the *Dred Scott* case -- Chief Justice Roger Taney wrote the legal authority stating, "Negroes have no right which the white man bound to respect". In fact, before Lynne Abraham release that McMahon tape, she established a task force for four people 1). Robert Mims 2). Edward Sistrunk 3). Mumia Abu Jamal and 4). Charles Diggs in case they tried to use *Batson v. Kentucky*.

Shakaboona: I didn't know that.

Jerome Coffey: Charles Diggs a/k/a Karim is a decent human being and brilliant pro se litigator who exposed F. Emmett Fitzpatrick's administration for excluding African Americans from jury trials.

Shakaboona: If you go back and read *The Philadelphia Tribune*, November 10, 1995 5 A "Pa Approves 30 Crime Bills; Sen. Hughes Isn't Impressed"

Jerome Coffey: I read that article and what's interesting is American Legislative Exchange Council (ALEC) used Pennsylvania as a test state to pass draconian legislation. In fact, Governor Tom Ridge on January 18, 1995 signed a Proclamation so that the Pennsylvania General Assembly can convened on January 23, 1995 in a special and extraordinary session to consider legislation on crime. The session last 10 months and was adjourned on October 31, 1995. Meanwhile, all those crime bills were promulgated by ALEC. In addition, State Senator Steward Greenleaf, State Representative Jeff Piccola, State Representative John Perzel, and Governor Tom Ridge were all members of ALEC and served on ALEC Criminal Justice Task Force. They helped pass draconian legislation such as the statute of limitation on the Post-Conviction Relief Act along with Lynne Abraham who was *Legislative Chairperson* for the Pennsylvania District Attorneys Association. On another note, President Bill Clinton had nothing to do with Pennsylvania Post Conviction Relief Act. However, President Clinton is the first United States President to sign a statute of limitation on a federal habeas corpus. Ironically this case *Herrera v. Collins*, 506 U. S. 390, 409-11 (1993) placed a time limit on post collateral proceedings. Now, American Legislative Exchange Council and the Pennsylvania District Attorneys Association together drafted Senate Bill No. 81 from which they stole language from *Herrera v. Collins*, and the 1996 Anti-Terrorism and Effective Death Penalty Act. Finally, we have to remind people that President Clinton signed all kinds of acts; for example, the Violent Crime Control & Law Enforcement Act of 1994 and the Truth in Sentence Act and Three Strikes You're Out Act. Pennsylvania Department of Correction is probably recipients from the United States Justice Department to receive these grants to implement. So, I understand that article you mention and those crime bills.

Shakaboona: You were found guilty of second-degree murder by a jury trial in front of the Judge James Fitzgerald?

Jerome Coffey: Yes!

Shakaboona: In a nutshell, tell people more about your wrongful conviction 26 years ago at the hands of Philadelphia Criminal Justice System, and why it's important to show up at your court proceedings April 12, 2019 in front of the Judge Glenn Bronson?

Jerome Coffey: I want to tell you a quick story before I explain your question. Some years ago, I met a brother name Paul Ware. Mr. Ware was arrested on September 27, 1963, for allegedly murdering an elderly white woman who was 83 years old in a predominately white community; however, Mr. Ware always

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maintained his innocence. But what's interesting about Mr. Ware's case is the Philadelphia Police Department and Fairview State Hospital physically and mentally tortured him, and the prosecutor brought mentally ill witnesses to court and they falsely testified against Mr. Ware. Now, to answer your question. My story of injustice is like Mr. Ware. for example, on March 3, 1993 I was arrested for the unsolved death of Johnny Moss through jail house informant Aaron Griffin. On April 22, 1993, my lineup was manipulated by Detective William Wynn and Prosecutor Karen Brancheau through jail house informant Aaron Griffin; that's the reason Judge Fitzgerald granted the Motion to Suppress the lineup. On May 16, 1994 a Suppression Hearing started and concluded May 24, 1994 the following day on May 25, 1994 Officer Peter Scallatino went up State Correctional Institution Graterford and took jail house informant Frank Singleton to the Philadelphia District Attorney's Office to make a statement against me, 500 plus days later during the eve of my trial. On June 9, 1994 jail house informant Frank Singleton testified against me at trial under oath and his entire testimony was not only false, but trial prosecutor Hugh Colihan and Detective Snell knew he was lying; the entire case was manufactured by Police Officers Peter Scallatino and his partner Warren Larkin from the 23rd Police District. They are the ones who implicated my name in the death of Johnny Moss when this case was unsolved. I was the perfect target; (1) convicted felony (2) my criminal history as a juvenile (3) state parole from a simple/aggravated assault that happen in Bucks County (4) assaulting a police officer when I was a juvenile. So, I believe it's a personal grudge against me from the Philadelphia Police Officers. What's important is when you see this case you see how the Philadelphia Police Officers overtly manufactured a conviction that police, prosecutor, and judge committed misconduct in this case. For example, they altered trial transcripts of June 17, 1994 because the jury found me guilty of kidnapping and I wasn't charge for kidnapping and Judge Fitzgerald relied off this statue 18 Pa. C. S. A. § 306 liability for the conduct of another; complicity 18 Pa. C. S. A. § 306 (c) Accomplice defined - - A person is an accomplice of another person in the commission of the offense (inaudible). Nevertheless, we're requesting that the trial judge, Judge Fitzgerald, come clean pertaining to; (1) altered trial transcripts (2) misrepresentation of fact in his 1925 (a) Opinion and before Pennsylvania Governor Edward Rendell appointed Judge James Fitzgerald to the Pennsylvania Supreme Court. Judge James Fitzgerald appointed lawyer Bernard L. Siegel to misrepresent facts in a Statement In Absence of Transcripts pursuant to Pa. R. A. P. 1923 March 15, 2007 eleven days before he served on the Pennsylvania Supreme Court (i. e. March 28, 2007) disregarding my BATSON claim. That's the reason jury selection transcripts are missing for June 1, 1994; June 2, 1994; and June 3, 1994. When District Attorney Lynne Abraham released that tape of Jack McMahon 1997 it confirmed our suspicion of transcripts.

Shakaboona: Okay, you were found guilty of second degree murder. However, State Senator Daylin Leach out of Montgom-

ery County submitting a bill pertaining to 2502 Murder (b) murder of second degree -- A criminal homicide constitutes murder of second degree when it is committed while defendant was engaged as a principal or an accomplice in the perpetration of a felony.

Jerome Coffey: Yes, I know! In fact, "Perpetration of a felony." The act of the defendant in engaging in or being an accomplice in the commission of, or an attempt to commit robbery, rape, or deviate sexual intercourse by force or threat of force, arson, burglary or kidnapping. Nevertheless, I never was found guilty of robbery, rape, deviate sexual intercourse, arson, burglary, and kidnapping, but trial prosecutor Hugh Colihan mislead the jury to believed I was charged for kidnapping from which the jury found me guilty of kidnapping when in fact I wasn't charged for kidnapping and that's one of the reasons the trial transcripts are missing for June 17, 1994. Because Judge Fitzgerald gave the wrong jury instructions prior to giving instruction to the jury.

Shakaboona: What do you think about current Philadelphia District Attorney Larry Krasner and his reforming the Philadelphia criminal justice system.

Jerome Coffey: Again! 53-year history of injustice by the Philadelphia District Attorney's Office from Arlen Spector to Seth Williams. At the same time, the corruption didn't start with Seth Williams he just inherited it but got caught. However, Lynne Abraham ruled for 19-years violating people due process seeking the death penalty against African Americans 99% of time. District Attorney Larry Krasner has his work cut out for him because the corruption in Philadelphia criminal justice system is so deep seated it's going to take years to fix that corrupt culture.

Shakaboona: Well bro, it's been good talking with you, but even good things must sometimes come to an end. Any final words?

Jerome Coffey: Thank you and our Human Rights Coalition family. Thanks to Momma Patt, Cindy Lou Miller from Food Not Bombs Solidarity; Theresa Shoatz; My wonderful Attorney Martha Conley for exposing my injustice, Robert 'SugarBear' Lark, and Clarissa Rogers.

From the Belly of The Beast, I am Shakaboona. Thank you all for listening.

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THE MOVEMENT

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Human Rights Coalition Report

What is "2ndDegreeLWOP"?

2ndDegreeLWOP is an online campaign on Facebook and Instagram dedicated to bringing an end to the illegal sentence that is life WITHOUT PAROLE for the conviction of 2nd degree murder in Pennsylvania. We are a coalition of the friends, families and supporters of the 1,140+ inmates (men & women) serving this illegal sentence.

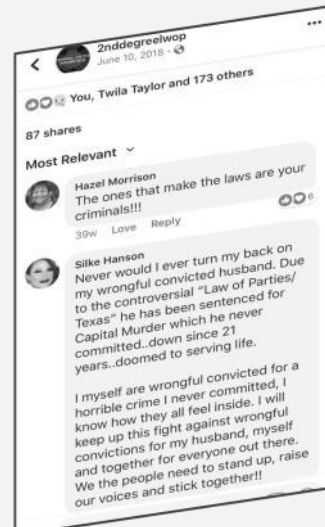
Since our initiation, we have garnered the attention of: entertainers like Meek Millz and Black Thought; attorneys like Bret Grote and Naji Muhajid; reporters like Samantha Melamed (Philly Daily News & Inquirer) and Sam Newhouse (Metro News); formerly incarcerated prisoners freed after decades behind bars due to wrongful convictions; Philly's top personal trainer Malik Jackson and hundreds of other members of the public.

We are the newest criminal justice/sentencing/prison reform movement online in Pennsylvania and our efforts aren't limited to ending LWOP sentences. We also advocate for ending the PCRA time-bar ("because there should never be a time limit on justice"), calling for the "actual prejudice" test (for IAC claims) in Strickland v. Washington to be overruled due to its disproportionate racial and class impact (just as Justice Thurgood Marshall stated in his Strickland dissent), exposing corrupt cops for their corruption and informing those affected to request legal relief if the corruption affected their cases, helping those wrongfully convicted (either due to actual innocence or unfair prosecution) get their stories out, calling for the elimination of all unnecessarily harsh and excessive sentences, calling for Miller v. Alabama to be extended to those 18-25 (i.e. Avis Lee's case, which we heavily advocated for) and exposing the racism that exists in the criminal justice system and judiciary (among other issues).

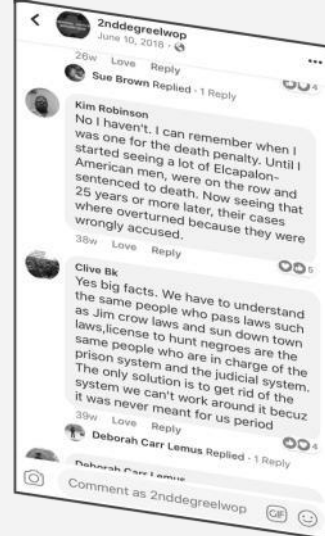
For the benefit of the prisoners, a screen shot of 2ndDegreeLWOP's Facebook & Instagram pages (and some comments from the public, whom some prisoners may know) are included below.



Facebook Page



Facebook Comments



Facebook Comments



Facebook Page

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THE MOVEMENT

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Human Rights Coalition Report

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How it all began?

The movement began in March 2018, in response to an article published in Philly Newspapers by Samantha Melamed, entitled “Strange Justice In State’s Felony-Murder Law” (Feb. 2018). We decided at that time to expose an even deeper scandal that LWOP for 2nd degree murder has been an undeclared illegal sentence for the last 44 years (and counting). It was only through intentional judicial misinterpretation & subsequent collusion that this illegal sentence became “legal”. If you’re wondering how an illegal sentence can ever become “legal”, it happens when you don’t challenge the illegality of the sentence in a timely fashion. The sentence becomes “legal” through becoming “final”.

Shortly thereafter, this writer published an article entitled “A Scandal Of The 2nd Degree”, where the short answer was given as why the sentence was illegal, but more importantly to have those affected have their family or friends email their case information to: 2ndDegreeLWOP@gmail.com. If was requested that your case info. be limited to: inmate name, state #, court case # (i.e. CP#), date of sentencing, sentencing judge, trial lawyer, prosecutor & county where you were sentenced. Since then, we have received numerous entries and as a reply, the long answer as to why the sentence is illegal was given. From this beginning, the platform materialized in a criminal justice, sentencing & prison reform movement.

What Is The Argument?

The legal argument for this issue which we stand on is pretty straightforward and frightening in its clarity: According to 18 Pa. C. S. § 1102 (b) the sentence for 2nd degree murder is “a term of life imprisonment.” This sentencing statute specifically doesn’t bar parole eligibility. So why were you sentenced to LWOP, Right? You were sentenced to LWOP simply because the parole board can’t parole lifers. But it’s simply “not that simple!” Under the Sentencing Code every sentence of total confinement imposed must have a minimum and maximum sentence, excluding the death penalty for 1st degree murder. 42 Pa. C.S. § 9756(a)-(c). The question that is never asked at sentencing by attorneys is “What is a term of life imprisonment?” No sentencing court in Pennsylvania (to our knowledge) has ever been asked this crucial question at sentencing to date, while imposing sentence. But an appellate court has answered this question, albeit incorrectly. That case is Castle v. Pa. Parole Board, 554 A.2d 625 (Cmwlth. Ct. 1989), where the Commonwealth Court simply got it wrong when it held (for the 1st time

Pennsylvania’s history) that the life term under 1102(b) was a mandatory minimum.

This is wrong for the following reasons: (1) the legislature only has the authority to designate which sentences are mandatory minimums, which they have & 1102(b) wasn’t one of them; (2) if it was a mandatory minimum, the legal system is in even more trouble because no prosecutor in Pennsylvania has ever provided defendants with any notice of its intention to seek a mandatory minimum under 1102(b); (3) if it was a mandatory minimum then what is the maximum sentence? (the reasons the writer says this is because, by law, the minimum sentence can’t exceed one half of the maximum sentence; the minimum & maximum can’t be the same) and (4) the Pennsylvania Supreme Court has instructed, through interpretation, that whenever a sentencing statute doesn’t say if its a minimum or maximum, it is to be interpreted as the maximum sentence, not minimum. Commonwealth v. Glover, 156 A.2d 114, 117 (Pa. 1959).

To provide some history, the first defendant to raise a proper challenge to the illegality of LWOP under 1102(b) was Commonwealth v. Lewis, 718 A.2d 1262, 1264-65 (Pa. Super. 1998). Lewis pleaded guilty to 2nd degree murder and the trial court sentenced him to “a term of life imprisonment”. Lewis argued on appeal that his sentence violates his “statutory right” to parole eligibility because the court failed to set a minimum sentence, citing 42 Pa. C.S § 9756(b)-(c).

Lewis claimed that because he was convicted of 2nd degree murder and none of the enumerated exceptions of 9756(c) applied, the trial court was required to set a minimum sentence, so as to permit Lewis’ eventual eligibility for parole. The Lewis Court determined that the Castle decision (which held that the life term under 1102(b) as a mandatory minimum) mandated their rejection of Lewis’ cogent argument. However, the Lewis Court failed to consider the fact that Castle presented a substantively different issue than Lewis.

Castle filed a mandamus, attempting to complete the Parole Board to consider his application for parole (because the sentencing court failed to impose a minimum), citing the implied minimum sentence of 1-day, under Commonwealth v. Ulbrick, 341 A.2d 68 (Pa. 1975). The Castle Court rejected mandamus, stating that (1) 9756(c) doesn’t create parole eligibility and isn’t enforceable before the parole board, (2) the Parole Act prohibits the board from paroling lifers, (3) 9756(c) and 331.21 [now 61 Pa. C.S. § 6137(a)(1)] of the Parole Act aren’t clearly inconsistent and (4) 1102(b) is a mandatory minimum.

We don’t take issue with Castle’s determination that (1) 9756(c) isn’t enforceable before the parole board and (2) the Parole Act prohibits the board from paroling lifers. However, the only reason the Parole Board can’t parole lifers is because they don’t have minimums. If they did, the conflict that would exist between the Sentencing Code and the Parole Code would result in the Sentencing Code taking precedence. Commonwealth v.

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Nance, 434 A.2d 769 n. 7 (Pa. Super. 1981) (“Thus, in any conflict between the Sentencing Code and the Parole and Probation Act, the Sentencing Code has priority.”).

42 Pa. C.S. § 9756(c) was interpreted by the Commonwealth Court in Steward v. Pa. Parole Board, 714 A.2d 502, 508 n. 8 (1998), which stated: “Therefore, we read section 9756(c) of the Sentencing Code to mean that, for defendants such as Petitioner, who do not fall within the enumerated exceptions, the court must impose a sentence with a right to be considered for parole”). Because 2nd degree murder clearly doesn't fall within those exceptions, the court was required to impose a sentence with a right to be considered for parole. That means a sentence with a minimum.

Lewis clearly presented the court with the correct question, which was entirely different than the question and circumstances presented in Castle. Lewis' question was simple: “Because the trial court sentenced him to “a term of life imprisonment” (which is the mandatory maximum), without setting a minimum for parole eligibility, his sentence effectively becomes a LWOP sentence (which violates 9756(b)-(c)).” The Lewis Court failed to consider and/or address the conflict between 1102(b) & 9756 that Lewis presented, which is the only reason why he lost.

Why Lewis should've won goes all the way back to 1980, when the Pennsylvania Supreme Court resolved a similar conflict in Commonwealth v. Sourbeer, 422 A.2d 116. In Sourbeer, the conflict arose between 2 similar statutes: 1102(a) & 19 P.S. § 1057. In resolving the conflict, Sourbeer stated: “To the extent that the provisions under which appellant was sentenced, 18 Pa. C.S. 1102(a), conflict with former 19 P.S. § 1057, which requires that minimum and maximum sentences be set, the conflict is to be resolved by applying 1 Pa. C.S. § 1936, which states: when the provisions of two or more statutes enacted finally by different General Assemblies are irreconcilable, the statute latest in date of final enactment shall prevail.” Sourbeer @ 124. Sourbeer went on to state “since 19 P.S. § 1057 was enacted in 1911 and amended in 1923 and 18 Pa. C.S. 1102 was enacted in 1974, the later section takes precedence.” Sourbeer @124.

Instantly, the majority of those convicted of 2nd degree murder were sentenced long after 19 P.S. § 1057 had been repealed in 1978. However, the statutes of 1057 & 9756 are strikingly similar because both required the court to impose maximum, & minimum terms of imprisonment when a sentence of total confinement is imposed. As a result, based upon the “striking similarity” between 1057 & 9756 found by the Superior Court in Commonwealth v. Yount, 615 A.2d 1316, 1318-19 (1992), the irreconcilable conflict that existed between 1102(a) and 1057 in Sourbeer, is the exact same conflict that now exist between 1102(b) and 9756(b).

In this instance, however, 1 Pa. C.S. § 1936 doesn't apply as it applied in Sourbeer because 1102(b) and 9756 were enacted by

the same general assembly. Therefore, 1 Pa. C.S. § 1935 applies and changes the entire landscape. 1102(b) and 9756 were enacted by the same general assembly (#158) on 3/26/74 and 12/30/74, respectively. 9756 was enacted 280 days after 1102(b) and didn't become effective until 4/1/75, 389 days after 1102(b) became effective. As such, the result reached in Sourbeer has clearly guided us to the conclusion that: the statute latest in date of final enactment shall prevail. This requires that a minimum sentence be imposed in addition to the life term under 1102(b).

The rules of Statutory Construction provide further guidance on why sentencing courts are required to impose minimums (in addition to the life maximum, just like they are currently doing with juvenile lifers) for 2nd degree murder because it falls outside of the enumerated exceptions of 9756(c).

1 Pa. C.S. § 1933 states: “whenever a general provision in a statute shall be in conflict with a special provision in the same or other statute, the two shall be construed, if possible, so that effect may be given to both.” Assuming arguendo, 1102(b) is a special provision and 9756 is a general provision, Commonwealth v. Klingensmith, 650 A.2d 444, 447 (Pa. Super. 1994) (“...42 Pa C.S. § 9756... is a general provision.”) And, as mentioned above, the mandatory maximum under 1102(b) is in conflict with minimum/maximum mandates of the Sentencing Code (i.e. 9756(a)-(b)).

Nevertheless, under the above cited portion of §1933, the court was first required to attempt to construe these 2 statutes together (so that effect may be given to both). This was possible: “1102 (b) provides the maximum sentence (i.e. life imprisonment) and 9756(b) provides the minimum, which shall not exceed one-half of the maximum sentence.” There is guidance in this matter from our federal government.

The federal government has used life expectancy data in recognizing that a sentence of just under 40 years is the functional equivalent of life sentence. The US Sentencing Commission treats a life sentence as the equivalent of 470 months (nearly 39) years, based on the average life expectancy of those serving prison sentences. United States v. Nelson, 491 F.3d 344, 349-50 (7th Cir. 2007); US Sentencing Commission Quarterly Data Report (through 6/30/16) @ Figure E, n. 1.

1 Pa. C.S. § 1933 continues: “If the conflict between the two provisions are irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be enacted later and it shall be the manifest intent of the General Assembly that such general provision shall prevail.”

Here, it is argued that the General Assembly intended the general provisions of the minimum/maximum mandates of 9756 to prevail over the special provision of 1102(b) (assuming it to be a special provision). 1 Pa. C.S. § 1933 has 2 components in its test to resolve conflicting statutes: (1) the general provision was enacted after the special provision and (2) the General Assembly manifested its intention that the general provision shall prevail. Each of these components will be addressed independently.

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1. It has already been established that 9756 was enacted approximately 280 (& became effective 389 days) after 1102(b). As such, the 1st prong has been satisfied.
2. The General Assembly manifested its intention that the general provision shall prevail. The manifest intent of the General Assembly (that 9756 shall prevail in this conflict) is found in the Act of 12/30/74, P.L. 1052, No. 345 §2(b), which states: “All acts and parts of acts are repealed insofar as they are inconsistent herewith.”

Therefore, even if the conflict is irreconcilable (causing the mandatory maximum under 1102(b) to be repealed by the minimum/maximum mandates of 9756), the sentence wouldn't be LWOP. Arguably, considering the federal data, the sentence would probably be 20 to life.

Ironically, in an unrelated case, the position of the Commonwealth of Pennsylvania (as submitted to the Pennsylvania Supreme Court in Commonwealth v. Cunningham @ No. 38 EAP 2012, Appellee Brief) is that 1102: (1) establishes the maximum punishment, (2) doesn't bar parole eligibility, (3) doesn't prevent the sentencing judge from imposing a minimum for parole eligibility purposes and (4) that the Lewis Court was wrong and should be overruled. See, Appellee Brief @ 20-22, filed by the Philly DA's Office under Seth Williams. At the end of its argument, the DA's Office cited the following case: Stilp v. Commonwealth, 905 A.2d 918, 967 (Pa. 2006) (“While stare decisis serves invaluable and salutary principles, it is not an inexorable command to be followed blindly when such adherence leads to perpetuating error.”)

In 2012, Pennsylvania's mandatory sentencing scheme for 2nd degree murder was revealed by the Superior Court in Commonwealth v. Devon Knox, 50 A.3d 732 and Commonwealth v. Jovon Knox, 50 A.3d 749. The Superior Court states as follows:

“First, however we reiterate that there is no single particular statute in Pennsylvania which directs that [a defendant] must be sentenced to a term of life imprisonment without parole upon a conviction of second degree murder. Rather, a series of statutes intertwine to reach the result of a mandatory sentence of life imprisonment without parole for [defendants] convicted of second degree murder.” Devon Knox @ 744.

The “series of statutes that intertwine” to reach the result of an LWOP sentence is 61 Pa. C.S. § 6137 (a)(1) of the Parole Code that prohibits the board from paroling lifers. The constitutional problem here is that “you weren't warned or given any notice that the Parole Code would or could be used against you at sentencing.” Not only that. This leads to a series of other constitutional problems.

For example, (1) because an LWOP sentence isn't provided for within 1102 (b), the sentencing judge had no power to impose it. Commonwealth v. Kline, 340 A.2d 562, 563 (Pa. Super. 1975) (“Unless the penalty is specifically provided within the penalty paragraph of the statute in question, the sentencing judge [had]

no power to impose it.”); (2) therefore the sentence is illegal and no court has the discretion to impose an illegal sentence. Commonwealth v. Montgomery, 687 A.2d 1131 n. 7 (Pa. Super. 1996) (“As a clarification to the parties, we note that a court has no discretion to impose an illegal sentence...”); (3) its blatantly violative of separation of powers. Welsh v. United States, 136 S. Ct. 1257, 1268 (2016) (“a court lacks power to exact a penalty that has not been authorized by a valid criminal statute.”); & (4) its violative of Double Jeopardy because 2 punishments were imposed for the same offense, arbitrarily and without notice. Warden v. Marreo, 94 S. Ct. 2532, 2537-38 (1974) (“It may be legislative grace for Congress to provide for parole, but when it expressly removes all hope of parole upon conviction and sentence for certain offenses, ...this is in the nature of an additional penalty.”); U.S. v. Halper, 109 S. Ct. 1892, 1897 (1989) (noting that Double Jeopardy prohibits “A second prosecution for the same offense after conviction... and multiple punishments for the same offense.”).

Economics

Pennsylvania is either killing these prisoners by mistake or mistakenly killing them on purpose. Individuals convicted of 2nd degree murder have been receiving LWOP sentences since 1974 and have been dying in prison without any chance at parole consideration because sentencing judges have failed to impose a statutorily required minimum. According to Pa. DOC stats (dated 3/22/18), since 1870, 97 lifers convicted of 2nd degree have died behind bars and 23 lifers generally die annually.

As mentioned above, the courts have failed to impose these minimums either because of a mistaken view of the law or because trial lawyers haven't asked that crucial question at sentencing: “What is a term of life imprisonment? Is it a minimum or a maximum sentence?” In the Philadelphia Tribune (dated 3/16/18), there was an article entitled “Krasner Tells Prosecutors To Estimate Costs Of Incarceration”. The Tribune staff writer, Michael D'Onofrio, quotes Krasner as saying that “financial costs to taxpayers” is another factor that his Office will consider when recommending a sentence in a criminal case. Based upon that representation, take a look at how this “perpetuating sentencing error” has affected Pennsylvania economically:

“It cost Pa. taxpayers approximately \$47,000 per year to house a prisoner with this type of sentence. These sentences generally last 40 years before the prisoner dies behind bars. When 2% inflation per year is totaled in, along with inmate healthcare cost that the prisoner will likely incur over the length of the sentence, the cost to Pa. taxpayers increases to approximately \$3.6M per prisoner. Multiply that times the 1280 prisoners (at the time this was written) currently with 2nd degree murder sentences in the DOC. That equals approximately \$4.608B over 40 years. According to Pa. DOC budget projections,

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Pa. taxpayers are facing a bill of at least \$2.3B per year thru Fiscal-Year 2021 to fun the Pa. DOC.”

Pennsylvania is currently in a well-known economic crisis. We have a crumbling infrastructure and a dwindling revenue base. The state’s limited financial resources are clearly needed elsewhere. “Elsewhere” like where? Student debt in Pennsylvania is the 3rd highest in the nation. The Philadelphia School District is \$118M in debt (and counting). The state is not (now? WH) holding \$62B in unfunded pension debt (for public employees). It’s become so bad economically that our legislature has heavily considered expanding gambling in Pennsylvania. Who would’ve ever thought that an illegal sentence would cost this much?

Now let us examine the immediate savings that would result if this error was corrected: Assuming that 1100 of these prisoners became immediately eligible for parole and the parole board granted them parole because they were deemed rehabilitated. Pennsylvania would see an immediate savings of \$51.7M per year. With these kind of savings, we could wipe out Pennsylvania’s student debt, the Philadelphia School District’s debt and satisfy corrections employees retiree healthcare benefit obligations within the first 5 years (\$258.5M).

Within the first 10 years (which would be \$517M), Pennsylvania could easily be on the path of sustainability, profitability and economic prosperity. Consider this: It cost Pennsylvania taxpayers \$20,000 per year to send a person to a state supported college or university, but it cost more than double that amount to send that same person to prison. You do the math!

What Are We Doing To End It?

What 2ndDegreeLWOP is doing to end this illegal sentence is by finding prisoners serving this sentence, contacting them and/or their attorneys, informing them of the legal merit of our argument, ensuring that they are timely and filing the argument in court. Luckily, we have located prisoners who are timely. One prisoner is on direct appeal in Superior Court. They are preparing to file a brief which includes our argument. See, Com. v. Malik Howie (Phila. Co.). Another prisoner filed a timely PCRA petition which included this issue in an amended petition. See, Com. v. Raheem Brown (Phila. Co.). Another case in pending in Superior Court from a timely PCRA petition filed in Phila. Co. However, it was a 1st degree case where the judge conceded the merits of the argument before denying it in an unsound legal opinion. See, Com. v. Rahmeek Banks. Another prisoner has this issue pending in Beaver Co. in a timely PCRA petition. See, Com. v. Devon Shealey. This writer has the issue pending in the federal district court for the eastern district of Pennsylvania under Martinez v. Ryan. See, Rouse v. Delbaso.

We are actively searching for defendants convicted of 2nd degree, but haven’t been sentenced yet. We would like to place this sentencing issue before a sentencing judge. Legislatively, we have lobbied state reps and senators by emailing them our

argument and urging them to sue the legal argument as a basis to pass parole for lifers bills (i.e. SB293, SB942 and HB135), like Sharif Street, Daylin Leach, Jordan Harris, Jason Dawkins, Bob Casey, Joanna McClinton (chairwoman of Pennsylvania’s Sentencing Commission) and the Pennsylvania Sentencing Commission (who has a statutory duty to inform the legislature of sentencing errors that they become aware of).

We have emailed and certified mailed the issue to Larry Krasner and Patricia Cummings of the Philly DA’s Office. Cummings said the issue would be looked into and 3 months later, Krasner publicly declared his support for Senator Street’s parole for lifers bill (SB942). Every law school in Pennsylvania was emailed out argument, trying to gain the interest of its law students

The Submission of Tyreem Rivers DK-2865 to the Graterfriends is relevant:

In light of the Senate Judiciary Committee’s June 4th decision to allow SB293 to move forward through the senate, we, the advocates of criminal justice reform, have decided to relaunch our public petition in support of Senator Daylin Leach’s call to abolish Pennsylvania’s brutal LWOP prison sentences under the current second degree felony murder law. With respect to the 1100 men and women currently serving life without parole (for second degree “felony” murder), we are now seeking 2200 public signatures online in support of SB293! These signatures will be used to further demonstrated to all Pennsylvania legislators that Senator Leach’s SB293 needs to be passed into law as a primary means to ending LWOP under current second degree “felony” law! We are now calling upon friends, friends of friends, and family members of those currently serving LWOP under second degree to please help by signing our petition online @ change.org!” Graterfriends Magazine, p. 6 (Jan. 2019).

What Progress Has Been Made?

Our efforts, including the efforts of other criminal justice reform groups like CADBI and DecarceratePA, etc., have led to a statewide trend toward parole for lifers. This includes, but isn’t limited to, SB942, SB293, and HB135, all of the lifers rallies that we’ve heavily advocated for, other significant events such as the historic legislative police hearing @ SCI-Dallas, as reported by Robert Pezzeca DX-1158 below:

“I want to update every Pa. lifer on the policy hearing @ SCI-Dallas on August 22nd. Five members of the L.I.F.E. Association executive board testified in support of parole for lifers, criminal justice reform and prison reform. Five of us who are LIFE executive board members were selected by the PA Legislative Black Caucus to testify in front of 15 state reps, 3 state senators, 11 legislators’ staff members and 6 outside activists/advocates. This policy hearing was a tremendous success. We testified and discussed the fact that lifers, senior

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lifers, men and women serving virtual life sentences are dying in prison. Representative Harris and Senator Street asked many questions about the commutation process, access to which deserving lifers are routinely denied. Senators Boscola and Black pledged their support for SB942 and Senator Street announced that he now has the votes to get this bill out of the judiciary committee and onto the floor of the Senate. The L.I.F.E. Association here @ Dallas wishes to thank everyone who was involved in helping to make this hearing possible. Some of the attendees said that they had never been invited to a prison, so we look to all the lifers in Pa. to invite legislators, legislative staff and activists to such hearings... The door is wide open!" Graterfriends Magazine, p. 6 (Jan. 2019).

As recently as June 8, 2018, the Superior Court has also conceded that a meritorious argument exist regarding this issue when they stated:

"Appellant does not explicitly claim that his sentence exceeds the lawful maximum, nor is his claim easily construed as such. Instead, he contends that - in crafting the sentencing statute for second-degree murder, the legislature failed to give adequate or reasonable notice of the penalty for that offense, especially in light of other sentencing provisions, such as the minimum/maximum rule. If anything, Appellant is challenging the minimum sentence imposed (that is, that no minimum sentence was imposed)..." Com. v. D. Rouse @ 653 EDA 2017.

The Superior Court expressed that they haven't faced this issue before:

"Nor does Appellant's claim fall within the well-recognized categories of illegal sentencing issues that are cognizable under the PCRA under applicable case law.... Likewise, here, Appellant's void-for-vagueness claim is a sentencing issue that presents a legal question that is qualitatively distinct from the categories of illegal sentencing by our courts. It does not challenge the sentencing court's authority or actions inasmuch as it challenges the legislature's ostensible failure to provide adequate notice of the penalty for second-degree murder." Id. @ 10.

However, the Superior Court concluded that because the issue wasn't argued at sentencing or in a post-sentencing motion, it was waived on state habeas corpus.

Even Jennifer Storm (the Spokeswoman for the Office of Victim Advocate) is reported to have recently visited SCI-Phoenix and expressed her openness to the idea of parole for lifers, with minimums of 20-25 years for 2nd degree and 30-35 years for 1st degree. This was only because, prior thereto, she lobbied against SB 942 on the basis that any parole for lifers bill didn't honor the rights of crime victims. She has since learned, through

surviving families of some crime victims, that they actually support SB942 because they support forgiveness and second chances.

Attorney Brett Grote is preparing to challenge the constitutionality of LWOP under 1102(b) some time this year (2019). Change is coming, God willing!

Who Are The 1140+?

These incarcerated men and women disproportionately are poor people and people of color. They come from various backgrounds and upbringings, mainly in inner-cities. Some endured years of PTSD due to traumatic events that occurred in the home (i.e. domestic violence, rape, drug and alcohol abuses, etc.) or in society. The majority come from single parent homes, where the father (or mother, in some cases) was absent early on.

Some claim to be actually and factually innocent. However, the claims fell on deaf ears over the years or they simply didn't have the means to develop those claims. A significant number claim that they were wrongfully convicted (i.e. trial court error, prosecutor misconduct or trial counsel IAC). But the way that the system is set up, once your convicted, all of the evidence on appeal is viewed in the light most favorable to the prevailing party (which 90% of cases is the Commonwealth). Even more trouble are the strict time limits on filing PCRA claims. Defendants only have 1 year to "become a lawyer, find the right issues and present it to the courts." However, it takes a "real lawyer" 7 years to finish law school!

Another sizable amount have genuinely admitted their guilt. For them, their guilt isn't in dispute. Justice for them is simply "fixing their sentences".... And that's all they really want! Some of these people have been incarcerated for 20-30-40 years or more. And to even think that it's possible for a state to allow a person to serve an illegal sentence for that long boggles the mind. Despite these obstacles, a lot of these people have pushed themselves into becoming better people. They didn't just "give up on life because they have "LIFE".

This writer has decided to include interviews with a few 2nd-DegreeLWOPer's (who have served a combined total of 236 years imprisonment). They were asked the following questions:

1. What is your name, age, time-in, city of origin and sentence?
2. What did they say that you did and how old were you when they said you did it?
3. What type of person were you back then and what type of person are you today?
4. How do you feel about what happened (either to you or the victim)?
5. What have you accomplished since incarceration?
6. How many people have you lost since incarceration?

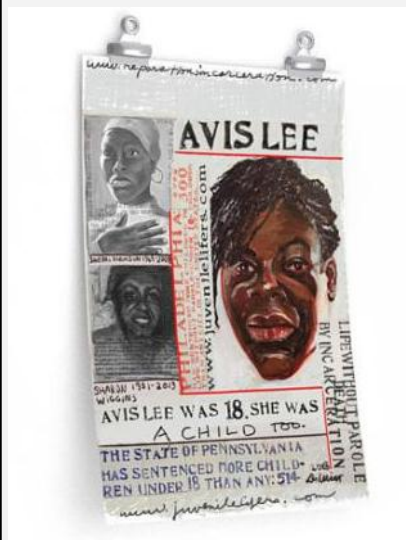
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7. How did you feel when you learned that you've been serving an illegal sentence after all this time?
8. If you were fortunate enough to get a 2nd chance, what would you do upon release and how would you give back to the community?
9. What advice do you have for the youth out there, whose current path in life is leading them here?

Here are their answers:

1. My name is **Avis Lee**, 58 years old, 39 years in, from Pittsburg and I received a LWOP sentence.



2. In 1979, I was the lookout on an armed robbery in the Oakland section of Pittsburg. I was 18.

3. Depressed. I didn't care if I lived or died. I used alcohol and other drugs so I wouldn't have to feel the emotional pain of unresolved childhood trauma that I suffered. Molestation, domestic violence, rape and poverty. I used to think if I saw something I wanted, it was okay to take it be-

cause I was poor. I now realize that this type of thinking is criminal. Today, I'm completely different. Yes. I'm a person whose made some mistakes in the past. But I've learned from them. I'm sober and in recovery now. I'm a hard worker. I'm an honest and reliable employee, a mentor and role model to my peers; an inspiration to my family and friends because after all I've been through, I've never given up hope.

4. I feel this crime and Mr. Walker's death are my fault. Because had I not asked to borrow my brother's gun to commit robbery, this murder of an innocent man would've never happened. I'm eternally sorry for my behavior and participation in this crime and I take full accountability for my actions.

5. I've accomplished many, many things that have resulted in certificates, degrees and certifications. Degree: Associate in Specialized Business (AS Accounting); Business Management. Certification: Braille Transcriber; Training Certificates: Peer assistant, AOD, Peer Listening and Group Facilitator Training, Peer Educator Unit Based Citizenship Course, Crawford Co. VoTech New Options Women In Tech & Trades, Penn State Master Gardeners of Crawford Co. Basic Vegetable Gardening; Groups: Violence Prevention, Impact of Crime, Anger Manage-

ment, Stress Management, Drug & Alcohol Education, 12 Step Study Group, Relapse Prevention, Aftercare, Drug & Alcohol Women's Issues; Citizenship Classes/Apprenticeships: Carpentry & Cabinetmaking, Blue Print Reading, Masonry, Painting, Upholstery, Can/Reed/Rattan/Wickerwork, Basic Sewing, Sewing Workshop.

However, I believe my greatest accomplishment has been taking accountability for my actions, changing my thinking and changing my behavior.

6. I've lost 14 loved ones since incarceration: 3 uncles, 4 aunts, 4 cousins, 1 brother-in-law and 2 former boyfriends.

9. Speak to youth groups about preventing teen violence. This is a cause that I'm very passionate about because I've been there. I would tell them to "think" about what your thinking. I would tell them to ask themselves how will the decision you are about to make effect your life 2 years from now? Will your "get rich quick" scheme really get you rich, or will you really end up serving time upstate? What if you choose to go to school for a trade like welding? In 2 years, you could be working for Exxon Mobil or British Petroleum on a pipeline earning \$130,000 a year. Let's do the math: An inmate working upstate at a starting rate of 19 cents and hour, verses working as an apprentice for \$19 an hour? An inmate working upstate at top pay (51 cents an hour) verses a licensed journeyman/woman working for \$51 an hour; you do the math. Any questions?

I want to thank "THE MOVEMENT" magazine for giving me an opportunity to get my story out there. I really appreciate you.

1. I'm **Herndon "Abdus-Sabur" Steele**, 54 years old, 33 years in, from South Philly and sentence to LWOP.



2. I was charged with participating in a robbery homicide. I was twenty-one.

3. Back then I was immature, irresponsible, misguided and easily influenced. Today, I'm a very responsible, mature, wise Muslim, with a very strong spiritual foundation.

4. I feel remorseful, ashamed, apologetic and hurt that a mother lost her child and a daughter

was forced to grow up without the love, protection, friendship and nurturing of her father. I can't even put into words the enor-

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mous amount of hurt this causes me and I hope to be able to express this to them one day and help his daughter out in any way that I can.

5. Since my incarceration I have become a Certified Drug & Alcohol Treatment Specialist and a Certified Flagger with PennDot. I've completed the following prison programs: High Intensity Violence Prevention, Long-Term Offenders, Thinking For A Change, and Citizenship Group Facilitator. I also contribute on the outside by financially sponsoring basketball teams every summer in the Point Breeze Youth Development Basketball League, as well as being the prison spokesman for the "ForgetMeKnot" Youth Services Shelter. By the Grace and Permission of Allah, I have had the joy of being married to a beautiful Muslimah for the last 10 years.

6. Since incarceration, I've lost both parents, several other immediate family members and a host of extended family members.

7. When I learned that I've been serving an illegal sentence after all this time, I felt as if my life was maliciously, deliberately and unjustly taken from me. I feel that the judicial system has plotted my DEATH BY INCARCERATION and that I am voiceless and powerless to do anything about it.

8. Upon release, I have several job opportunities available for me. I also have several platforms that have been offered to me where I will be able to mentor and lecture the youth. My hope is that I will be able to save as many as possible from incarceration. What I'm most looking forward to is being the best husband to my beautiful wife.

9. I talk to and mentor the youth here daily and they all had the same thing in common out there, which is they had no positive, successful, male role models who they could look up to and say "I wanna be like him." Many of them feel as if they were left no options except to hustle, rob, steal and (if necessary) kill as a mean of survival. There are just so many negative elements that factor into them feeling this way that prevents them from being successful. If I could give them one piece of advice (which I think isn't enough), it would be to involve themselves in (good) things that would create better opportunities for themselves. I know its not easy. I would advise them to look at the examples of all those who came before them, the old heads coming home after doing 20-30-40 years, and who as a youth felt the same way which led them to doing all of that time away from their families. I would also urge the men and women on their way home from prison to speak to the youth out there - make yourself available to them and share with them the mistakes you made. Don't leave them to themselves and don't leave them to this corrupt system. THIS IS YOUR RESPONSIBILITY!!!

I would like to thank "The Movement" magazine for being an advocate for change and for giving me this opportunity.

1. My name is **Mario Belgrave**, 44 years old, 25 years in, from Camden, NJ (but moved to Philly as a kid) and sentenced to LWOP.



Mario Belgrave

2. I was accused of being an accomplice to a robbery murder. I was a month into my 20th b-day.

3. The type of person I was back then is a vastly different from who I am today. Lost, confused and misguided is what comes to mind. I cared very little about the wellbeing and future of myself, let alone anybody else. The environment that I grew up in demanded such behavior from me and those alike. Three years before my incarceration, I met an older man who introduce me to Islam. At the time, I didn't realize the effect the man's words would have on me. Shortly afterwards, a struggle began within me. The struggle between the old man's words and what the evil streets would have me believe. Needless to say, I allowed the evil streets to prevail in that struggle. When I was sitting Philadelphia County prison, the old man's words came to me: "Young brother, all life is precious! God Almighty didn't put you here on His earth to harm His people." I made a decision; I would no longer be apart of the problem, but apart of the solution. I was going to be a better son to my parents and grandparents, a better father to my son, as well as a better neighbor to my fellow citizens. I believed that the best way for me to achieve this mission was to accept the offer of that old man long ago. So, I decided to embrace Islam, and I never looked back.

4. If I had to sum it up, I would say haunted and sicken. Haunted by the pain and anger that the victim's family has felt all these years. Sicken by the disgrace and sorrow that I caused my whole family.

5. Since incarceration, I've earned my GED, along with several vocational certifications. I participated in every mandatory and voluntary program offered in the DOC. The two that had the most effect on me was Violence Prevention and Long Distance Dads. This program (Long Distance Dads) was designed to give incarceration fathers the tools that they need. This program was voluntary and lasted 3-4 months. After graduating from Long Distance Dads, I was asked to join the group as a facilitator. At twenty-four, I was the youngest facilitator to ever join the group. I facilitated the group for seven years. The reason for leaving the program was to further my education.

6. Since incarceration, I've lost a lot of family members. The two that hurt the most were my grandmother and aunt.

7. I felt haunted and disgusted; but, at the same time motivated. Disgusted that the state of Pennsylvania has fooled its citi-

(Continued on page 28)

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zens (free and captive) for all these years into believing that their criminal justice system is one of justice. I'm motivated by the knowledge that I've learned. It has given me the extra drive to fight this injustice even more.

8. If given a second chance, I would keep my promise to the Creator that I made twenty-five years ago which is to be an asset, not a liability, to my community. To be the best son, father, and to help my fellow people in need.

9. I would tell the youth to STOP! THINK about the consequences of your actions. Those people that you call your friends/homies aren't that. You just don't find out until you're in here. They don't have your best interest at heart. Find good friends that are doing positive things.

Thank you (Movement Magazine) for allowing me to tell my story.

1. My name is **Naree Abdullah**, aka Grenile Gainey. I'm 46 years young, 26 years in, from Saigon Projects which



Naree Abdullah
CY7979

was one of the worst parts of South Philly (sad to say) and sentenced to LWOP.

2. I was accused of being inside a car that was around the corner and up the block from where a robbery homicide occurred inside a store. I was 20 years old.

3. I felt bad and still feel bad about what happened to the victim. But more than that, I feel bad for their wife who has to endure the pain of not having him there for her and may-

be their kids; and, his father and mother who lost a son or siblings who lost a brother. As far as myself, I feel as though this time was meant for me to do (regardless of a wrongful conviction or illegal sentence) so that I can become the good person I am today. So, I'm grateful for life; and, everyday I'm allowed to wake up, to help the process of change in myself and others.

4. Before being incarcerated, I was on my way to being killed or harming somebody. This is the total opposite of who I am today which is an extremely caring and loving man. I believe in changing the thought processes of our kids and grown folk, for the better, for generations to come by the Permission Of Allah.

5. Since incarceration I've completed drug and alcohol and anger management programs. I'm also a Peer Educator and Facilitator for inmates with mental behavioral struggles and coping with life in general. I also facilitate religious classes on the prison blocks. But my greatest accomplishment is changing my life

and remaining firm and unwavering in my beliefs. I'm done with anything negative!

7. When I learned that I've been serving an illegal sentence after all this time I said to myself, "Ain't that something?" I have two resolves towards this: (1) the people responsible for this (i.e. the criminal injustice system) are the same, if not worse than the criminals who commit these crimes, and (2) which is the first always in every matter of existence . . . and it is the Decree of Allah. So, what is meant for you will never pass you by; and, what's meant to pass you by was never meant for you. And no matter your condition in this worldly life, you have to prepare yourself for the next life.

8. When I'm released, by the Permission of Allah, I intend to spend a lot of time with my mother, son,⁰ and brother the most, and then get right to some youth programs and on board with the fight to reform . . . and of course that will be after and in between worshipping my Lord at all times. While doing that, I'll be building my brand MTM (Members of The Men) and MTW (Members of The Women). This is for all of the men and women (free and captive) wholeheartedly dedicated to criminal justice, sentencing and prison reform.

9. Two pieces of advice for the youth: (1) don't wait until you do something that may cost you your life in jail to realize that you have a gift that's bigger than "street corners and a gun" and (2) all it takes is a second to think about the ending of everything you do and a bit of patience, and you'll be able to obtain the greatness that's already instilled in you.

Sincerely,

Naree Abdullah, Founder of MTM & MTW

1. My name is **David Charles Rouse**, 60 years old, 40 years in, from South Philly and sentenced to LWOP plus 10-20.



David Charles Rouse

2. They said I shot a man when I was 19, back in 1979.

3. I feel very sorry about this whole event! It was unfortunate that two men lost their life that day: (1) one to a grave and (2) one to a prison cell until he dies.

4. I wasn't a troubled person back then; and,⁰ I'm still not a trouble maker today.

5. I've held onto a steady job, as well as built positive relationships with the youth

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(Continued from page 28)

here to help them grow and be productive members of society when they are released. This entire time I have stayed out of trouble!

6. I have lost 14 loved ones during these 40 years. I know that there will be more and to know that there is nothing that I can do for them is gut-wrenching.

7. There aren't enough words to explain how I feel after learning that I've spent all of this time away from my family and friends, ILLEGALLY! SMH.

8. This is my first time being locked up EVER, so I don't know what to expect. But I would like to help the youth from throwing there lives away by doing things that are meaningless and harmful.

9. I would tell the youth to "think twice" before they act and surround themselves with positive people who have their best interest at heart.

I want to thank The Movement magazine for giving me this opportunity and I hope that all of our efforts lead to parole eligibility for lifers.

1. My name is **Zakee B. Murray**, 58 years old, 37 years-in, from South Philly and sentenced to LWOP.



Zakee B. Murray

2. They said I played part in the murder of a man (without being the shooter) shot in December of 1980 when I was 20. I wasn't arrested until 1982, after dirty detectives arrested a known liar who was charged with many crimes at the time; and, they had him do as they wanted. I

didn't do the crime. The people responsible are now free and one was a juvenile life. Also, the one that detectives coerced/forced to lie is free.

3. I was an average teenager coming up. I was no angel. I had a good life and family. I loved to have fun. But I grew up because of a beautiful woman who was my partner. But, I failed her and our child by getting caught up in this case. I was an

adolescent trying to be an adult. Today I'm a real loving man who, through experience and maturity, cares about people and want to make a difference.

4. I didn't know the victims, but I know from losing my little cousin and nephew the hurt that grows from that. So, I know that the family's pain continues today. If there were any way I could help them, I'd gladly do so.

5. I've obtained my diploma, took colleges courses at Villanova, have a carpenter's and auto mechanic license, and am a certified Peer Facilitator and Accountant.

6. I've lost about 30 people over the last 37 years and each one tore my soul. These were family who stood by me my whole life. Just think about not having no support and growing old alone. It's crazy!

7. Not only am I serving an illegal sentence (which I've known for decades), but I've been fighting the last 37 years to prove this also. However because of how old my case is now, the courts won't hear me. This late in the game, you don't get the benefit of any new rules. You just don't matter anymore after all this time. You really don't matter no more once you're convicted.

8. I would go to the Masjid and offer "2 rakats", first and foremost, thanking my Lord. Afterwards, I would spend time with my remaining family members, who I owe a lot to, and I would use everything I have learned to help others and further my education.

1. My name is **Debra R. Ward**, 59 years old, 36 years-in, from South Philly and serving an LWOP sentence.



2. When I was 24 years old, I got jumped by two girls. The fight escalated and one of the girls died. I was convicted of her death.

3. I'm from a large close-knit family. As a young woman, I was a dedicated mother and a loving, caring sister, aunt, and cousin. Even though I'm older now, I'm still close to my remaining family. I'm the same reliable, responsible woman today as I was then.

4. I think about what happened all the time. When I think about how I feel about it,

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the words that come to mind are “hurt, terrible, messed up!” Not only did I hurt her, I hurt her family and my family. If only I could go back to that day.

5. I completed all of my groups - Violence Prevention, Thinking For a Change, Self-Esteem and Anger Management. I graduated and completed the apprenticeship program in painting, specializing in interior/exterior design. I’ve held a job at the prison for 36 years and currently work as Unit Detail.

6. I’ve lost 13 family members so far during my incarceration. These loved ones included my grandfather, father, brothers, nephews, nieces, uncle, cousins, aunts and step-sisters. I’ve lost countless friends since I’ve been here.

8. If given a second chance, I want to help people. I will share my story as much as possible wherever I can. I want to talk to youths at rallies, seminars and in youth study centers. I want to share my experiences about the realities of incarceration so they don’t follow in my footsteps. My poor health (after all these years) will prevent me from working, so I will volunteer my time to give back to my community. I will volunteer at churches and help the homeless. I want to do whatever I can to help stop the violence in our community.

Thank you, Movement magazine, for giving me this opportunity.

In light of all of the interesting and positive developments regarding criminal justice reform locally and nationally, this writer was curious to see how one of our original freedom fighters, Mumia Abu-Jamal, felt about it. He was asked the following questions:

1. How do you feel about the current state of affairs regarding criminal justice reform in Pennsylvania?
2. How do you feel about Pennsylvania’s current General Assembly?
3. If you could get the legislature to eliminate three things, what would it be and why?
4. This issue of racism and discrimination in the criminal injustice system, how deep does it run?
5. We see that you won the right to appeal your original case to the Pennsylvania Superior Court. Assuming Krasner’s appeal against you fails, what type of issues do you plan to raise and which one is your strongest?
6. Knowing that your case happened in Philadelphia county, how do you feel about Krasner’s administration?
7. If you obtain your freedom after all this time, how do you think this new society will receive you? [Note: This writer would urge readers to listen to Tupac Shakur’s song, “White Manz World”.]

8. How do you feel about DOC Secretary John Wetzel and his new restrictions on food in visiting rooms, legal mail, regular mail, and overall management of the PA DOC?

Mumia’s Answers:

1. The Pennsylvania criminal justice system is quite, unfortunately, a business designed to employ thousands of people in rural districts of the state. Everything they do is based on that fact; something I call “economic predation”.



Mumia Abu-Jamal

2. The Pennsylvania general assembly too, is interested in those same objectives: MONEY! That’s why some \$2.58 is spent annually on the Pennsylvania prison system, where prisons are priority !1. They resent (and perhaps hate) Philadelphia and Philadelphians, and the prisons reflect that reality.

3. In my view, the legislature should do 3 things: (a) abolish the death penalty, (b) abolish LWOP sentences and © outlaw solitary confinement as a violation of the Constitution, per In Re Medley, 134 U.S. 16 (1890) and of International Law.

4. I think Pennsylvania is a much whiter state than most people know and believe. Blacks are a mere 13% of the state’s population. As such, it’s easy to ignore—and mistreat—they. Reaching them and changing them will be an “Herculean” effort.

5. Let’s not get ahead of ourselves: we’ll cross that bridge when we get to it.

6. I think it looks good compared to other DA’s. But its still a DA’s Office, and, as such, a tool of state repression.

7. I’ve been gone so long that many (perhaps most) young people don’t know me from a can of paint.

8. I don’t understand Wetzel. Something tells me that “he knows” that a lot of those rules are based on B.S.! Thankfully, the legal mail regulations have fallen, after a “1-day” hearing in federal court in the Wester District. ONE DAY! The Pa. DOC signed a settlement that’ll reinstate the original process. Now, regular mail? I think it’ll take some more “legal rumbling”. I wanna thank The Movement magazine and Salim for the opportunity.

Thanks ya’ll Alla best, Mu!

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As the readers can see, we are “chasing justice” in Pennsylvania. Through the beginning, the progression, the updates and the interviews, it is clear that the time is now. As long as we have breath in our lungs we will continue to move forward. The end goal being ending LWOP sentences, unnecessarily harsh and excessive sentences (for example, the 42½ - 85 year sentence imposed on Reynard Graves for four robberies where no one was even shot), disproportionate sentences (compare Reynard’s sentence to the 7 year sentence received by the white cop in Chicago who unmercifully shot young black Laquan McDonald 16 times, killing him), the PCRA time-bar, unfair standards of review and horrible prison conditions and treatment. And last, BUT SURELY NOT LEAST, 2nd Degree Life Without Parole wouldn’t be possible without the drive, effort, love and heart of this writer’s beautiful wife/partner and co-founder, Deqyaba Abdus-Salaam. She is “the wind” beneath my wings!

We both thank Shakaboona and The Movement magazine for the opportunity to get this issue to the prisons and public . . . and nothing but good can come from a thing like this.

Sincerely,

Salim & Deqyaba





Art By: Reggie West

Sudoku Medium Puzzle 20

2	4				3		5	8
6			5			3		7
	3	5				9		
8				7			9	
			3	8	1			
	2			6				5
		6				7	1	
9		2			7			6
4	7		6				8	2

Answers to Sudoku puzzle on page 38

I want to support the Human Rights Coalition by giving a Donation!

Name: _____

Institution/ID (if necessary): _____

Street Address: _____

City/State/Zip Code: _____

Phone: _____ Email Address: _____

Donation Amount: ___ \$10.00 - \$25.00
 ___ \$50.00
 ___ \$100.00 or above

Families, we rely on member support, any gift you make above \$25.00 helps us a great deal.
Please make checks payable to the Human Rights Coalition and mail donations to HRC,
4134 Lancaster Ave, Phila., PA 19104, ATTENTION: Charitable Donations.



Want to help end Life Without Parole sentencing in PA?

Get involved with CADBI.

We are always looking for more people to get involved. We are an all-volunteer campaign made up of members both inside and outside of prison. If you are currently incarcerated and are not yet a CADBI member but would like to join, please write to us at the following address and ask us to send you a membership form:

CADBI c/o Decarcerate PA
PO Box 40764
Philadelphia PA 19107

Just as important, if you have friends or family in the Philadelphia area who would like to join, CADBI meetings happen every third Wednesday of the month at 6:30 pm at 123 S. 51st Street, Mosaic Community Church, and everyone is welcome and encouraged to attend.

The Coalition to Abolish Death By Incarceration works to end death by incarceration (aka "life without parole") sentences in Pennsylvania. The coalition's anchoring organizations include Decarcerate PA, Fight for Lifers, Human Rights Coalition, and Right to Redemption.



CADBI Update, March 2019

Background: In the legislature, there have been two bills that call for the abolition of DBI sentences. House Bill 135 (HB135) has been introduced for several years by Representative Dawkins, and calls for automatic parole eligibility after 15 years. Senator Street introduced a companion bill in the Senate, Senate Bill 942 (SB942), two years ago. Last fall, SB942 was scheduled for a vote in the Senate Judiciary Committee, and it looked like there was enough support for it to be passed. Unfortunately, the Office of the Victim Advocate and the PA District Attorney's Association convinced several members of the Judiciary Committee to change their votes. Senator Street made the decision to pull the bill, knowing that he would reintroduce it in the next legislative session.

Right now we're very close to the reintroduction of the bill. Below is information and language that you can use to respond to people asking about the legislation.

Updates:

Senator Street is planning to reintroduce the bill sometime early next week, now under the name SB135. There are some significant changes in the draft of the new bill, which are summarized as follows:

- The sentence for first degree murder would be 30 to life.
- The sentence for second degree murder would be 20 to life.
- There will be an exemption for people convicted of killing police officers, who would still be sentenced to LWOP or Death By Incarceration.

There are some other changes in the bill as well, which we will summarize in more depth once the final language is established and the bill is actually introduced.

We believe that everyone -- including those who have been convicted of killing law enforcement -- should have a chance to come home, and were also disappointed that the numbers went up. CADBI members met with Senator Street and his staff to talk to him about these changes. He was willing to change the number of years (he had originally proposed 25/35) but was unwilling to change the cop exemption because he worried it would impact the viability of the bill.

We will be providing more updates and analysis of the bill once it has been finalized, and will continue our efforts to pass legislation that gives those serving Death By Incarceration a chance to come home.

THE MOVEMENT

www.hrcoalition.org

What's The News!

Could a Philly killer's appeal lead Pa. Supreme Court to abolish the death penalty?

by Liz Navratil and Angela Couloumbis,
Updated: March 8, 2019

HARRISBURG — A little-known case before Pennsylvania's highest court could strike down the death penalty and block the executions of scores of people on death row.

At the heart of the case before the state Supreme Court is whether Pennsylvania's death-penalty system is so flawed that it violates the state constitution's prohibition on cruel punishment. The justices' decision could affect not just future cases, but also the 142 inmates awaiting execution, potentially forcing the courts to resentence them.

"If the death penalty is abolished, that would have a very real effect on a limited number of cases — which happen to be the most heinous cases," said Greg Rowe, legislation and policy director for the Pennsylvania District Attorneys Association.

It could also set the stage for another showdown with the Republican-controlled legislature, which just last year accused the Democratic-majority court of trying to set public policy from the bench.

"The essence of the question is ... Whose jurisdiction is it?" said Drew Crompton, the top lawyer in the state Senate. He added that there is concern that the court's action on this matter could "further erode the legislative branch's powers" to make laws and substantive changes to public policy.

Underpinning its potential impact, the case has bypassed the lower courts and gone straight to the Supreme Court, whose justices are weighing whether to accept it on an emergency basis and whether the state's death-penalty system is unconstitutional.

Two death-row inmates — Jermont Cox and Kevin Marinelli — are spearheading the effort, arguing that the death penalty has been imposed unevenly and capriciously. Cox was ordered to die for a 1992

Philadelphia murder, Marinelli for a 1994 killing in Northumberland County.

In court papers, attorneys for the pair rely heavily on a 280-page report released last summer that took seven years to complete. That report highlighted troubling discrepancies in how and when the death penalty is imposed, finding that factors other than the merits of a case — things like race, geography, quality of representation — play an outsize role in determining whether someone is sentenced to death.

For instance, it found that defendants in Philadelphia were sentenced to death at higher rates than those in other counties. It also found that defendants in first-degree murder cases — the only ones in which the death penalty can be imposed — were more likely to receive a death sentence if the victim was white. And it noted a significant number of death sentences were later overturned, often because the defendants got inadequate legal representation.

The report, which was ordered up by the legislature, recommended Pennsylvania make sweeping changes throughout the trial and appeals process in hopes of reducing those disparities.

But lawyers for Cox and Marinelli say that such changes, even if they were enacted, would likely have little or no impact on them and others who are currently on death row.

"This result is constitutionally intolerable," their attorneys, Stuart Lev and Helen Marino of the Federal Community Defender Office, argued in legal briefs submitted to the high court.

Several other organizations, including the NAACP and the American Civil Liberties Union, have filed court papers supporting the two inmates.

The state Attorney General's Office, which defends state laws when they are challenged in the courts, has not yet weighed in on the case but expects to in the coming weeks.

Cox was convicted in Philadelphia in three separate drug-related murders that occurred in 1992. He was sentenced to death in the killing of one victim — Terrence Stewart — and to life imprisonment in the deaths of the two others, Lawrence

Davis and Roosevelt Watson. Philadelphia's current district attorney, Larry Krasner, who during his 2017 campaign spoke openly about his opposition to the death penalty, is expected to file court papers in the matter this month.

Marinelli was convicted of beating and fatally shooting Conrad Dumchock during a 1994 robbery in Kulpmont, Northumberland County. The current district attorney in that county, Tony Matulewicz, said this month the death penalty was "appropriate" in that case.

Pennsylvania is one of 30 states that has the death penalty, although Democratic Gov. Tom Wolf four years ago announced a temporary halt on executions in one of his first acts as governor. The moratorium still stands.

According to the state Department of Corrections, the death penalty in Pennsylvania dates to the late 1600s, although it was on hold for a period in the 1970s, while courts and state officials wrangled over its constitutionality. The means used to execute people evolved from hangings to the electric chair and then, in 1990, to lethal injection.

Since that time, three men have been executed. Gary Heidnik, convicted of killing of two women he imprisoned in his Philadelphia home, was the last person put to death in the state, in 1999.

In considering the new appeal, the seven-member Supreme Court has options. Among them: The justices could decide it does not merit any action; they could strike down the death penalty entirely; or they could effectively put the death penalty on hold until the legislature makes changes to eradicate disparities.

"If we're reading tea leaves, the court is sufficiently concerned about the systemic problems in Pennsylvania's death penalty that they at least want to look at the issue closer," said Robert Dunham, executive director of the Death Penalty Information Center, a nonprofit that tracks capital punishment across the country.

Oral arguments, which could offer hints at the justices' positions, have not been scheduled in the case.

Whichever direction the court goes is bound to be politically fraught. A 2016

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What's The News!

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poll by Pennsylvania State University found that a majority of residents still favor the death penalty.

And the state legislature, while ushering in other criminal-justice reforms, has not taken a hard look at the death penalty. Having the high court tell it to do so is sure to rattle some critics in the state Capitol.

"The core issue is abolishment vs. improvement," said Crompton. "I think abolishing it is going to be a fundamental concern for a lot of people I answer to."

FROM: <https://www.philly.com/news/pennsylvania-supreme-court-case-ban-death-penalty-20190308.html>

Ohio vice officer accused of falsely arresting women, demanding sex acts

Mar 12, 2019

COLUMBUS, Ohio — A longtime officer with the Columbus Police Department could face life in prison after being accused of falsely arresting women and then demanding they perform sex acts before being released, authorities say.

Federal agents arrested Andrew K. Mitchell, 55, of Sunbury, Ohio, on Monday morning, according to a news release from the U.S. Attorney's Office in the Southern District of Ohio.

Mitchell has been indicted on seven counts, including three counts of depriving individuals of their civil rights while acting under the color of law, two counts of witness tampering, one count of obstructing justice and one count of making false statements to federal agents.

The deprivation of rights charges each carry a maximum sentence of life in prison.

Mitchell has been with the department since 1988 and has been a vice officer since 2017.

Authorities say in July 2017, Mitchell kidnapped a woman while pretending to arrest her. He took her to an unspecified location and forced her to perform oral sex before letting her go, authorities say.

In September 2017, Mitchell is accused of again falsely arresting a woman and forcing her to have intercourse before releasing her. Authorities say he falsely arrested the woman again in the summer of 2018 and again forced her to engage in a sex act before releasing her.

Authorities say Mitchell tried to tamper with two witnesses in the case and also tried to influence the testimony of another victim.

Mitchell also is accused of lying to FBI agents in September 2018, denying he had sex with prostitutes. Investigators say Mitchell has had sex with multiple prostitutes and has paid other women for sex.

Mitchell's lawyer, Mark Collins, tells the Columbus Dispatch that Mitchell denies all of the allegations.

According to 10tv.com, Mitchell also is under investigation for a police-involved fatal shooting during a prostitution sting on Aug. 23, 2018. Mitchell shot Donna Castleberry, who is accused of pulling a knife and stabbing Mitchell in the hand.

By: Cliff Pinckard, cleveland.com

FROM: <https://www.cleveland.com/metro/2019/03/ohio-vice-officer-accused-of-falsely-arresting-women-demanding-sex-acts.html>

PA DOC Announces Staff Arrests for Contraband

03/06/2019

Harrisburg, PA – The Department of Corrections announces the recent arrests of three staff members for attempting to introduce contraband into its facilities.

"When we closed off the mail as a major avenue for drugs getting into prisons we knew there would be pressure on other avenues for contraband introduction and that includes staff," said Corrections Secretary John Wetzel. "We have a zero-tolerance policy on contraband in our facilities, whether it is introduced by visitors, staff or other means and violators will be prosecuted."

Arrested were:

Rick A. Davis, 36, a corrections food service instructor at SCI Houtzdale, was ar-

rested March 2 for attempting to introduce contraband into SCI Houtzdale and charged by the Pennsylvania State Police (PSP) with felony manufacture, delivery or possession with intent to manufacture or deliver, felony intentional possession of controlled substance, felony possession of controlled substance contraband/inmate, and misdemeanor use/possession of drug paraphernalia. The employee has been suspended without pay pending the outcome of the investigation.

Stephen R. Palermi, 46, a corrections officer at SCI Somerset, was arrested March 1 for attempting to introduce contraband into SCI Somerset and charged by the PSP with felony contraband/controlled substance and misdemeanor contraband - telecommunication device (cell phone). The employee has been suspended without pay pending the outcome of the investigation.

Skylar R. Galgon, 35, a corrections officer at SCI Cambridge Springs, was arrested January 28 for attempting to introduce contraband into SCI Cambridge Springs and charged by the PSP with felony possession of contraband/controlled substance and misdemeanor possession of marijuana and drug paraphernalia. The employee has been suspended without pay pending the outcome of the investigation.

FROM: https://www.media.pa.gov/pages/corrections_details.aspx?newsid=387

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By Liz Navratil and Angela Coloubis
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What's The News!

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also the 142 inmates awaiting execution, potentially forcing the courts to resentence them.

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It could also set the stage for another showdown with the Republican-controlled legislature, which just last year accused the Democratic-majority court of trying to set public policy from the bench.

“The essence of the question is ... Whose jurisdiction is it?” said Drew Crompton, the top lawyer in the state Senate. He added that there is concern that the court’s action on this matter could “further erode the legislative branch’s powers” to make laws and substantive changes to public policy.

Underpinning its potential impact, the case has bypassed the lower courts and gone straight to the Supreme Court, whose justices are weighing whether to accept it on an emergency basis and whether the state’s death-penalty system is unconstitutional.

Two death-row inmates — Jermont Cox and Kevin Marinelli — are spearheading the effort, arguing that the death penalty has been imposed unevenly and capriciously. Cox was ordered to die for a 1992 Philadelphia murder, Marinelli for a 1994 killing in Northumberland County.

In court papers, attorneys for the pair rely heavily on a 280-page report released last summer that took seven years to complete. That report highlighted troubling discrepancies in how and when the death penalty is imposed, finding that factors other than the merits of a case — things like race, geography, quality of representation — play an outsized role in determining whether someone is sentenced to death.

For instance, it found that defendants in Philadelphia were sentenced to death at higher rates than those in other counties. It also found that defendants in first-degree murder cases — the only ones in which the death penalty can be imposed — were

more likely to receive a death sentence if the victim was white. And it noted a significant number of death sentences were later overturned, often because the defendants got inadequate legal representation.

The report, which was ordered up by the legislature, recommended Pennsylvania make sweeping changes throughout the trial and appeals process in hopes of reducing those disparities.

But lawyers for Cox and Marinelli say that such changes, even if they were enacted, would likely have little or no impact on them and others who are currently on death row.

“This result is constitutionally intolerable,” their attorneys, Stuart Lev and Helen Marino of the Federal Community Defender Office, argued in legal briefs submitted to the high court.

Several other organizations, including the NAACP and the American Civil Liberties Union, have filed court papers supporting the two inmates.

The state Attorney General’s Office, which defends state laws when they are challenged in the courts, has not yet weighed in on the case but expects to in the coming weeks.

Cox was convicted in Philadelphia in three separate drug-related murders that occurred in 1992. He was sentenced to death in the killing of one victim — Terrence Stewart — and to life imprisonment in the deaths of the two others, Lawrence Davis and Roosevelt Watson. Philadelphia’s current district attorney, Larry Krasner, who during his 2017 campaign spoke openly about his opposition to the death penalty, is expected to file court papers in the matter this month.

Marinelli was convicted of beating and fatally shooting Conrad Dumchock during a 1994 robbery in Kulpmont, Northumberland County. The current district attorney in that county, Tony Matulewicz, said this month the death penalty was “appropriate” in that case.

Pennsylvania is one of 30 states that has the death penalty, although Democratic Gov. Tom Wolf four years ago announced a temporary halt on executions in one of his first acts as governor. The moratorium still stands.

According to the state Department of Corrections, the death penalty in Pennsylvania dates to the late 1600s, although it was on hold for a period in the 1970s, while courts and state officials wrangled over its constitutionality. The means used to execute people evolved from hangings to the electric chair and then, in 1990, to lethal injection.

Since that time, three men have been executed. Gary Heidnik, convicted of killing of two women he imprisoned in his Philadelphia home, was the last person put to death in the state, in 1999.

In considering the new appeal, the seven-member Supreme Court has options. Among them: The justices could decide it does not merit any action; they could strike down the death penalty entirely; or they could effectively put the death penalty on hold until the legislature makes changes to eradicate disparities.

“If we’re reading tea leaves, the court is sufficiently concerned about the systemic problems in Pennsylvania’s death penalty that they at least want to look at the issue closer,” said Robert Dunham, executive director of the Death Penalty Information Center, a nonprofit that tracks capital punishment across the country.

Oral arguments, which could offer hints at the justices’ positions, have not been scheduled in the case.

Whichever direction the court goes is bound to be politically fraught. A 2016 poll by Pennsylvania State University found that a majority of residents still favor the death penalty.

And the state legislature, while ushering in other criminal-justice reforms, has not taken a hard look at the death penalty. Having the high court tell it to do so is sure to rattle some critics in the state Capitol.

“The core issue is abolishment vs. improvement,” said Crompton. “I think abolishing it is going to be a fundamental concern for a lot of people I answer to.”

FROM: <https://www.philly.com/news/pennsylvania-supreme-court-case-ban-death-penalty-20190308.html>

(Continued on page 37)

THE MOVEMENT

www.hrcoalition.org

What's The News!

(Continued from page 36)

PA orders all students removed from Glen Mills Schools

By Alex Rose
March 26, 2019

The Pennsylvania Department of Human Services on Monday ordered the emergency removal of all 64 students still remaining at the Glen Mills Schools after an investigation verified multiple instances of physical abuse at the hands of staff.

"This removal is one step of an ongoing process, and DHS is committed to seeing this investigation through to ensure that any individual responsible for endangering the welfare of children and coercing silence can be held responsible," said DHS Secretary Teresa Miller in a release. "As this investigation continues, it is important that we understand the full scope of incidents and mistreatment that occurred at this school. I encourage any former students or their families, Glen Mills staff, or anyone else to share their story."

"We were just made aware of the order issued by the Pennsylvania Department of Human Services," said Glen Mills spokeswoman Aimee Tysarczyk. "We are assessing the situation and its impacts and will continue to work with all state and local officials."

The order says DHS' Office of Children, Youth, and Families staff conducted an investigation in the first three months of the year and verified a damning list of violations carried out by employees of the nation's oldest reform school.

These include incidents of students being punched or choked by staff members, as well as being slammed to the floor and having their heads knocked against walls, causing injuries and migraines.

One student reportedly received a broken jaw on June 8, 2017, as a result of a physical assault carried out by two staff members who failed to seek medical treatment. A senior staff member was made aware of the assault and advised staff to get the child ice for his face, according to the report.

In another instance, a student was assaulted by a staff member, causing an eye injury, and was coerced to say the injury was the result of playing basketball, according to DHS.

Staff at one of the facilities also cut 38 students' hair as a form of punishment because they would not provide information on two other absent students, the report says.

The report additionally claims students have been encouraged by staff to get into physical altercations with their peers and that staff members have failed to intervene, allowing students to sustain injuries. The report found staff additionally failed to seek medical care for the injured students.

"These findings verify that Glen Mills failed to protect the youth entrusted to its care, placed youth at risk of serious physical injury, permitted youth to sustain physical injuries by their acts and failure to act and Glen Mills engages in a culture that instills fear in youth through coercion and intimidation," the report says. "As a result, we find that youth placed at Glen Mills are at imminent risk and their safety is in jeopardy."

The embattled reform school has been under mounting scrutiny and pressure from state and local regulators in the wake of an alleged assault against a student last July.

Patrick Jameson Raquet, 34, of West Chester, and Christopher Medina, 31, of Kennett Square, are both facing charges in the July 19 incident that was allegedly caught on camera.

Medina was scheduled for trial on charges of aggravated and simple assault, endangering the welfare of a child and reckless endangerment Monday, but his case has been continued to May 13. Raquet is scheduled for a preliminary hearing in district court April 18.

The charges were soon followed by a Philadelphia Inquirer investigative report detailing decades of alleged abuse at the school, which prompted the city's Department of Human Services to withdraw 51 students, a move quickly followed by other jurisdictions across the state and country.

There are currently no Delaware County students at the institution. Both Delaware County and Philadelphia placed a moratorium on sending students to the school, but the DHS order now officially bars any new admissions from any jurisdiction.

Delaware County District Attorney Katayoun Copeland is also continuing to investigate the facility and has resisted calls to turn the investigation over to state Attorney General Josh Shapiro.

Pennsylvania Auditor General Eugene DePasquale announced earlier this month that he plans to audit the privately run, state-licensed institution due to the public funding it receives.

All students still residing at the school will be removed and relocated as soon as can be safely accomplished, according to the release. There are currently 21 Pennsylvania students still at Glen Mills and 43 from eight other states.

DHS delivered the order to the Glen Mills Schools Monday, but the release indicated all counties, states and judicial systems with children at the school had been notified beforehand.

The OCYF will work with those entities to provide appropriate relocation as quickly as possible, the release said. OCYF staff will also remain at the reform school while the remaining children are removed.

The order indicates the school can seek an appeal through the Bureau of Hearings and Appeals within 10 days of the order date.

The DHS release urges individuals looking to report potential emotional or physical abuse, mistreatment, intimidation, or coercion to contact Pennsylvania's ChildLine at 800-932-0313. All reports made to ChildLine are forwarded to appropriate investigating entities.

See original story dated August 2018 on page 38.

What's The News!



'I can't breathe': Probe underway at Glen Mills after staffer attacks boy

by Lisa Gartner, Updated: August 31, 2018, Philadelphia, PA

It was cold in the recreation room at Glen Mills Schools, so a boy from Philadelphia pulled his arms inside his sweater, letting the sleeves hang loose.

>> INVESTIGATION: At Glen Mills, leaders have used the school's prestige to silence abused students — for decades

This was "guided group" time at Glen Mills, a juvenile program, when the 30 or 40 boys sitting on couches were supposed to air grievances with one another, an effort to keep them from fighting throughout the day. Another teenager made a comment about the boy's sleeves. A counselor named Chris Medina chimed in. The boy said he could speak for himself.

That's when Medina stood up, walked over, and hit him in the head from behind. "Stop touching me," said the 17-year-old — who has asked to be identified by his initials, A.W. — before Medina struck him several more times in the head.

Then the counselor, who is well over 6 feet tall and at least 280 pounds, picked up A.W. by the neck of his sweater, lifted him clear over the back of the couch, and slammed his body onto the floor. Two other counselors held the boy's legs down while Medina choked him with his sweater and punched him in the chin.

The whole time, A.W. remembers, he said the same thing over and over again: "I can't breathe."

The entire July 19 incident was caught on surveillance video. Both the boy's mother and attorney have viewed it and say the footage supports the boy's description of the assault. All three spoke with the

Inquirer and Daily News on Thursday.

Philadelphia's Department of Human Services, for now, has stopped sending children to Glen Mills, a residential facility in Delaware County that houses 383 boys and receives the largest number of Philadelphia youth who have committed crimes and are sent to private placements.

Commissioner Cynthia Figueroa said DHS is investigating not only the incident, but the full-scale operations of Glen Mills. The 143 boys from Philadelphia currently at the program will remain while the Pennsylvania Department of Human Services conducts its own child-abuse probe and the state police run a criminal investigation. Medina and another staffer were fired.

Figueroa said she has seen the surveillance footage, which has not been publicly released. "Personally, [it was] incredibly difficult to watch, and disappointing to be in a situation to even be contemplating an incident like this," the commissioner said.

In the last five years, at least 13 staffers have been fired and nine more have been reprimanded over at least 14 physical assaults on children at Glen Mills Schools, according to state records. Children were choked, slapped, and had their heads slammed onto counter-tops by staff; one boy was pushed into a closet door so hard that the door broke, while another child's elbow went through a window, shattering it.

Figueroa said she was not aware of these other violent incidents at Glen Mills, where intake has been closed since July

23. The state or school would not typically notify her unless an incident involved a Philadelphia child.

While the Glen Mills incident report describes A.W. being "slapped several times on the back of his head," "lifted" over the couch, and "restrained" on the floor, it downplays the assault, according to interviews with the boy, his mother Tanya, and his attorney.

A.W., who has chronic asthma, said he floated in and out of consciousness as Medina choked him with his sweater on the floor for five minutes.

"What was as chilling as his attack was the fact that the other 30 or 40 children sitting there were motionless," said Leonard Hill, the boy's attorney. "Motionless, and emotionless. No one said anything. Like it was normal."

As A.W. continued to tell the counselor he couldn't breathe, Medina dragged him by the neck up the stairs. "Let's go off-camera," A.W. said Medina told him as he tried to force him into a bathroom. A.W. said he clung to the door frame, afraid of what would happen in the room without cameras. Medina dragged him to the couch. Another staff member punched him in the face.

When it was over, A.W. cried on the couch while another staffer tried to persuade him to not report the incident, he said. They told him that if he left, he'd end up serving more time. A.W. said Medina even made his case, saying "I could lose my job."

A.W.'s back and neck hurt, and he continued to wheeze and complain he could not breathe; but he was not sent to the medical office until the next day, he said.

Glen Mills Schools Executive Director Randy Ireson declined to be interviewed. "We immediately self-reported an isolated incident involving staff that did not uphold our stringent ethical standards and protocols," he said in an emailed statement. "Our first priority has and always will be the safety of our students, so that they may lead full and productive lives.

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What's The News!

(Continued from page 38)

Our school is taking all appropriate steps to prevent future incidents."

The director denied that anyone tried to stop A.W. from making a report. Glen Mills' investigation, while ongoing, has not found evidence that staff interfered with the boy's breathing or tried to take him off-camera, he said.

Ireson said that Glen Mills "has been committed to providing the highest quality of services to at-risk youth, transforming their lives by offering students a future filled with new opportunity, hope, and resiliency."

Originally founded in 1826 as the Philadelphia House of Refuge, Glen Mills is the oldest institution of its kind in the United States. Set on over 800 acres of rolling green hills, it looks more like an elite boarding school than a facility for criminal youth. Teenage boys from across the state and country live in cottages and enjoy state-of-the-art athletic facilities, including an Olympic-size pool. Locals play golf on the adjacent 18-hole course.

But the beautiful campus belies flashes of violence that state inspectors have struggled to tamp down for decades.

The Glen Mills School in Glen Mills, Pa., Friday, Aug. 31, 2018. Glen Mills overhauled its staff training and safety programs after eight children told inspectors they were kicked, punched, "chopped in the throat," and slammed into walls by at least 18 staff members, state records show.

In 2000, Glen Mills overhauled its staff training and safety programs after eight children told inspectors they were kicked, punched, "chopped in the throat," and slammed into walls by at least 18 staff members, state records show.

Inspectors also said that Glen Mills staff failed to report abuse and threatened boys from reporting it themselves. One was told the school would sue his parents. Another child said he hurt himself so that he could go to a medical facility and safely report the abuse.

Nearly 20 years later, Glen Mills is a popular pick for youth placement among judges, and boasts a board of prominent community leaders. Last year, 162 of Glen Mills' students earned their high school equivalencies, and the school was named Allegheny County Residential Program of the Year. Glen Mills' annual contract with Philadelphia is worth more than \$10 million.

After being briefed on the boy's account — specifically that staff attempted to keep the boy from reporting the incident — Figueroa said, "These allegations are very serious, some of which we were unaware of previously and will be included as part of our ongoing investigation of the incident. If these allegations are indeed true, it is intolerable."

Figueroa said this was the first time the city had suspended intake at Glen Mills since she took office in 2016. In May 2017, DHS stopped sending youth to George Junior Republic, an all-boys residential program in Grove City. The city has relied increasingly on Glen Mills as a close-to-home option for delinquent boys.

Ireson, who became executive director of Glen Mills in 2013, declined to comment on the employment records of the staff involved in the assault. Medina did not respond to calls for comment. His Facebook page says he has worked at Glen Mills since 2013. On July 20, the day Medina was fired, he posted, "Just pray."

Glen Mills' "corrective action plan" is due to DHS by Sept. 13.

At-large Councilwoman Helen Gym, who leads the Council's Children and Youth Committee, said the incident was "absolutely unacceptable" and she would demand "an entirely full accounting of everything that happened."

"What we want to make sure is that if Glen Mills has a history like this, then a wholesale systemic review has to be undertaken at this facility before we're okay sending kids there again."

During a hearing convened by Gym in May, Keir Bradford-Grey, chief defender of the Defender Association of Philadelphia, showed a video of a child being as-

saulted by staff at a state-run residential facility she declined to name. "What you're viewing is the counselors really kind of pummeling this one child, and the other ones are sitting back, because this is what's normal to them," Bradford-Grey said. "This is what happens in these placements."

Looming heavy at the hearing was the death of a 17-year-old boy at Wordsworth Academy, a juvenile-treatment center in Philadelphia. Staff attacked David Hess over a stolen cell phone. Shortly before he died, Hess was heard yelling, "Get off me, I can't breathe." His death later was ruled a homicide by asphyxiation. Officials learned of a string of sexual assaults and other problems at Wordsworth, and shut it down.

"What we want to make sure is that if Glen Mills has a history like this, then a wholesale systemic review has to be undertaken at this facility before we're OK sending kids there again," Gym said.

A.W. was on probation for stealing a car when he was sent to Glen Mills for three weeks. The assault happened on his second day. He is home now, working on his G.E.D. and going to a drug and alcohol rehabilitation group twice a week.

He is tall and skinny, with tattoos like the "100" emoji crawling up his arm, and a ribbon inked on his knuckle for an aunt who died of cancer. His neck and back are still sore, but sometimes, when his mother steels herself to let him out of her sight, he goes down to the park to play basketball with his friends. He tells them he is fine after what happened because he is 17. He wants to be a man.

But he is still a child, his mother says, and now he wakes her up, screaming in his sleep.

Staff writer Nathaniel Lash contributed to this report.

My heart bleeds with this news as two of my sons were assigned to Glenn Mills School and told me they "fought" with a counselor in a "closet". Mama Patt
#MeToo

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

Because here is the Double Edge Sword dilemma

They want you to say that you are alright, so that they can argue that they are not torturing you, even though all the professional; academic; medical and psychological studies everywhere have stated that they are when subjecting you to certain conditions.

Here is the Game:

So when a psych come around to ask us “are we okay” and we brush them off, “yeah, yeah, get away from here.” We think we aren’t saying anything, but are. Because, they mark down that you said “you’re okay.” And, they do this for a reason.

What’s the reason you ask?

It’s to use it to say, “See, he’s okay.” “See we asked him.” And so will we continually do it to you and your communities; your nieces and nephews; your sons and daughters; your uncles and aunts, mothers and fathers, because they are the ones coming behind you, and just as long as you all say, “you’re okay,” then it will be okay to do it to you and them.

So the question is? Do you stop them from treating yours, that are charged to come behind you, and will we put an end to certain treatment, at the risk of it being used against you in court. Or, do you say that you’re alright and set it up, for them, so that they can continually do this to those that follow?

Sell your families out or possibly sell yourself. Out?

You now know this knowledge. Fight or Flight. You do what you will with this.

Peace. Stay Strong and Keep the Fight going!

LOVE YOU ALL.

Jerome Marshall AY-5932

175 Progress Drive

Waynesburg, PA 15370

2	4	9	7	1	3	6	5	8
6	1	8	5	9	2	3	4	7
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9	8	2	1	5	7	4	3	6
4	7	1	6	3	9	5	8	2

To Whom It May Concern,

The sole purpose of this missive I’m writing today is to cast light on a grave injustice I have suffered at the hands of the Pennsylvania Penial System. It is my determined attempt to seek justice in this matter as I wholeheartedly believe that my constitutional rights were violated in early 2009. At the time of my arrest and trial I was uninformed of all my constitutional rights, but my ignorance with the law should not be disregarded. I urge whomever it is that I am extending my hands to will reach back and consider this plea.

This past year, prior to my P.C.R.A. hearing, I spoke with my court appointed attorney about incorporating a Batson Claim/ Violation in my petition. However, I was told that this type of issue had to be pressured through an objection at the time the violation occurred or it was considered waived on appeal. So I took him at his word, not knowing that this claim/violation could have easily been presented as a claim of ineffective assistance of counsel, simply because a competent attorney should have known that I was entitled to a jury of my peers. It is sad, but the fact is, I didn’t have a Black person in the jury pool for the prosecutor to exercise a primary strike, let alone to sit on the jury.

At the time of my trial, I was twenty-one years old and lacked the education and knowledge needed to exercise my constitutional rights in full. So I obtained one of the best attorneys in my area having faith, I would be represented correctly. I was naïve. Recently while reading a GraterFriends News Letter, I stumbled across an article about people, like myself, who were tried and convicted by prosecutors who utilized an all white jury to obtain convictions from people of color. The article argues that in doing so the courts violated peoples constitutional rights through means of what they’re describing as genocide. Although my case didn’t happen in Philadelphia, I pray that justice is sought and found on my behalf. Whether by un-wittiness or unwillingness, I believe my rights were in fact not only neglected but, violated.

I am kindly asking that you please take the time to consider reviewing my case and offer any help you might be able to offer in the benefit of justice.

I’d like to thank you for your time, patience, and consideration, while knowing that your assistance is truly appreciated, very much. My docket number is: CP-67-000695-2008. Thank you.

Smart Communication/PA DOC

Joseph Williams #JA-5026/SCI-Benner Township

P.O. Box 33028

St. Petersburg, FL 33733

THE MOVEMENT

www.hrcoalition.org

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

The Company Store: A Deeper Look at Prison Commissaries

By Stephen Raher Prison Policy Initiative
May 2018

Prison commissaries are an essential but unexamined part of prison life. Serving as the core of the prison retail market, commissaries present yet another opportunity for prisons to shift the costs of incarceration to incarcerated people and their families, often enriching private companies in the process. In some contexts, the financial exploitation of incarcerated people is obvious, evidenced by the outrageous prices charged for simple services like phone calls and email. When it comes to prison commissaries, however, the prices themselves are not the problem so much as forcing incarcerated people — and by extension, their families — to pay for basic necessities.

Understanding commissary systems can be daunting. Prisons are unusual retail settings, data are hard to find, and it's hard to say how commissaries "should" ideally operate. As the prison retail landscape expands to include digital services like messaging and games, it becomes even more difficult and more important for policymakers and advocates to evaluate the pricing, offerings, and management of prison commissary systems.

The current study

To bring some clarity to this bread-and-butter issue for incarcerated people, we analyzed commissary sales reports from state prison systems in Illinois, Massachusetts, and Washington. We chose these states because we were able to easily obtain commissary data, but conveniently, these three states also represent a decent cross section of prison systems, encompassing a variety of sizes and different types of commissary management.

We found that incarcerated people in these states spent more on commissary than our previous research suggested, and most of that money goes to food and hygiene products. We also discovered that even in state-operated commissary systems, private commissary contractors are positioned to profit, blurring the line between state and private control.

Lastly, commissary prices represent a significant financial burden for people in prison, even when they are comparable to those found in the "free world." Yet despite charging seemingly "reasonable" prices, prison retailers are able to remain profitable, which raises serious concerns about new digital products sold at prices far in excess of market rates.

How much do incarcerated people spend in the commissary?

In Illinois and Massachusetts, incarcerated people spent an average of over \$1,000 per person at the commissary during the course of a year. Annual per capita sales in Washington were about half as much.

Table 1. Incarcerated people spent an average of \$947 per person, per year, in the three sampled states. Spending did not seem to vary based on whether the commissary operator was private (as in Massachusetts) or state-run (in Illinois and Washington). See [Footnote 2](#) and [Footnote 4](#) for details about the data sources.

	Illinois	Massachusetts	Washington	Average
Annual Commissary Sales	\$48,416,118	\$11,713,446	\$8,696,721	
Avg Daily Prison Pop	43,199	9,703	16,943	
Per-person Annual Sales	\$1,121	\$1,207	\$513	\$947
Commissary operator	State DOC	Contractor (Keefe)	State DOC	

Per-person commissary sales for the three sampled states amounted to \$947, well over the typical amount incarcerated people earn working regular prison jobs in these states (\$180 to \$660 per year). The per-person sales were also higher than a previous survey had suggested. In 2016, we estimated that prison and jail commissary sales amount to \$1.6 billion per year nationwide, based in part on data from a 34-state survey by the Association of State Correctional Administrators. But the more recent and more detailed data presented in this report suggest that commissary might be an even higher-grossing industry than we previously thought.

There were important state differences in commissary sales, however. Washington's per-person average was dramatically lower than the other two states'. The reason for this difference isn't entirely clear, but it seems that [personal property policies](#) issued by the Department of Corrections are at least partially responsible for this significant disparity.

What are people buying?

Annual per-person sales averages only tell part of the story. We also wanted to look closely at what people were spending their money on. To do this, we obtained detailed inventory reports from the three commissary systems and categorized (when possible) each inventory item and its commensurate sales figures.

Slideshow. Average annual per-person commissary sales, by category, in Massachusetts, Illinois, Washington, and in all three states combined. Total sales in each state are shown in [Table 2](#), below. See [Footnote 4](#) for data sources.

Table 2. Food, sales, and hygiene products top the list of total and per-person commissary sales in all three states. (Note that the subtotals in this table do not add up to the totals for each state due to rounding.) See [Footnote 4](#) for data sources.

Sales by Category	Illinois		Massachusetts		Washington	
	Total	Per Person Annual Avg	Total	Per Person Annual Avg	Total	Per Person Annual Avg
Clothing	\$3,266,773	\$76	\$269,026	\$28	\$20,131	\$1
Electronics	\$3,068,081	\$71	\$343,033	\$35	\$15,011	\$1
Food & Beverages						
Beverages	\$4,282,535	\$99	\$1,600,411	\$165	\$1,492,599	\$88

Table 2. Food, sales, and hygiene products top the list of total and per-person commissary sales in all three states. (Note that the subtotals in this table do not add up to the totals for each state due to rounding.) See [Footnote 4](#) for data sources.

Sales by Category	Illinois		Massachusetts		Washington	
	Total	Per Person Annual Average	Total	Per Person Annual Average	Total	Per Person Annual Average
Condiments	\$1,449,613	\$34	\$533,407	\$55	\$338,344	\$20
Ingredients	\$4,174,084	\$97	\$897,286	\$92	\$1,273,352	\$75
Ready Food	\$15,429,178	\$357	\$3,402,365	\$351	\$2,102,377	\$124
Snack Food	\$8,968,413	\$208	\$2,688,722	\$277	\$1,466,314	\$87
Subtotal - Food & Beverages	\$34,303,823	\$794	\$9,122,192	\$940	\$6,672,986	\$394
Household goods & Supplies	\$1,957,080	\$45	\$269,560	\$28	\$95,236	\$6
Hygiene & Health	\$3,446,257	\$80	\$929,893	\$96	\$1,547,409	\$91
Mail & Stationary	\$1,196,758	\$28	\$468,231	\$48	\$345,947	\$20
Unknown/Unclassified	\$1,177,346	\$27	\$311,511	\$32	\$0	\$0
Total	\$48,416,118	\$1,121	\$11,713,446	\$1,207	\$8,696,721	\$513

Not surprisingly, **food** dominates the sales reports; prison and jail cafeterias are notorious for serving small portions of unappealing food. Another leading problem with prison food is inadequate nutritional content. While the commissary may help supplement a lack of calories in the cafeteria (for a price, of course), it does not compensate for poor quality. No fresh food is available, and most commissary food items are heavily processed. Snacks and ready-to-eat food are major sellers, which is unsurprising given that many people need more food than the prison provides, and the easiest — if not only — alternatives are ramen and candy bars.

It's a myth that incarcerated people are buying luxuries; rather, most of the little money they have is spent on basic necessities.

These data contradict the myth that incarcerated people are buying luxuries; rather, most of the little money they have is spent on **basic necessities**. Consider: If your only bathing option is a shared shower area, aren't shower sandals a necessity? Is using more than one roll of toilet paper a week really a luxury (especially during periods of intestinal distress)? Or what if you have a chronic medical condition that requires ongoing use of over-the-counter remedies (e.g., antacid tablets, vitamins, hemorrhoid ointment, antihistamine, or eye drops)? All of these items are typically only available in the commissary, and only for those who can afford to pay.

Bringing this discussion into the realm of the concrete, consider the following examples from Massachusetts. In FY 2016, people in Massachusetts prisons purchased over 245,000 bars of soap, at a total cost of \$215,057. That means individuals paid an average of \$22 each for soap

that year, even though DOC policy supposedly entitles them to one free bar of soap per week. Or to take a different example: the commissary sold 139 tubes of antifungal cream. Accounting for gross revenue of just \$556, the commissary contractor is obviously not getting rich selling antifungal cream, no matter the mark-up—instead, the point is that it’s hard to imagine why anyone would purchase antifungal cream other than to treat a medical condition. Yet Massachusetts has forced individual commissary customers to pay for their own treatment, at \$4 per tube, which can represent four days’ wages for an incarcerated worker.

How do incarcerated people afford commissary?

For many people in prison, their meager earnings go right back to the prison commissary, not unlike the sharecroppers and coal miners who were forced to use the “company store.” When their wages are not enough, they must rely on family members to transfer money to their accounts — meaning that families are effectively forced to subsidize the prison system. Others in prison who lack such support systems simply can’t afford the commissary at all.

While the sales data allow us to calculate average commissary expenditures per person using the total prison population, this number does not tell the whole story: It flattens the spending gap between prisoners who can “afford” to buy from the commissary versus those who cannot.

The poorest people in prison, such as those considered “indigent” by the state, spend little to nothing at the commissary. This, in turn, means that the per capita spending for all others is actually *greater* than the average numbers reported above. We can get a very limited glimpse of this population by looking at Washington, where commissaries stock certain items that are available only to people who qualify as indigent. Based on annual sales of “indigent toothpaste” and “indigent soap,” it appears that a significant portion of people in Washington’s prisons (between about ten percent and one-third) are indigent.

How “fair” are free-world prices in a prison?

One rather surprising finding is that prices for some common items were lower than prices found at traditional free-world retailers. Other commissary prices were higher, but only by a little bit. (See Table 3.)

This isn’t to say that prison commissaries are in the business of providing bargains. Rather, it is a natural result flowing from the fact that a regular retailer has substantial costs (such as operating a network of retail outlets and advertising) that don’t arise in the prison context. In fact, a prison commissary is somewhat analogous to an online retailer like Amazon: goods move directly from a warehouse to the customer, without the expenses associated with maintaining a traditional retail presence. In addition, commissary operators have a legal monopoly, so they don’t have to worry about price competition, and thus do not incur costs associated with special sales or discounts.

Table 3. While prices for some items are comparable or even lower than prices found in free-world stores, the costs are significant for incarcerated people and their families. (Note that in Illinois, commissary prices vary by facility, so the abbreviations for facilities charging the lowest and highest prices are given.) See [Footnote 4](#) for data sources.

Item	Illinois		Massachusetts		Washington		Amazon
	Commissar	Local	Commissar	Local	Commissar	Local	

Table 3. While prices for some items are comparable or even lower than prices found in free-world stores, the costs are significant for incarcerated people and their families. (Note that in Illinois, commissary prices vary by facility, so the abbreviations for facilities charging the lowest and highest prices are given.) See Footnote 4 for data sources.

Item	Illinois		Massachusetts		Washington		Amazon
	y	Retail	y	Retail	y	Retail	
VO5 shampoo 12.5 oz. bottle	\$1.25 (LIN) to \$1.69 (VIE)	\$0.99 (Jewel, Chicago)	\$1.38	\$1.29 (Star Market, Cambridge)	\$1.71 (no size specified)	\$1.19 (Bartell's Drugstore, Seattle)	\$4.88
Bic twin razor (single)	\$0.12 (HIL) to \$0.18 (LIN)	\$0.35 (based on \$3.49 for pkg of 10) (Jewel)	\$0.15	Unable to locate; comparable product (Gillette) available @ \$1.20 (based on \$11.99/pkg of 10)	\$0.22	\$1.20 (based on 5.99 for pkg of 5) (Bartell's)	\$0.57 (based on \$5.72 for pkg of 10)
Maruchan beef ramen	\$0.25 (multiple locations)	\$0.34 (based on \$1 for pkg of 3) (Jewel)	\$0.40	\$0.59 (Star Market)	\$0.25 or \$0.29 (no brand specified)	\$0.89 (IGA Seattle)	\$0.71 (based on \$16.99 for case of 24)
Mrs. Dash 2.5 oz. bottle	\$2.98 (multiple) to \$3.26 (multiple)	\$2.99 (Jewel)	\$2.40	\$3.49 (Star Market)	not available	\$4.09 (IGA Seattle)	\$2.94

The other thing to keep in mind when comparing commissary prices to the free world is that people in prison have drastically less money to spend. So, while \$1.87 may sound like a fair price to pay for a month's worth of dental floss, the transaction feels very different from the perspective of someone in a Massachusetts prison who earns 14 cents per hour and has to work over 13 hours to pay off that floss. Or, to consider a different scenario: the average person in the Illinois prison system spends \$80 a year on toiletries and hygiene products — an amount that could easily represent almost half of their annual wages.

Privatization can take different forms

When a prison system's commissary is run by a private company, it raises logical concerns about fairness and coercion. In 2016, when one of the largest prison food service/commissary companies (Trinity Services Group) merged with another dominant commissary company (Keefe Group), we expressed concerns about the concentration of power and diminished competition — and quality — that would result. The passage of time has confirmed these fears: by 2017, maggots, dirt, and mold were reported in meals served by Trinity; these quality problems along

with small portions led to multiple prison protests and \$3.8 million in fines for contract violations in Michigan alone.

But exploitation can occur even if a system is not fully privatized. Of the three states we examined, only Massachusetts has a contractor-operated commissary system. It also has the highest per-person average commissary spending. It is tempting to conclude that the profit motive of commissary contractors leads to higher mark-ups and thus higher per capita spending, but we would need a larger sample size to test this hypothesis. What is notable in our three-state survey is that Illinois, with its state-run commissary, had per capita sales almost as high as Massachusetts' contractor-run system, so a state-run system is clearly not a panacea. In addition, per capita spending in Washington and Illinois are so dramatically different that there must be other significant factors beyond outsourcing.

Arguably the most important privatization-related information in this study comes from Illinois. The Illinois prison commissary system has also been subject to harsh criticism for poor purchasing policies. In a [2011 report](#) on commissary shortcomings, the Illinois Procurement Policy Board noted that only nineteen vendors provided 91% of all the items (measured by dollar amount) sold in the commissary. Among this handful of dominant providers, the one with the largest share was none other than Keefe, which accounted for 30% of the commissary's spending. Thus, if Illinois is any indication, it appears that Keefe is positioned to make money even in states that have not privatized the operation of their prison commissaries.

The future of commissary: digital sales

Incarceration is becoming increasingly expensive — especially for those behind bars and their families. While prisons find new ways to shift the costs of corrections to incarcerated people (think [medical co-pays](#) and [pay-to-stay](#) fees), vendors are aggressively pushing new digital products that will further monetize incarcerated people.

This new breed of digital sales can take different forms. Sometimes this consists of “free” [computer tablets](#) that offer subscription based music streaming or ebooks. Other times, people must buy tablets or MP3 players and then pay for digital content. Given monopoly contracts and a captive market, prison and jail telecommunications providers are able to generate revenues far [greater than](#) similar companies in non-prison settings.

Some states appear to separate digital sales from the prison commissary, while others sell music downloads and other digital content through the commissary. Of the three states we looked at, Illinois was the only system that included digital sales in its commissary reports. The Illinois DOC contracts with [GTL](#) to provide [electronic messaging](#) and, apparently, digital music downloads. We say “apparently” because there is no reference to music downloads on the Illinois DOC website, but based on the sales figures, music sales seem to be a substantial money-maker:

Table 4. Of the three sampled states, only Illinois included sales figures from the emerging market of digital sales in its commissary reports. In that state alone, sales of electronic messages, music, and hardware, such as MP3 players, topped \$1 million in 2016-2017.

Description	Inventory Item	Qty Sold	Gross Sales
Electronic messaging	Prepaid bundles of 1 or 20 messages	12,443	\$35,301
Music	Unclear	82,374	838,947
Hardware	MP3 players and accessories	3,171	267,550

Table 4. Of the three sampled states, only Illinois included sales figures from the emerging market of digital sales in its commissary reports. In that state alone, sales of electronic messages, music, and hardware, such as MP3 players, topped \$1 million in 2016-2017.

Description	Inventory Item	Qty Sold	Gross Sales
TOTAL			\$1,141,798

Price-gouging in commissaries is concentrated in the digital realm

The pricing information discussed earlier provides evidence of an important fact: commissaries can afford to sell goods at prices comparable to or lower than free-world stores even while absorbing extra security-related costs (such as secure warehouses) and reaping healthy corporate profits. It appears prisons are ignoring these advantages when evaluating the prices of new digital products. As a prime example, the Massachusetts DOC signed a new contract with Keefe about a year ago, which includes electronic messaging and MP3 downloads. In stark contrast to the generally reasonable prices found in the commissary, Keefe's digital music is priced at \$1.85 per song, which is far higher than prices found on services like iTunes, Amazon, or Google Music (and more than can be explained by 5¢ kickback the DOC pockets for each song).

Emerging digital sales market lacks transparency

The price disparity for digital items is even more confusing when you consider that delivering an MP3 file raises *fewer* security concerns than delivering a box of cereal to a prison commissary. The cereal box can theoretically be used to hide contraband, while an MP3 cannot. Of course, operating a digital music platform requires a robust IT security plan, but this is true of any service, whether it operates in the free world or only in prison. Indeed, in some ways, Keefe has less exposure to IT-based threats because much of its system operates on a closed network of kiosks and MP3 players, over which it exercises complete control (as opposed to Apple, which makes its iTunes store available to pretty much anyone with a computer and an internet connection). Thus, it is both paradoxical and troubling that Keefe can manage to price junk food and toiletries at or below standard retail prices, but charges nearly double the typical price for a digital music download.

Conclusion

Questions for future research

Although it's tricky to say how commissaries "should" ideally operate, their sales records ought to raise multiple concerns for justice reform advocates. If people in prison are resorting to the commissary to buy essential goods, like food and hygiene products, does it really make sense to charge a day's prison wages (or more) for one of these goods? Should states knowingly force the families of incarcerated people to pay for essential goods their loved ones can't afford, often racking up exorbitant money transfer fees in the process?

Conversely, when people in prison buy "nonessential" digital services, policymakers should compare the costs of those services to free-world prices. Marking up the cost of digital services

for incarcerated people in order to make a quick profit - particularly in a time when these services are near-ubiquitous and generally cheap - is unquestionably exploitative.

In the long term, when incarcerated people can't afford goods and services vital to their well-being, society pays the price. In the short term, however, these costs are falling on families, who are overwhelmingly poor and disproportionately come from communities of color. If the cost of food and soap is too much for states to bear, they should find ways to reduce the number of people in prison, rather than nickel-and-diming incarcerated people and their families.



How Are We Free

at Studio 34, 4522 Baltimore Ave, Philadelphia, PA 19143.

How Are We Free explores the nature of freedom and confinement through creative collaboration between people who have been sentenced to die in prison and visual artists outside the prison walls. Visual economies and regimes of power have been massively employed by the state and the media in order to criminalize people. This exhibit interrupts those regimes and instead invites viewers to investigate what actually creates conditions for safety, healing, justice, transformation, and liberation. Didn't make the opening?

The exhibit will be up in Studio 34 until April 27th. You can also check out the digital version of the exhibit at <http://howarewefree.org>.

March 22nd and I was there!

The 'How Are We Free' exhibit's "Opening Night" featured Noelle Lorraine Williams, Kempis 'Ghani' Songster, and Robert 'Saleem' Holbrook with pre-recorded audio from David 'Dawud' Lee and Marie 'Mechie' Scott.

The art exhibit was a collaboration between visual artists and their muses - individuals sentenced to die in prison who are denied human rights, dignity, and any possibility of redemption.

The 'How We Get Free' exhibit was like a warm sweater, easy for me to slip into. The atmosphere was down to earth with old comfy sofas and a room filled with nostalgia including an old-fashion-mint-green & white stove, lively green plants, and (of course) the outstanding art display. On stage, in the spot light, were our speakers - Ghani and Noelle. In contrast Saleem, hidden out of the spot

light, lay back on one of the big comfy couches - he hasn't stopped organizing, attending rallies, speaking, and fighting for the men and women in prison since he returned home approximately a year ago.

Emily Abendroth and Layne Mullet as the hosts of 'How Are We Free' questioned the speakers; and, the responses flowed from discussions on art to visions of a better world. The discussions brought on thoughts that my mind is, still, churning and mulling over. Noelle described "art" as relevant and said it shapes our world in many ways; it has a positive as well as negative impact on the world. Negative? For example - because of film, TV, and imagery, people have a certain image of a "welfare mother" and it is usually a "Black woman". Ghani spoke of art as not following any particular rules; his slow, calm, caressing voice went on to say much more - "Art is a vision of the artist." "It is a vision." "Let art make our reality." "Art impacts life."

As the speakers' responses and questions evolved one answer resonated within me because of my personal quest for alternatives to prison. The question was, "What will we do if we don't have police and prisons?" Ghani held that police and prisons when considered in the grand span of time have only existed a micro second. What did we have

before then? At this "How Are We Free" event Ghani stated, "our minds are under arrest".

He spoke of condemnation where people put themselves in position to condemn another or judge another - *Let he who is without sin, cast the first stone.* Condemnation has wiped



out entire races of people; declared that Blacks are only 1/5 human; LIFE Without Parole comes from that culture. This culture of you burned my house to the ground, so we'll go burn your house to the ground hasn't resolved anything and doesn't help either person. How to help someone who is troubled enough to burn down a house was brought on by Dawud's dialogue, he asserted, "Hurt People, Hurt people". Views on growth and revision of one's self was shared by Saleem who explained how a friend (in prison) was illiterate but *self-taught* himself to read and write and is now an excellent writer as well as speaker. "Healing Justice, over [instead of] Hanging Justice!" was re-

Human Rights Coalition

P.O. Box 34580

Philadelphia, PA 19101

U Must Scan B 4 Visiting

What you need to know before being scanned...

PREPARING FOR THE TEST [BEFORE LEAVING HOME]

- WASH YOUR HANDS WITH SOAP AND WATER
- **DO NOT** USE HAND SANITIZERS, CLEANING WIPES OR ANY TYPE OF LIQUID THAT CONTAINS CHEMICALS.
- WEAR CLEAN CLOTHING [FRESHLY WASHED, IF POSSIBLE]. DO NOT USE PERFUMED SOAPS TO WASH CLOTHING.
- WEAR CLEAN SHOES; IF POSSIBLE, BRING AN EXTRA PAIR WITH YOU TO PUT ON WHEN YOU ARRIVE AT THE PRISON.
- AVOID DEODERENTS, PERFUMES, HAIR SPRAY AND ANY OTHER PERSONAL ITEM THAT MAY CONTAIN CHEMICALS, OILS, HERBS, ETC.
- IF POSSIBLE, DO NOT WEAR ANY UN-NECESSARY ITEMS, SUCH AS: HAT, NECK SCARF, JEWELRY, OR BELT.
- IF YOU ARE TAKING PRESCRIBED MEDICATIONS SUCH AS OPIATES, MUSCLE RELAXERS, AND/OR SUBSTANCES TO HELP MANAGE PSYCHIATRIC SYMPTOMS, BRING "WRITTEN DOCUMENTATION OF THE CIRCUMSTANCES" [SUCH AS: NOTE FROM PROVIDER, MEDICATION BOTTLE, PROVIDER VISIT SUMMARY].

PREPARING FOR TESTING PROCESS

- AFTER REGISTRATION PROCESS IS COMPLETED, AND PERSONAL ITEMS HAVE BEEN SECURED, WASH YOUR HANDS WITH SOAP AND WARM/HOT WATER; USE PAPER TOWEL TO DRY HANDS AND WHEN IN CONTACT WITH THE DOOR. NOTIFY A CO IMMEDIATELY IF ANY OF THESE ITEMS ARE NOT AVAILABLE.
- SOME INDIVIDUALS ADVISE WASHING ANY WORN JEWELRY AND CAR KEY [IF POSSIBLE].
- DO NOT USE HAND SANITIZERS.
- TO THE BEST OF YOUR ABILITY, TOUCH AS LITTLE AS POSSIBLE. SCANNERS CAN PICK UP TRACE AMOUNTS OF A SUBSTANCE ON CLOTHING.
- UPON ENTERING TESTING AREA, PLACE ANY ITEM [CAR KEY] ON A COUNTER OR IN A LOCATION AWAY FROM YOUR BODY.
- IF YOU ARE TAKING ANY PRESCRIBED MEDICATIONS THAT HAVE THE SLIGHTEST CHANCE OF TRIGGERING A POSITIVE TEST RESULT, INFORM THE CO AND HAVE WRITTEN DOCUMENTATION WITH YOU. **YOU MUST TAKE THIS STEP BEFORE BEING SCANNED!**



Want to visit your loved one? Read the information on this page compiled by Elaine Selan. Or! Dress like me and you're good to go!

You Test Positive...Now What?

1. The test will be repeated. First, wash your hands again. Remove any article of clothing that may be contaminated [for example, a jacket or sweater].
2. If the second test is also positive:
 - a. Request a printout of the test results [this is DOC policy but you must request it].
 - b. You can request to speak with leadership; however, this request can be denied.
 - c. If you wish, you can request a non-contact visit. If approved, this visit will count as one of the insider's visits for that month.
 - d. Document/Keep notes of everything you can recall
Things to note:
 1. Was the CO performing the test wearing gloves?
 2. Were all items needed to wash hands available?
 3. Did other visitors test positive? If possible, get their contact information.
 4. To the best of your knowledge, did the CO follow the same steps as previous times you have been tested? If not, what did he/she do or not do?
 5. Did the CO say anything to indicate there were problems with the drug scanner or test results?
 - e. Next Steps
 1. Ask for the name of the Prison's Head of Security; write him/her a letter providing all your documentation. Request a phone call or written response within a specified period of time. Ask that an audit of scanner procedures for that visiting day be conducted. Also request that the positive test result be removed from your visitor record.
 2. Keep all your documentation. Notify the PA Prison Society by calling 215-564-4775; email: info@prisonsociety.org; or, write 230 S. Broad Street, Suite 605, Philadelphia PA 19102.

What You Want to Avoid...

If, on another visit [within the next 12 months] you have a 2nd positive scan reading, the Facility Manager **has the option** of suspending visiting privileges for up to 90 days!
If there is a 3rd incident, visiting privileges will be suspended for 180 days!
If there is a 4th incident [if within one year of privileges being reinstated for the 3rd incident], visiting will be suspended for 1 year.
If there is a 5th incident [if within one year of the privileges being reinstated for the 4th incident], visiting will be suspended indefinitely.
HOWEVER...
If there is no 2nd incident within the next 12 months, you can request that the test result be expunged from your visiting record.