

GRATERFRIENDS

A Publication of The Pennsylvania Prison Society

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

Volume 47, Issue 4

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Spring 2017

A Cry for Justice: My Story

By Daniel Cummings, SCI Graterford, AF-4891

My name is Daniel Cummings, but many of you know me by the name of Ali. I was locked up at the age of 26 and am now a 70-year-old man. When our Prison Lifers Association president asked me if I would share my story with everyone at the Day of Responsibility event, I was hesitant. But then I remembered what my wife always told me, "Whenever you have the chance to tell someone about our situation, tell them. You never know who can help us. Don't worry about your articulation, just speak the truth as we know it and it will reach the right people."

Last month we were blessed with the presence of Ms. Samantha Brown and I am sure that many of us felt the pain she endured from the vicious rape of her mother. Rape is a horrible crime, one that often leaves the victim scarred for life. I can personally identify with Samantha Brown's pain and would like to share my story with you.

Ladies and gentlemen, brothers and sisters...I am the husband of a rape survivor. On August 20, 1972, tragedy entered my household. I had just returned home for a hard day's work to find that my wife had been drugged and viciously raped. As a husband and father who loves my family dearly, my first reaction was to find this individual and send him to the cemetery. But somehow, I was able to restrain myself and get as much information as I could about the perpetrator of this horrible crime.

My wife's speech was incoherent but she managed to tell me the name of her rapist. I called the Philadelphia police to report my wife's rape. The police arrived immediately and escorted us to Philadelphia General Hospital where my wife was treated. They then took us to the precinct where we were questioned in separate rooms.

(See My Story, continued on page 13)

Transgender Freedom from Discrimination

By Miley Selena Fletcher, BZ-2211, SCI Houtzdale

I am a transgender woman. I AM ME. But for years now. I know that it is time, and it is long overdue inside the Prison Complex Industry (PCI), that us trans women, trans men, and trans children incarcerated in detention centers, foster homes, etc. need a policy, rule, or regulation that prevents others who are incarcerated from physically assaulting us or forcing us into abusive relationships. If we were on the streets in society, the laws would apply to us for our protection. I know of prison administrations, security offices, guards, or psychologists and whoever is in custody, care, and control of you don't help at all because you're transgender. You're called a ward of the state. This physical abuse inside needs to be addressed and governed to a policy procedure with the DOC's and detention centers.

I know of a security officer, like many I've run into, who turned their heads when a male inmate who she was dating punched a trans woman openly in population and nothing was done to that inmate. Nothing at all! No misconduct, criminal charges, or transfer out of the institution. Instead, the trans woman was threatened with a transfer out of the institution, placing her on A.C. (Administrative

(See Transgender Freedom, continued on page 13)

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From the Editors

May is the 230th anniversary of the founding of the Pennsylvania Prison Society.

On May 8, 1787 Doctor Benjamin Rush assembled a group of 37 Philadelphians to form a Society with two goals:

- *To alleviate the miseries of public prisons including "hunger, cold, unnecessary severity, unwholesome apartments and guilt;" and*
- *To promote "such degrees and modes of punishment [as] may be discovered and suggested, as may instead of continuing habits of vice, become the means of restoring our fellow creatures to virtue and happiness."*

These are big, ambitious goals; 230 years later they are still our goals.

Today the Society operates a statewide network of volunteer prison and jail visitors, provides transportation to families visiting loved ones in prisons throughout Pennsylvania, and offers mentoring for individuals in SCI Chester and SCI Graterford making the transition back home after lengthy periods of incarceration. And, of course, we publish *Graterfriends*.

With everything we do, we could be doing a better job. The 230th year of the Prison Society will be focused on how we can improve – offer better bus service, strengthen our volunteer network, be more thoughtful in the support we provide through our mentoring program, and make *Graterfriends* an even better publication.

Thank you for being a part of the Prison Society. I am humbled by the Society's history, and excited for our future.

Sincerely,
Claire



Spotlight

Possible Legal Challenges for Lifers after Montgomery

By Rodney Derrickson, CW-6633, SCI Forest

On January 25, 2016, the United States Supreme Court answered the question in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), that its prior ruling in *Miller v. Alabama* was fully retroactive to juveniles sentenced to mandatory life without parole prior to June 25, 2012. The supreme court further held in *Montgomery* that "a conviction or sentence imposed in violation of substantive rule is not just erroneous but contrary to law and, as a result, void" citing *Ex parte Siebold*, 100 U.S., at 376. Therefore, any juvenile lifer sentenced prior to June 25, 2012 is currently serving an illegal and void sentence that must be vacated, and a new judgement must be entered.

Since "a new judgement" now must be entered, juvenile lifers may bring additional legal claims that were once considered procedurally defaulted [e.g. ineffective assistance of counsel], which may be raised during state post-sentencing. In *Magwood v. Patterson*, 130 S. Ct. 2788 (2010), the court held that the phrase "second or successive" used in 28 U.S.C. 2244 (b) is a term of art. Further, *Magwood* held that a habeas corpus petition is not second or successive where there is a "new judgement

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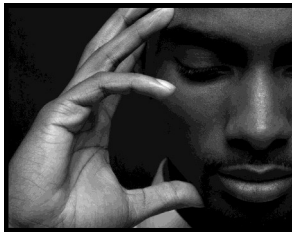
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If you have a question about Graterfriends, please contact
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Think About It

DOC Reality

by Joseph Casino, LS-6050, SCI Mahanoy

Within the walls of confinement, you will find men who are addicted drug users, battered, emotionally and mentally unstable, and all associated with criminal behavior and thinking. The Department of Corrections' objective is to provide opportunities for these men to acquire the skills and values needed to become productive law-abiding citizens. Policies and procedures written with standardizing ethics are correctional tools of the trade. Ultimately, the result depends on the inmate's choice at making wiser decisions based on what he learns while incarcerated. Now, combined with that objective is communication and treatment between the inmate and staff. This is one of the biggest failures despite these being the most valuable assets for accomplishing success. Written policies and procedures are dictated solely within administrative powers.

The grievance procedure is totally dysfunctional and has no sufficient means for legitimate issues that involve abusive treatment. Regardless of facts or evidence, all submitted grievances are always denied or rely solely on the staff member's account. Appeals are upheld by administration based on the opinion of the initial investigator, who always happens to be a relative or at the least, the grieved staff member's friend or co-worker. This would be like a suspect contacting the prosecutor's office seeking their assistance for representation in a case they are prosecuting. The grievance procedure has no governing or oversight interaction that monitors such practices.

Without accountability, there will never be order and justice. In all other forms of judicial process, rules are included and subjected to penalty, especially when making statements. The DOC grievance procedure is finalized on perjury and is just another dehumanizing process to discourage inmates from exploiting the corruption and abuse unnecessarily applied upon incarcerated people. How is it that state officials are exempt from laws of oath and affirmation pursuant to Rule 42 U.S.C.

Sec. 4904 when making statements and applying that statement to a due-process procedure required by the Prison Litigation Reform Act (PLRA)? Staff members would be much more reluctant to fabricate such statements at the grievance level if all the rules required by the law existed through the entire process. It's extremely prejudicial that the grievance procedure is an exhaustion remedy required by the PLRA but is exempt from the rules which apply. If the oath and affirmation rules applied to the grievance procedure, the state would need to construct many more prisons. □

Spotlight, continued from page 2

intervening between the two habeas corpus petitions." In other words, an application for habeas corpus relief challenging a new judgement is not a second or successive petition.

Magwood changes prior law from other circuit courts which held that a petitioner who files a successful §2254 habeas and is resentenced may challenge "only the portion of the judgement that arose as a result of the previous successful action." See *Lang v. United States*, 474 F. 3d 348, 351 (6th Cir. 2007); *United States v. Esposito*, 135 F. 3d 111, 113 (2nd Cir. 1997).

The Third Circuit Court of Appeal's recent decision in *In Re Brown* is a case in point when interpreting *Magwood v. Patterson*. In *In Re Brown* at 594 Fed. Appx. 726 (3rd Cir. 2014), the court stated: "We believe that the Supreme Court decision makes clear that a habeas petition is deemed initial or successive by reference to the judgment it attacks—not which component it raises." Thus, it is my belief after researching *Magwood v. Patterson*, and *In Re Brown*, that juvenile lifers can raise additional issues once considered procedurally defaulted during the post-sentencing procedures contained in Pa.R.Crim.P 720. This legal theory is made from my reading of the above listed case law. Consult with an attorney for a legal opinion on this theory. □



Mailroom

Robinson v. Superintendent Rockview SCI

By Mark Anthony Robinson, AM-8837, SCI Fayette

Please be aware that the Third Circuit Court of Appeals has delivered a precedent-setting case that requires prison officials to follow their own deadlines when answering grievances. In other words, if DOC officials were supposed to answer a grievance in fifteen days but answer it on the sixteenth day, the inmate has exhausted administrative remedies. Please see U.S. APP. Lexis 13650 Robinson v. Superintendent Rockview 2016. Also see U.S. Dist. Lexis 107745 Robinson v. Southers 2016. □

GTL Tablets Price Gouging

by Albert Perez, JB-2916, SCI Graterford

On October 22nd of last year, I started the grievance process regarding the over-pricing of the GTL tablets. I sought full disclosure of the contract between GTL and the DOC, specifically the section showing the manufacture price of the tablets and the sell price to the DOC. It was denied across the board with this response:

“The tablets being sold by GTL to the DOC inmates were specifically designed and manufactured for a correctional environment. In particular, the tablets are required to be made with a clear corrections-grade case and secured with security screws that contain tamper indicating marks. In addition, the tablets may not contain cameras, microphones, audio recording components, NFC, wireless components, Bluetooth, VPN, flash memory card slots, WLAN, and cell phone components. The specification for these tablets are unique and a comparable model is not available on the open market.

The DOC entered into a contract with GTL to manufacture the tablets per our specifications and sell the tablets directly to the inmates. The contract establishes the price of the GTL 16 GB tablet at \$147.00. GTL indecently determines this price based upon the specifications and manufacturing costs associated with the tablets. The DOC/CI does not receive commissions on the

sale of the tablets to the inmates. As stated above, a comparable model that meets the DOC specifications is not available on the open market.

In addition, DOC has confirmed that GTL is not selling the same tablets to NJ inmates for \$35 nor to the federal BOP inmates for \$39. Nevertheless, whatever tablets GTL may be selling to other parties is separate and distinct from the tablets being sold to DOC inmates since the DOC tablets are based on the unique specifications required by the DOC. Again, a comparable model that meets the DOC specifications is not available on the open market.”

My question to anyone reading this is, what do you think the next option is for combating the blatant price gouging of the tablets? If you know anything about production, not having to add features to a base model does not increase the price for production; it makes it cheaper to manufacture. Any assistance would be beneficial not only for myself, but for all prisoners that already have a tablet or are looking to purchase one. □

Thank You, Houtzdale Peacemakers!

*By Mustafa Life aka Anthony Williams
LM-6331, SCI-Houtzdale*

While going back and forth to court on my own criminal matters, I have not been able to respond to various allegations and thank various people.

On 4/28/2015, in yard at SCI-Houtzdale, there was an incident in which several guards were hurt and over 200 prisoners stayed in the yard. The Department of Corrections [DOC] classified the staying in the yard as a riot, but this is false. The SCI-Houtzdale staff closed the gate on us after the incidence when we were going in. You cannot go in if you have no keys to do so. In addition, no property was destroyed and no orders were given to go in so how can there be a riot as they claim?

Further, it's funny how in all the reports in the media about the incident, not one report spoke about how I, with a staff member, negotiated the peaceful resolution of the incident. I was able to do so because of the behind the scenes efforts of many who wanted a peaceful resolution as well, some of whom were transferred for no reason and who like myself had no part in anything other than to **RESOLVE** things.

The DOC and media have run around and made it seem as if all who were in the yard assaulted staff and participated in a riot, and this is not true.

Continued on next page

Yet, they have instituted a black out of part of the fence and taken a yard from every block every other day. I personally hear sly remarks from staff about being the “negotiator” and how I should have said nothing. Their harassment means nothing, as that day myself and those who worked behind the scenes were victorious in that nobody was hurt further. I want to thank all of those who played their part in that. No matter what others say, we did the right thing. □

The Phone Message

By Adam Homer, LF-7487, SCI Rockview

I come to you, my incarcerated friends, regarding the phones. I am so tired of just starting a conversation and being interrupted by the automated message that is repeated throughout my call. I have to stop my call and wait for it to end. Why should us inmates have to pay for the time when we cannot use it? I don't know about you, but I don't pay for the phone to hear that. It is not right that we lose time talking to our loved ones and must pay for it too. I am being told by staff here that the only way to change it is to reach out to as many inmates as possible and file grievances. This is the best way I could think of to reach out. Let's join together and put a stop to it. □

Inmate Pay: A Better Argument

*By Anthony Saltalamacchia
HT-3225, SCI Benner Township*

Over the years, many inmates have raised issues about the inmate pay staying the same for twenty years. But that's where their argument stops. Well, after researching the DOC policy, I located DC-ADM 815. This policy holds the power behind this argument. DC-ADM 815 § 2.A.7 (a) states that 5% (minus a .25% maintenance fee) of all commissary sales pay into the Inmate General Welfare Fund (IGWF), where we get paid from. Essentially, we pay ourselves. And as we all know, over these twenty years, commissary prices have skyrocketed with prices doubling, tripling, and quadrupling.

So, let's say that twenty years ago, roughly \$1,500 a month went into the IGWF. With commissary tripling, it now collects \$4,500. If the IGWF accumulates three times what it used to, why hasn't our pay at least doubled? All of our supervisors' pay has steadily increased, so why isn't ours? Where is all this extra money going? Because it sure isn't going to us. □

Complaints on Tablets

*By Steven Curtician
CS-6039, SCI Houtzdale*

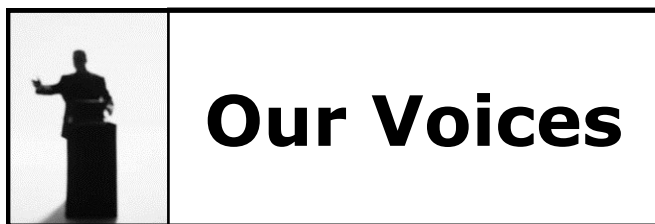
Other than the fact that GTL has marked up a 200% profit on the tablets and songs purchased by prisoners, they are flooding their catalog with several versions of a song and giving us no sample time to listen to the songs we are considering purchasing, therefore forcing customers to buy multiple versions of a song before getting the desired version. In my opinion, this is calculated by GTL to double, triple, and even quadruple their profit margins; in other words, GOUGING!

I personally have at least 25 versions of songs that are not labeled as a live version, have no written indication that the song starts late and ends early, have verses missing, and other artists featured on the song. I even bought a Spanish course that requires a manual to use, but GTL refuses to supply the manual or return my link. I have filed complaints to GTL, the Better Business Bureau, the Consumer Protection Bureau, and am preparing a complaint for Magisterial District Court.

There are a lot of inmates waiting to see what happens in my case, but I implore all of the thousands of incarcerated folks to stop waiting for someone else to get their results before taking action. Get everyone you know to file complaints to the above mentioned organizations. The only way to get anything done is for us to come together and file the much-needed complaints. There is power in numbers! □

Editor's note: See also: Civil Suit re: Global Tel Link (GTL) Tablets on page 9 for information regarding a class action lawsuit filed against the PA DOC and GTL Corporation for similar grievances to those mentioned in this article.

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page 16.**



A True Mercy & Blessing from ALLAH, Time to Come Together for a Good Cause

*By Keith Smith (Abu Khalifah)
HK-8869, SCI Benner Township*

To the world that listens, and brothers and sisters, the time has been blessed upon us to recognize a good cause. There exists bill H.B. 2135 that was introduced to the legislature, which would abolish “life without parole” in Pennsylvania, and extend parole eligibility to those sentenced to life imprisonment. This was introduced by Pennsylvania State Representative Jason Dawkins.

I advise all to contact the state representative, and have all family, kids, mothers, friends, and foes, etc., contact anyone who can sign on to support this bill. Many don’t know, as to the state law, is what we need to argue as to why the prior H.B. 1060, P.L. 213§4, of act No. 46, approved March 26, 1974, “did not and does not” authorize any sitting Judge the authority to impose a “further” condition of “without parole” upon a life imprisonment sentence. Please review the act, which can be obtained through the “Right to Know” law out of Harrisburg, PA. Just quote the H.B. 1060 above.

In a Post-Conviction Relief Act (PCRA), I am currently challenging the legality of the sentence that was imposed based off the Judge’s oral statement that such sentence was mandatory by the legislature, only to find out those words of “without parole” do not exist within the actual act to impose that sentence.

Issues include:

Did the Trial Court abuse discretion or commit an error of law by imposing an illegal sentencing condition “without parole” that’s not within the laws of Pennsylvania Act No. 46, H.B. 1060 P.L. 213§4, and violate defendant’s rights of the fifth, eight, and fourteenth Amendments?

Did the Trial Court abuse discretion or commit an error of law by imposing an illegal sentence, enacting the crimes code statute 18.pa.c.s. §2502 as a sentencing statute without statutory authority, and lacking subject matter jurisdiction where the

General Assembly ‘never’ gave authorization to Judges to “charge, punish, and sentence” defendants under the same statute, therefore violating defendant’s constitutional rights under the fifth, eight, and fourteenth Amendments?

I advise all to check their sentencing orders as to the statute they are sentenced under and review the Law of the State, which is the S.B. BILL or the H.B. BILL, for the sentence that can be imposed and can’t be imposed. The H.B. 2135 Bill is fresh, so contact the state representative and make yourself familiar.

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Let’s Encourage Each Other

By Delbert Craley, MQ-2011, SCI Somerset

I decided to write this article after reading a few old copies of Graterfriends and watching many other prisoners laying around doing nothing with their lives. I am a 76-year-old prisoner and have been incarcerated for the past two years! Since my incarceration, I have encouraged others to do something positive with their lives while being behind prison walls.

I have told some to write a letter home. I have told others to go back to school and get into the many education programs that the institution offers. A few of the younger prisoners tried to tell me that I was crazy and thought that I was better than them. But I told them that I also have the same state browns on like them! It’s good for them to turn their life around because you are never too old to learn. So, I had to challenge them to sign up for school. They said again, “Pop,” Mr. Craley, “you are crazy.” So, I smiled and gave out twenty institution request slips for them to sign up for school. A lot of them did sign up and some were very shocked to see my name on the daily call-out for school as well!

I did this to show them that we are all the same, no matter how old we are or what the color of our skin is, because if you set your mind to do something, you can do it! I told them that before my incarceration, I used to travel all over the world, mostly to Africa, where most people do not have clear running water and a lot of mothers sleep on dirt and wood with many of their children crying for food to eat! If I can arrange and organize people on the outside to come together to reach out and assist the poor in other countries, I am sure that

those prisoners in other institutions can unify to push and help those who are laying around to get involved in programs inside the institution. Now I'm working on some of the older prisoners to sign up for school and other programs to help them better themselves! Let's encourage each other. □

The Cycle Continues...

By Shavonne Robbins, OC-0204, SCI Muncy

Everything always comes back to the word "life." Either you were the one who took someone's life, you were just there, you were the look out, or you did the shooting. Either way, someone's life was lost. By you playing any kind of roll in taking someone's life, your life got taken; you're still just breathing. Even if it's not the air you want to breath. You're still in a nightmare because of the guilt you feel of being alive; when you feel you shouldn't be because the remorse is overwhelming. Everyone's life is forever changed. You have to grab strength from somewhere—something you see or something good you hear from other people. You're either doing life or got life. The difference between the two is in doing life, you're just existing, letting the time do you. Being given life, you're existing but you're living even if it's confined between these four walls where you will remain until your life slowly expires. You're still being productive and allowing yourself to learn and be able to change. So please, let us start to break the cycle by abolishing life without parole. □

The Nature of Power: Being Humble is an Indomitable Will of Being Aware

By Enoch Conners, AF-5648, CSP SAC

Political Power is the capacity to coerce others, overtly or covertly, to do one's will. This capacity resides in a position, such as a kingship or presidency, or else in money. It does not reside in the person who occupies the position or possesses the money. Consequently, political power is unrelated to goodness or wisdom. Very stupid and evil people have walked as kings upon the Earth. Spiritual power, however, resides entirely within the individual and has nothing to do with the capacity to coerce others. People of great spiritual power may be wealthy and may, upon occasion, occupy political positions of leadership. But they are just as likely to be poor and lacking in political authority. Then, what is the capacity of spiritual power if not the ability to coerce? It is the capacity

to make decisions with maximum awareness. It is consciousness.

Most people make decisions with little awareness of what they are doing. They take action with little understanding of their own motives and without knowing the ramifications of their choices. Do we really know what we are doing when we accept or reject a potential client? When we hit a child, promote a subordinate, flirt with an acquaintance? Anyone who has worked for long in the political arena knows that actions taken with the best intentions often backfire and prove harmful in the end; or that people with scurrilous motives may promote a seemingly wicked cause that ultimately turns out to be constructive. So also in matters of child-raising. Is it any better to do the right thing for the wrong reasons? We are often most in the dark when we are the most certain, and the most enlightened when we are confused.

What are we to do adrift in a sea of ignorance? Some are nihilistic and say "nothing." They propose only that we should continue to drift, as if no course could possibly be charted in such a vast sea which would bring us to any true clarity or meaningful destination. But others, sufficiently aware to know that they are lost, dare to hope that they can work themselves out of ignorance through developing even greater awareness. They are correct. It is possible. But such great awareness does not come to them in a single blinding flash of enlightenment. It comes slowly. □

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

Original submissions will not be returned.

Thank you.



Introduction by Motion to Dismiss

By Karl Rominger

MR-1860, SCI Laurel Highlands

Inmates in Pennsylvania who are indigent are entitled to appointed counsel when they file a Post-Conviction Act Motions (PCRA). Unfortunately, many prisoners are only learning who the Court appointed as counsel when they receive a Finley No-Merit Letter and Motion to Withdraw from their new “advocate.”

As a former criminal defense lawyer, now inmate, I have had the opportunity to see this happen many times in the short months I have been in state custody. This is concerning, as it is not what the law expects. Not every lawyer is failing to follow *Finley*, but this introduction by motion is far too common.

In most cases where I have seen this happening, I suspect the appointed counsel has not actually read or been mentored on what the Courts in *Finley* expected before a finding of no merit could be made. Counsel has certain duties they must perform. In a nutshell, PCRA counsel should, at the very least, be calling and talking with the petitioner well before he or she drafts a *Finley No-Merit Letter*.

To combat this problem, I am recommending that anyone filing a PCRA include two paragraphs that read as follows:

Further, I would ask that the court-appointed counsel provided to me fully follow the requirements of the Finley line of cases. As the United States Supreme Court said in Finley, “counsel reviewed the record and consulted with respondent” 481 US 553 (1987) and as the Pennsylvania Superior Court said thereafter, “Counsel conducted his own review for contentions which only a trained legal mind would discover.” 550 A.2d 213 (1988).

Thus, I would request my appointed counsel fully review the record as they apply to the issues I have raised, as well as to look for any legal or factual claims that I as a lay person would not be aware of. I would also

request that my appointed counsel contact me in person or by telephone to discuss my case and the merits of this petition as well as any factual or legal matters that I may not have properly or fully pled.

I would hope that this language would serve to remind appointed counsel of their duties, as well as create a request to point to when responding to the no-merit letter.

Drug Interdiction Program

by Darren R. Gentilquore

GX-1572, SCI Pine Grove

If you have ever been victimized by the Pennsylvania DOC’s Drug Interdiction Program/Policy 06.03.12, then the following information may be of interest: Paruresis, shy bladder, and stage fright can affect your ability to urinate on demand. If you have been denied parole, issued a misconduct, placed on tracking, or placed in the Restricted Housing Unit due to the results of a urine test, you have been victimized.

The policy states “The use of urinalysis and/or oral fluid testing to detect substance abuse by inmates”, and therefore the oral fluid option is equally acceptable. Furthermore, Section 2 (h) (4) of the policy has been deemed too intrusive by the courts. Yet the urine collection officers still demand direct observation of the entire collection process.

If you have been victimized, please urge your family and friends to join you in asking the following leaders to address this matter: DOC Secretary John Wetzels, DOC Executive Deputy Secretary Shirley R. Moore-Smeal, Senator Patrick Toomey, Senator Bob Casey, and your state representative. United, we can compel change.□

SORNA and Reputation

by David McGinley CX-1921, SCI Waymart

The Sex Offender Registration and Notification Act (SORNA) may violate the Pennsylvania Constitution. Article 1 §1 refers to the ‘Inherent Rights of Mankind’ and says: “All men are born equally free and independent and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” While this cannot be construed as a guarantee of a particular reputation, the implied promise is the

right to create and amend one's reputation. SORNA makes rebuilding one's reputation impossible by perpetuating what is too often a mistake of judgment in several senses. No amount of good works and civil obedience will offset the damage done to one's reputation if the public is constantly reminded of past transgressions.

When a person completes his/her sentence for a crime, that should be the end of it. Everyone deserves a second chance. Under our state Constitution, they should be free to restore their good name and standing in the community, but SORNA denies that. To remain valid under our state Constitution, SORNA should be restructured as a strictly internal operation with no public access or notification, no onerous registration requirement, and no punitive threat of further incarceration.

Editor's note: Reference from PA constitution: §1. *Inherent rights of mankind. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.*

Brothers Fighting for Equality

By Bro. Quinones, SCI Mahanoy, KP-8889

I write to express my sincere and profound accolades for: Cooper v. Keller, C.A. No. 2010-1814; Robinson v. Morris, C.A. No. 16-CV-00117, and their companion cases: White v. Wireman, etc. throughout the DOC, that is currently pending in both state and federal court. For decades, discriminatory practices have denied the Nation of Islam and Muhammad Temple of Islam members the right to observe the December Fast and refused to provide the evening meal upon breaking of the December Fast in 2016 at certain prisons. In violation of the Religious Land Use and Institutional Person Act of 2000, 42 U.S.C. Section 2000 cc-2000 C-2 "RLUIPA") First Amendment Right. Yes! Members of MTI and NOI, followers of The Hon. Elijah Muhammed, you too have a legal claim to pursue if you've experienced such violations at the facility in which you are incarcerated, so act immediately.

Editor's note: According to PA DOC Policy DC-ADM 610 Sec. 2F, effective December 28, 2016, "An inmate seeking to be accommodated with a

religious diet must submit a Religious Accommodation Request Form – Non-Grooming in accordance with Department policy DC-ADM 819, "Religious Activities" ...The CFSM shall ensure specialized religious diet menus and handling procedures are followed and enforced. There can be no deviation to a religious diet menu."

Civil Suit re: Global Tel Link (GTL) Tablets

By Kevin Williams, EF1167, SCI Forest

If you are experiencing problems ordering particular recordings/songs for your GTL tablet, you can become a part of a class action suit filed in Pennsylvania's Western District Court against the Pennsylvania DOC and GTL Corporation. Likewise, if your family members are spending money to send you emails, when email is free for the people in the outside world, you can be a part of a class action lawsuit. I do not know if you have to exhaust all of your grievance remedies or put GTL Corporation on notice first, but if you are in a Pennsylvania prison and are displeased with music or email services via the GTL tablets, you can write to the Clerk of Courts and ask that your name be added to the class action:

Att: Marmolejos, et. al., vs. PA DOC et. al.,
Global Tel*Link Corp
U.S. District Courthouse
Western District of Pennsylvania
17 Park Row, Room A280, Erie PA 16501

The Prison Society does not offer home plans.

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

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



Legislative Highlights

By Ann Schwartzman, Advisor & Policy Director

The PA General Assembly has been addressing the budget as well as other issues. Below are criminal justice bills that have been introduced or are moving. Please note that this list is current as of 4/27/17.

Bill & Printer No.	Description	Prime Sponsor	Action	Position
SB 522 PN 534	Consolidates the Department of Corrections and the Board of Probation and Parole into the Department of Corrections and Rehabilitation which will increase cost savings, decrease overlapping functions, and increase efficiencies. The Board of Probation and Parole will maintain independent decision making and Corrections will oversee agents supervising parolees.	Sen. Stewart J. Greenleaf R-Bucks (part) & Montgomery (part) Counties	Passed Senate Judiciary, 3/16/17; On the Senate floor 3/21/17. Re-referred to Senate Appropriations 4/18/17.	Support
SB 523 PN 550	An Act amending the act of November 24, 1998 (P.L.882, No. 111), known as the Crime Victims Act; further advancing the merger of the Department of Corrections and the Board of Probation and Parole. Provides for costs of offender supervision programs.	Sen. Stewart J. Greenleaf R-Bucks (part) & Montgomery (part) Counties	Passed Senate Judiciary, 3/16/17; On the Senate Floor as amended, 3/21/17; Re-referred to Senate Appropriations 4/18/17.	Support
HB 135 PN 1268	An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, providing for parole eligibility for life sentenced inmates.	Rep. Jason Dawkins D-Philadelphia (part) County	In House Judiciary, 4/7/2017.	Support
HB 285 PN 271	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizes the facility housing the prisoner to deduct up to 25% of the offender's wages and 50% of all deposits made to inmate personal accounts for restitution, cost, filing fees and any other court-ordered obligation.	Rep. Todd Stephens R-Montgomery (part) County	Passed House Judiciary, 2/7/17; on the House floor and re-committed to Appropriations, 3/13/17; Re-reported and final House passage, 3/20/17 (144-51); In the Senate Judiciary, 3/24/17.	Oppose

Bill & Printer No.	Description	Prime Sponsor	Action	Position
HB 631 PN 668	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a mandatory period of three years probation following release from incarceration for certain sex offenders.	Rep Ron Marsico R-Dauphin (part) County	Passed House Judiciary, 2/24/17; On the House floor and re-committed to Appropriations, 3/22/17; Re-reported as committed and final House passage, 4/3/17 (189-9). In the Senate Judiciary, 4/6/17.	Oppose
HB 741 PN 1262	An act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes: re-establishes mandatory sentences for certain offenses such as drug trafficking for minors and for drug-free schools zone; offenses committed with firearms, sentences for certain drug offenses committed with firearms, offenses committed on public transportation, offenses against elderly persons, offenses against infant persons, for failure to comply with registration of sexual offenders and for offenses committed while impersonating a law enforcement officer.	Rep. Todd Stephens R-Montgomery (part) County	Passed House Judiciary, 3/7/17; on the House floor and amended, 4/4/17; re-committed to Appropriations and final House passage, 4/5/17 (122-67); In the Senate Judiciary, 4/6/17.	Oppose
HB 923 PN 1076	An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, establishing the Veterans Alternative Punishment Program, an intermediate punishment program for offenders with veteran's service. A total of 1,500 prisoners will transfer voluntarily to build conservation facilities and trails with the goal being a second chance.	Rep. Bryan Barbin D-Cambria (part) & Somerset (part) Counties	In House Judiciary, 3/22/17.	Support
HB 1085 PN 1281	An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Interagency Council on Inmate Reentry consisting of key stakeholders who will prepare a report on reentry for the PA General Assembly.	Rep. W. Curtis Thomas D-Philadelphia (part) County	In House Judiciary, 4/7/17.	Support
HR 289 PN 1568	A Resolution honoring the Pennsylvania Prison Society on the 230th Anniversary; advocating for those in prison and their families, commemorating the achievements of the organization; highlighting the continued need for the work of the Pennsylvania Prison Society.	Rep. Joseph A. Petrarca D-Armstrong, Indiana, Westmoreland (all part) Counties	Adopted-passed full House unanimously 4/26/17.	Support



Report from Nicole Sloane, Esq. Criminal Defense Attorney

Ineffective Assistance on Appeal & What You Can do to Protect Yourself

I felt a knot in the pit of my stomach when I learned that my former client's appeal had been dismissed by the Pennsylvania Superior Court after appellate counsel failed to file a brief. Appellate counsel, who was an assistant public defender and my colleague, had asked the Superior Court for five consecutive extensions over several months to file the appellate brief. Although the fifth extension request had been granted, the Superior Court ordered that no further extensions of time would be entertained.

While the months passed and appellate counsel had extended the briefing deadline thereby delaying the resolution of the appeal, my former client waited in state prison for the issues to be reviewed by the appellate courts. Appellate counsel not only failed to file the brief but he also resigned after the final date came for the appellate brief to be filed. The rest of us were left to attempt to pick up the pieces and do what we could to restore the rights that our clients had lost when abandoned.

Thankfully, my client's appellate rights were reinstated and because of new decisional law, he ultimately fared better than he would have had his first appeal been decided. Nevertheless, hard questions remained about what happened. How could counsel, who remains a licensed Pennsylvania attorney, do what he did? How did the client not know something was wrong after so many months passed without receiving a copy of his appellate brief? Why didn't the client reach out to me for help?

The fact is, lawyers are human and because they are human, effective assistance of counsel can be compromised by a variety of very human reasons. It could be because of a physical or mental illness, an emotional divorce, debilitating worry about an injured or sick child, or an addiction to alcohol, controlled substances, or gambling. Some attorneys merely lack the experience or the intelligence to provide effective representation despite holding themselves out as a skilled advocate for criminal

defendants. Further, many attorneys are hopeless procrastinators. Lastly, even the greatest attorneys make mistakes including failing to file a brief or other legal documents.

If you were assigned an appointed attorney and are worried about the quality of work on your case or the lack of communication, it is best if you or someone you know monitors your dockets using UJSPortal both at the common pleas docket as well as the appellate court docket. Further, any and all correspondence with your attorney should be in writing, be dated and be clear and concise. Keeping a photocopy of all correspondence is best. If you are unable to make copies, then maintain a journal that includes the date that correspondence was mailed, the name of the attorney/recipient, the address of the recipient and the specific request made.

If you ask your attorney for a post-sentence motion or an appeal, you should expect to receive a copy of the motion or appeal within a week or so. Keep in mind the important timeliness requirements of each. If you believe that your attorney failed to comply with your request for a post-sentence motion or appeal, it is important that you act quickly. Check the common pleas docket if you can. If the post-sentence motion or appeal is not reflected in the docket or if you do not have access to the docket, write to your attorney and ask for a time-stamped copy of the post-sentence motion or appeal that you requested. If you receive no response, contact your attorney's supervisor or the court administrator if your attorney is appointed directly by court administration. If you learn that a post-sentence motion or appeal was not filed despite your timely request, obtain a blank petition for post-conviction relief (PCRA) from your prison library or your counselor. Complete the PCRA asking for reinstatement of post-sentence motion and appellate rights as soon as possible and send it to the clerk of courts in the county where you were sentenced.

If your case was appealed as you requested, you may still become frustrated by the length of time it takes for the appellate courts to make a decision.

Nicole Sloane continued on page 15

Transgender Freedom, continued from page 1

Custody), or getting locked up for six months to a year and then transferred out. I know because I was that trans woman. Now, I am on a hunt for justice.

I am on a campaign of my own to ensure that no other male inmate gets away with abusing a transgender woman, man, or child while incarcerated and/or in detention. This is why I will fight for justice. A policy needs to be established within the DOCs and detention centers for our rights to be protected. Security officers and administrators inside the prisons should not be involved with any PREA complaints. The inside staff, security offices, and administrations are all for each other and stick up for each other. Now, it's an all-male security office and administration of homophobic men, all of whom are against the trans women, men, and children and will believe all male inmates over a trans woman! I'm not the only one this has happened to. So, it's time to break the silence. Our voices can be heard. The pen and paper are your weapon; use them! Keep writing because I am. It's time to have a policy, rule, or regulation to stop the abuser who abuses YOU! We're not tools to be abused and used by people of authority for their amusement.

If you wish to help me, call, write, or email the Pennsylvania Department of Corrections Secretary's Office of Mr. John Wetzel, 1920 Technology Parkway, Mechanicsburg, Pennsylvania 17050. I am not the first or last to be abused as an incarcerated transgender. We need your help. □

My Story continued from page 1

While my wife was still in a disoriented state of mind, the police humiliated her with questions that made no sense at all to her, as she was still so traumatized. When the officers finally finished taking us through an evening of humiliating questions, one said "Listen buddy. I know how you are feeling right now but I don't think that this case will stand up in court. If you and your wife want to pursue it any further, we suggest that you go and have a warrant taken out on him." It was at this point that I began to feel my complete being erupt into a place of anger that I had never experienced before. In my opinion, it was at this point that both of us became victims.

It has been over forty years since that horrible tragedy occurred in our lives. Sometimes, when I lie back and think about it, I can see where racism might have lifted its ugly head and factored into the decisions of the police to not assist us as much as

they would have if we were white.

I say this because on the evening that I reported my wife's rape at our house at 21st and Walnut, we were the only black couple in that community. I now often wonder if the police acted differently when they arrived and found out we were black. Could this be the reason we were treated in such a shoddy and unconcerned manner? I did all the things that a law-abiding tax-paying citizen was supposed to do but got slapped in the face with endless and contrived humiliation from the officers.

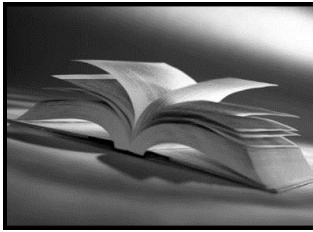
Now, my question is directed to the fathers out there, the fathers who have a loving wife, daughter, sister, or mother. What would you do? And to the mothers: what would you want your husband to do?

On the evening of this tragedy, my wife was wearing the white pantsuit I had bought her as a Mother's Day gift. The crotch area of the pants was saturated in blood from vaginal hemorrhaging. That night, I could not sleep, I could not think straight; my mind could not stop thinking about the knife that was held to my wife's throat, the gun that was put to her head. I could not let go of those thoughts.

For a few dollars, a friend of my wife's rapist pointed out the house he was hiding out in, and at that point I no longer wanted to kick his ass. I now wanted to see the blood spew from him, the same as my wife's blood that saturated her white pants. I had to do something to protect my family from further harm. On August 23, 1972, I entered the home of the man who raped my wife and made the mistake of taking the law into my own hands.

For a number of years, I had no remorse. I felt that my actions were justified. My radical religious views at the time conditioned me to believe that my efforts to defend and protect my family were what any real man would do. However, after many years of spiritual growth and DOC therapeutic programs, I have discarded all notions that such extreme actions were justified.

I can now stand before you and honestly express to the family of my wife's rapist that I am deeply sorry for the pain that my actions caused not only their family but my family as well. I now take full responsibility for the actions that occurred during the early morning hours of August 23, 1972. My remorse is genuine; it comes from the heart. □



Literary Corner

I Am...

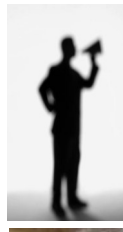
*By Ashley "AJ" Barber
OU-8963, SCI Cambridge Springs*

A lover, but love to fight. I am a dreamer, I dream of freedom. I am a sinner, a soldier each day. I am proof of injustice, a believer of vengeance; I've lived both and seen it all. I am young, experienced and willing to learn. I am no one to many but everything to a few. I am known by a gavel for my wrongs, however silenced in all my right. I am to someone a hero, a daughter to two, a sister, a grandchild; a wife to an incredible soul. I am never forgiven but far from forgotten. Though I am quiet, I am all around and I am caged eternally. I am not just a number, I am not just yesterday, I am not a failure, and I will never give in.

What is Freedom?

By Victor DiNino, LN-1522, SCI Greene

Marginalized, chastised, used, abused, and lied to
Tattered but not torn, battered but not broken
I am one among the many faces with no names
Enslaved by an ideology, oh so uniquely American
Land of the free? Oh, the hypocrisy!
Dare I ask the numberless citizens, what is freedom?
Mindless consumption delivered to your door?
An assortment of needless material nothings, a mouse click away?
Flat screened, high-def indoctrination, complete with surround sound?
A willingness to lay down your life, maybe even your remote control,
For God and country
But just go reaching for true freedom, equality, or democracy
See how fast you're cut down and labeled un-American!
A commie-heretic, love it or leave it, so get the hell out!
But if you simply wake and serve and blindly obey
If you don't fight to make things better for everyone
Black, white, brown, red, yellow, rich, poor, incarcerated, or free-
Then you're the one betraying your country!
So get the hell out!



Announcements



Finn Hornum, former Prison Society board member and past president

Professor Finn Hornum passed away from heart failure on March 21, 2017 at the age of 84 at his home in Philadelphia under the care of his beloved wife of over 60 years and with the support of Wissahickon Hospice. Finn was born in Copenhagen, Denmark to Svend and Thora Hornum. He attended the Law School of the University of Copenhagen Haverford College, where he received a Masters of Social and Technical Assistance and then University of Pennsylvania where he studied with Thorsten Sellin and Marvin Wolfgang. Finn was a professor of Sociology and Criminal Justice at La Salle University for 39 years and served as Chair of the Department of Sociology, Social Work and Criminal Justice. His research and publications centered on Penology and Criminal Justice Systems. As a child, Finn helped deliver Resistance newspapers during WWII, and as an adult was involved with Lisle International helping promote cross-cultural understanding, with the American Friends Service Committee in helping with desegregation efforts, and was a long-time member and past president of the Pennsylvania Prison Society. He is survived and is greatly missed by his close friend and loving wife Barbara, his devoted children Michael and Roseanne and grandchildren Morgan, Jonah and Shoshannah, as well as his brother Ib and a large extended family in Denmark. Finn enjoyed traveling extensively for research and pleasure, the arts, fine dining and was an accomplished gourmet cook. In his retirement, he renewed his interest in playing the piano, wrote his memoirs and was the recipient of the attention of the family cats. He is greatly missed by all who knew him.

Announcements continued

Lifer's Group Inc.

The Lifer's Group Inc. (LGI) seeks information from other states pertaining to:

Commutations
Compassionate Release
Elderly Release

Once compiled, this information will be posted online. See other LGI reports at www.realcostofprisons.org/writing.

Out of state, inmate to inmate mail is okay. If you are seeking a response and cannot receive inmate mail, please provide an alternative address.

Please contact:
Daniel L. Holland
c/o Lifer's Group Inc.
MCI-Norfolk
P.O. Box 43
Norfolk, MA 02056-0043

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

It's a rumor.

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

It's simply not true.

For more information on previous class action suits concerning overcrowding in the Philadelphia Prison System, please contact:

The Pennsylvania Institutional Law Project
The Cast Iron Building
718 Arch Street, Suite 304 South
Philadelphia, PA 19106

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

Nicole Sloane, continued from page 12

You should receive a copy of your appellate brief a few months after a notice of appeal is filed in your case. If four or five months have passed and you have not received a copy of the appellate brief, check the appellate docket on UJSPortal to discern if the brief was filed or if an extension of time was requested. While extensions requested by appellate counsel may delay the resolution of appeal, understand that there are a few reasons that a briefing deadline would be extended for your benefit including anticipated decisional law that your attorney believes is favorable to the argument in your case. When a decision is entered by the appellate court, your attorney is obligated to send you a copy of the decision as quickly as possible so that you may seek review with a higher appellate court if it is your desire to do so.

If deadlines have passed and the appellate brief was not filed, contact your attorney's supervisor if he works for either the public defender's office or a conflict counsel office. If the attorney was appointed by a court administrator, contact him or her. Other options are writing the appellate courts directly and referencing the dates from your journal or contacting the Attorney Disciplinary Board of Pennsylvania. Ultimately you may be required to file a PCRA to ask for reinstatement of appellate rights if your attorney's failure to act on your behalf resulted in the dismissal of your appeal. □

Editors note:

The Prison Society would like to congratulate Nicole Sloane, long time *Graterfriends'* contributor, on her receipt of the Public Defender Association's highest honor, the **Gideon Award** for her work in significantly improving indigent defense in Pennsylvania.

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