

GRATERFRIENDS

A Publication of The Pennsylvania Prison Society

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

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Finding the Inspiration to Act

By Lee Horton, CN-2067, SCI Chester

On Friday, 1-24-14, when I returned from work at the prison gym, I checked the daily call-out sheet. Unexpectedly, I saw I was scheduled as a speaker for a Therapeutic Communities (T.C.) unit. A year earlier, a prisoner named Mike Lyons invited me to join him as a lifer, per staff request, to speak to a T.C. unit. Choosing first to observe him speak, I was impressed; he delivered a very inspiring message. Motivated by his example, I volunteered to speak the next time. Since then, I have spoken around ten times. That night, however, the weight of twenty one years with a life sentence had me feeling melancholy and uninspired.

Inevitability dictates that someone serving life without the possibility of parole (LWOP) will, at some point, feel pangs of remembrance for the loss of their freedom. As the days swell into weeks, months, years, and decades almost, if not all, lifers will grapple with the idea of never getting out of prison, asking themselves "Is this it? Am I going to die behind these walls?"

Many lifers have refused to accept this as their reality. Lifers like Sharon Wiggins never stopped reaching for freedom, and although she never got beyond prison walls in life, only in death, she led a productive life behind them. While others like Tyrone Werts and Keith "Isam" Smith (released by former Governor Ed Rendell on commutation) were able to beat the clock and gain their freedom in life.

Fifteen years ago, Omar Askia Ali won a new trial from Federal District Court and almost escaped his life sentence. But, like thieves in the night, the hands of injustice snatched his victory away. In 2009, the Supreme Court of the United States ruled in an unrelated case that the reasons for doing so were unjust. This demonstrated the clear injustice of that decision suffered by Omar better than anyone else. He too fought and overturned his wrongful conviction, succeeding in obtaining an unconditional release and a prohibition against retrial. He was free six months on bail pending the outcome of the prosecution's appeal, when the thieves struck again. In an uncharacteristic decision, the Supreme Court of the United States reversed the order of the Third Circuit Court of Appeal and reinstated his life sentence. (See Inspiration, continued on page 10)

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Smarten Up

By Shuja Moore, GU-4039, SCI Mahanoy

This past September, my younger brother and his homie came to visit. This was the second time I'd seen my brother since 2005. He's been in and out of prison doing small time, but finally completed parole last year. It was a good visit; we kicked it and laughed about old times. To do that, however, I had to ignore the overwhelming disappointment I felt. You see, he and his friend were doing the same old things...crime, drugs, and partying. In the nine years I've been incarcerated and learning and life, religion, politics, business, history, etc., they hadn't grown at all.

Toward the end of the visit, they asked about my plans upon release. Recognizing that I was as ambitious as ever, they were baffled at how I planned to make money without crime. They pointed out the obvious: no college degree, ex-con, murderer, black, Muslim – how was I going to get a well-paying job?

Especially nowadays when clean-record college graduates are collecting unemployment checks. "You're going back to the game," they said confidently. They reasoned, "It's the only way to make real paper." I sat back, smirked, and responded, "Naw, unfortunately it's the only way **you** can get paper."

I love the saying "if you knew betta, you'd do betta." It's so true. I'm not going back to the game because I know better. (See Smarten, continued on page 3)

From The Editors

For the better part of the fall and winter, we have faced many challenges here at the Pennsylvania Prison Society. Due to the economy, we downsized and had to say goodbye to several great employees. Ann Schwartzman was appointed Executive Director, following the retirement of former ED Bill DiMascio.

We are moving ahead, which we would not be able to do without the help of our dedicated interns, members, Official Visitors, and volunteers. As you know, we cut back our publication schedule; a change which we hope is temporary. We look forward to continuing on, with our publications being released in a more timely manner.

Most importantly, we are still here, still advocating for a just and humane correctional system. We appreciate your continued support, and most of all, your patience with us during these difficult times.

The PPS Staff

News

PILP Joins Legal Challenge to Protect

Isolated Mentally Ill Inmates

By Angus Love, PA Institutional Law Project

The Pennsylvania Institutional Law Project joined a strong legal team in bringing litigation against the Pennsylvania Department of Corrections (Pa. DOC) for their treatment of inmates with mental illness. The team includes the Disability Rights Network, who is the named plaintiff, the ACLU of PA, Kairys and Rudovsky and Covington and Burling. The suite challenges the placement of persons with mental illness in the solitary confinement units of the Pa. DOC. The US Department of Justice has also launched a similar probe in to this issue. Many years ago, the deinstitutionalized movement took hold which sought to move mentally ill and mentally retarded persons out of institutions and into a community setting and residence in group homes. (See PAILP, continued on page 3)

Graterfriends

Founder: Joan Gauker

Executive Director / Editor: Ann Schwartzman

Designer / Editor: Emily Cashell

Co-Designer: Bridget Fifer

Editorial Assistants: Joan Behr, Maureen Bellwoar, Angie Carrion, Zahara Hill, and Ericka White.

245 North Broad Street, Suite 300

Philadelphia, PA 19107

Telephone: 215.564.6005

Fax: 215.564.7926

www.prisonssociety.org

www.facebook.com/PrisonSociety

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We reserve the right to edit submissions.

Original submissions **will not** be returned. We **will not** print anonymous letters. Allegations of misconduct **must** be documented and statistics should be supported by sources.

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News

(PILP, continued from page 2)

President John F. Kennedy spear-headed the cause.

The movement has been very successful for the mentally retarded (persons with disabilities) but not so for the mentally ill (mentally challenged). They have often found themselves homeless and began accumulating small quality of life crimes such as disorderly conduct and public urination. Eventually they were often subject to habitual offender statutes and got state sentences. While in the state prison system's general population, they had trouble following the regimented structure of prison life and ended up in the disciplinary units called "restricted housing".

The 23 hour a day isolation further contributed to their mental difficulties and often resulted in self destructive behavior. This often resulted in a vicious cycle of despair.

The litigation seeks a treatment modality rather than a disciplinary approach. There are over 800 individuals with mental illness that are confined in segregated disciplinary units. The current disciplinary system does not take into account mental illness. The Pa. DOC has indicated a willingness to negotiate this issue and has offered to amend the Administrative Directive 801 to consider mental illness and to seek counsel from mental health professionals. Ongoing settlement discussions continue in hopes of improving the plight for this long neglected, highly vulnerable population.

[GF]

New York State Limits Use of Solitary Confinement

By Emily Cashell, Editor

This week, New York State became the largest prison system in the United States to prohibit the use of solitary confinement as a disciplinary action for minors. In addition, prisoners who are 16- and 17-years-old must be given at least five hours of outdoor programming and exercise five days a week, even if they are under the most restrictive form of confinement. These are just a few of the changes New York State facilities have made.

Additionally, State Corrections officials in New York are now prohibited from using solitary confinement as a disciplinary action against inmates who are pregnant. For inmates who are developmentally disabled, a time limit of 30 days in solitary confinement has been enacted. This agreement creates sentencing guidelines that specifies a time limit on solitary confinement.

There will now be a New York State official in charge of assessing the use of solitary confinement and making sure that facilities are in compliance with the sentencing guidelines.

Many other states, including Colorado, Mississippi, and Washington have starting to consider ways to reduce their use of solitary confinement as well. [GF]

Editor's Note: See the article PILP by Angus Love on page 2 for related information on PA and solitary confinement of those with mental illness.

(Smarten, continued from page 1)

I've learned about companies that made \$16 million dollars from buying and reselling unused gift cards. Or from workout bulls that make \$4 million from outdoor fitness boot camps. For the hip-hop heads, there's a blog that allows users to provide interpretations to song lyrics, and it's startup has attracted celebrities. My point is simple: there's no reason to go back to the game because there are too many other ways to eat. You learn that, the minute you turn off the tube and pick up a book, or at least a newspaper! I refuse to give any more of my life to this system than I already have. I refuse to allow anyone else to be victimized on my behalf. I'm pushing for more...how about you?

As for little bro, he's booked. A drug case. On the one hand, I feel partly responsible because I'm not out there to show a better way. On the other hand, it's time for all of us to smarten up. [GF]

Spotlight

In Memoriam to a True Soldier, George S. McVaugh, Jr.

By Dianna L. Hollis, President, Lobbyist Coalition, Inc.

On August 26, 2013, we lost our dear friend, and a fellow prison reform advocate, George S. McVaugh, Jr., age 71, of Hatfield. He was the beloved husband of Nancy (Nan) McVaugh. He also was a father to his step-son, Scott Simmers, whom he raised.

George's health had been declining the past few years due to Parkinson's disease. His ambulation became very slow, using a cane to assist him. In recent years, for longer distances, he used a wheel chair. Despite being offered a wheelchair, he often chose to walk. However, George continued in his advocacy role with Nan.

In August, 2013, George spent a few days in Abbington Lansdale Hospital related to the side effects of a new medication prescribed by a Neurologist. He then was transferred to Elm Terrace Garden for physical therapy. He was only there a few days when Nan got an unexpected shock - a phone call stating that George had died. Yes, George was declining, but no one would ever think that his condition was critical.

George and Nan met the first day of school at Indian Valley Middle School, Souderton, where they both were educators. They would be together for 47 years. As Nan often has told me, they never had an argument. They truly were devoted to each other and prison advocacy - "two peas in a pod". (See True Soldier, *continued on page 14*)

From Our Board

Retroactivity of Miller v. Alabama

By Tom Innes

In *Miller v. Alabama*, 132 S. Ct. 2455 (2012) the United States Supreme Court held that it was unconstitutional to impose upon juveniles a mandatory sentence of life without parole. How this decision will be applied to the nearly 520 juvenile lifers in Pennsylvania is obviously critically important. The 520 juvenile lifers break down in two very general groups: new cases (cases that were pending at trial or on appeal when *Miller* was decided in 2012) and old cases (cases that were over with in 2012). In *Commonwealth v. Batts*, 66 A.3d 286 (2013) the Pennsylvania Supreme Court held that this rule applied to defendants whose trial or appeals were pending at the time *Miller* was decided in 2012, the "new" cases. *Batts* would, therefore, apply to probably no more than 20 people. In *Commonwealth v. Cunningham*, 81 A. 3d (2013), the Pennsylvania Supreme Court decided that *Miller* was not retroactive, that is it did not apply to the "old" cases.

It denied relief to Cunningham who had raised the constitutionality of sentencing him to a mandatory term of life imprisonment without parole but whose appeals were over with before 2012.

Because Cunningham violates *Miller's* requirement of individualized sentencing for juveniles as well as *Miller's* rule that mandatory sentences of life without parole are unconstitutional for juveniles. Counsel for Ian Cunningham will be asking the United States Supreme Court to review the Pennsylvania Supreme Court's decision. It is hoped that the United States Supreme Court will agree to review the case because it is very important and there is a substantial disagreement between the states Supreme Courts on the issue of retroactivity. Pennsylvania, Louisiana, and Minnesota say that *Miller* is not retroactive. Mississippi, Iowa, Massachusetts, and Nebraska say it is retroactive. (See *Miller*, *continued on page 11*)

Legal Chat

Miller is Retroactive

If you read the December/ January issue of *Graterfriends*, you read the article I submitted concerning *Commonwealth v. Cunningham* and my reaction to it. I was disappointed in the state High Court's disposition of that case primarily because they only addressed the arguments put forward by the parties. I know that courts today self-limit in this way so as to not appear partisan, but when the issue is so far-reaching for so many, they should have ignored the parties' argument and should have written good law. See *Com. V. McKenna*, 383 A. 2d 174, 181 (Pa. 1978).

By invoking only *Teague*, the Appellant undermined the scope of his argument and was forced to prove his point from an inferior position. *Teague*, by its own terms, applies not to new substantive rules of criminal procedure; it does so because there is no need to test new substantive rules as they are presumptively retroactive. *Bousley v. United States*, 118 S. Ct. 1604, 1610 (1998). It is not that *Miller* requires a certain process be followed before imposing life without parole on a juvenile, though it does do that, it is that *Miller* invalidated 18 Pa. C.S. § 1102 as it applies to juveniles eligible for LWOP. See, *Schriro v. Summerlin*, 124 S. Ct. 2519, 2522-2523. New rules that invalidate existing statutes or narrow the class affected by that statute, and *Miller* does both, are presumptively retroactive.

The last time such a new rule was issued by the U.S. Supreme Court was in 1972 with *Furman v. Georgia*, 92 S. Ct. 2726. When trying to prove *Miller*'s retroactivity, one should research and cite *Furman*; *Bousley* and *Saffle v. Parks*, 110 S. Ct. 1257 (1990). With them in mind, then cite *Summerlin*. By citing *Teague*, one admits that *Miller* is only procedural and gives up the high ground. *Miller* is retroactive because it is facially substantive. If one takes the time to read the 125 pages of *Furman* for this generation. And SCOTUS has "not hesitated" to give full retroactive effect to the *Furman* decision. *Robinson v. Neil*, 93 S. Ct. 876, 878 (1973).

John V. Waters
AK-8345, SCI Mahanoy

Real Jury Power

In *Jones v. US*, 526 US 227, 245-48 (1999), the US Supreme Court restored the power juries had when the Sixth Amendment was ratified, requiring all courts to interpret jury power by the standards of that era. In Pennsylvania, that means prosecutors can't make peremptory strikes. *Commonwealth v. Leshner*, 17 Serg & Rawle 155 (Pa.1828) (the act of 1814 caused "the entire abolition of peremptory challenges by the Commonwealth.")

Jurors must be given all the law, including lesser-included offenses and mandatory sentences, and can check the legislative, executive, and judicial branches by ignoring all statutes, evidence, rules, and instructions. Judges are bound by the facts and law, jurors are not and can give you a break by acquitting or convicting of a lesser-included offense. That's the "benefit" of a jury as understood by the Framers. *Jones; Alleyne v. US*, 133 S.Ct. 2151, 2161 (2013); *US v. Polouizzi*, 687 F. Supp. 2d 133, 167-209 (E.D.N.Y.2010); and *US v. Polouizzi*, 549 F. Supp. 308, 406-443 (E.D.N.Y.2008). Lawyers do *not* know this because they've been blinded by 200 years of misinformation. Since most of you are already convicted, you'll need to raise your trial counsel's ineffectiveness in a PCRA for violating your Sixth Amendment right to a jury trial.

John Liebel
DL-6727, SCI Somerset

Bus Schedule Announcement

During the winter months (or any rough weather times), we may have to cancel bus trips because of bad road conditions for the safety of our passengers. Please check before leaving for the bus to see if your trip has been cancelled. If a trip is cancelled, it will be rescheduled as soon as possible. If your trip is cancelled, there will be a message on the voicemail on 215.564.4775

x103

Our Voices

Walking The Yard: Conversations Between Convicts

Shuja Moore, GU 4039, SCI Mahanoy

Featuring Lorenzo "Cat" Johnson, DF 1036, SCI Mahanoy

(After almost two decades behind bars, Lorenzo "Cat" Johnson won his freedom from a wrongful conviction. But, a controversial decision by the U.S. Supreme Court reinstated it. Now, Cat is out to prove his innocence, expose police corruption and show that truth always prevails.)

For those people who don't know you, who are you? What's your story?

I'm a New Yorker who was wrongfully convicted of a crime in Pennsylvania that I didn't commit and was sentenced to a life prison term. I spent 16 ½ years in prison before my conviction was vacated on October 5, 2011 by the Third Circuit Court of Appeals. They held that there was an insufficient amount of evidence to find me guilty. I was released in January 2012 pending the Attorney General's Supreme Court granted the Attorney General's appeal and reinstated my conviction without giving my legal team any chance to argue our position.

We were so happy to see you go and devastated to see you return, how's it been Big Homie?

It's been a rough ride.

One thing I will say though, since you've been back your fight for justice is on another level.

Fighting is all I know.

What are the lessons learned from spending so much time incarcerated?

Education is everything.

So what's happening with your case right now?

I have a PCRA petition pending that includes stronger issues than the one that originally freed me. For 18 years, the police and prosecutors have withheld evidence that would have cleared me at trial. The prosecution's sole witness made a statement the day of the crime that if turned over to my lawyer would've cleared me. One of the detectives involved in the investigation has signed an affidavit attesting to this. I also have numerous witnesses coming forward about how they saw other people commit this crime but the police threatened them not to come forth and help me. And the Commonwealth's only witness has even admitted that she was never even at the crime scene! This coupled with some other issues raises a solid actual innocence claim.

The question that is on every prisoner's mind is why did you turn yourself in?

I'm surrounded by a unique support system. People who believe in me and my injustice and who are willing to do all that is necessary to see that I am freed. They are the people I'm dedicated to. I strive for peace, freedom, and justice and I'm on my way to exactly that!

Courageous; speaking of supporters, how were you able to get so many people on your side?

I refuse to be silent and worry about everything but myself. Most of my funds are spent on postage and copies. I try to reach whoever is willing to listen to my story. When I was released I spoke on wrongful convictions, I spoke to troubled youth in different communities. I made allies with people who have been through the same thing and

who share the same mission. My case has support from people in 31 states and 11 countries!

What is your strategy for fighting your case?

Being that I'm innocent, I stand on truth. I fight my case in the courts and through social media. Like I've said in one of my recent articles, social media is injustice's worst nightmare.

What do you think of the criminal appeal process?

Without question I feel that the bar of injustice is warped! I'm one of many that the appeal process has failed.

Since coming back, how have inmates responded to you? Prison staff?

Although nothing came directly to me, there was a lot of gossiping behind my back. And that was disappointing because I'm fighting not only for myself but all of us. I could have been selfish and ran but my supporters mean everything to me. If I would have run not only would I have lost my appeal rights, I would've been labeled the new "Mud Man" because it would be that much harder for others to get bail while on appeal. Everybody has different concerns. Now that the juvenile lifer issue is on the forefront, I hope my actions help them in their struggle because they can't make the excuse about them not being able to operate in society or return if they violate. Those who think strictly about themselves are normally the ones wondering why all their bridges are burned. (See Walking, *continued on page 7*)

Walking, *continued from page 6*

As for the prison staff, some do their eight and roll, some have their pre-conceived notions of me whether good or bad. I don't get caught up in that.

What do you recommend for that 20 year old kid with a life sentence and no clue who has just arrived upstate?

If you do not have an education, make that a priority. Never stop learning. Get in the law library and learn the basic procedures of law and continue learning from there. Do not take everything that your lawyer says at face value. Learn your case inside out because there's nobody who is going to fight for you better than you. Do not get caught up in prison politics. Surround yourself with people who share the same goals as you. It's about getting back to your family as soon as possible. Don't view yourself as a lifer, always have the mind state that you will return to your family.

I agree. I suggest to people to first learn how to learn. Then study the book, the Rules of Court (sections: criminal procedure, rules of evidence, appellate procedure); the PCRA statute; and legal analysis, research, writing and how to craft a legal document. Well, any last words?

All is well with me and if we as a whole continue to fight against injustice and not ourselves we got something special coming. Rumble, young man, rumble! *[GF]*

(Our Voices, *continued from page 6*)

Open Letter to Deputy Secretary Daniel Burns

By William Alston, AM-0708,

Dear Mr. Secretary,

I would like to get clarification on the DOC policy regarding extended visits. Yesterday a notice was placed on the unit bulletin board stating that extended visiting approval will be given once every six months. In no other institution have I encountered such limitations.

On average, my wife travels from New York to visit me every two to three months (depending on her teaching schedule), and for years I have requested extended visits. Extended visits keep visits from being terminated due to overcrowding and permits the visitor to stay until the very end of the visiting day.

Recently at SCI Somerset our visiting days were reduced to four days per week (Friday through Monday). This reduction in visiting days has contributed to the overcrowding, hence the increased reliance on extended visitation approval for those coming from out of state. Additionally, visitors are often forced to wait outside at the door in cold weather for the officers at the visiting desk to begin processing the visits into the institution at their leisure. Other institutions I am familiar with begin processing the visitors into the institution promptly at 0815. However, our visitors here at Somerset are often compelled to wait between 0830 and 0900 to begin processing in while the desk officers drink coffee and chat.

I hope you will agree that this demonstrates a calloused disregard for the visiting public who often must travel long distances and at considerable expense to come to visit their loved ones. Moreover, the visiting room officers begin terminating our visits at 1440 rather than at 1530 like all other institutions. Essentially, visits here at Somerset begin later and end earlier than at all other state institutions for no other ostensible reason than staff convenience.

I hope you will agree that visitation is crucial to an inmate's morale, socialization, as well as maintenance of his/her family ties, and therefore should be standardized throughout the state and given the greatest priority possible rather than be left to the discretion of institutional staff who may or may not have an appreciation for the importance of the DOC visitation policy.

I thank you for your time and consideration of the issues I have raised. *[GF]*

Mailroom

RE: Restitution, Not Punishment – In a Study Cell

I am writing in response to Leonard Beck's article in the December/January issue in which he proposes a "restitution" system of incarcerating fifth-graders for defiance, bullying, and truancy.

I have to say that Mr. Beck's proposal reads as though it were lifted straight out of a dystopian horror novel. Even as envisioned, his system is borderline Orwellian; just imagine the potential abuses lurking behind the door Mr. Beck wishes to open. Viewed from the tyrant's perspective: a great way to indoctrinate the youth, the ideal conditioning scheme to mold an obedient citizen.

The "study cell" sounds like a psychopath-producing machine which would subject troubled children to conditions some grown men are unable to handle. It would likely damage most kids, shatter some spectacularly, and cow the remainder. The unintended consequences are sure to be grave.

Haven't they already criminalized routine childhood misbehavior enough? Does anyone believe the defiant will of any ten-year-old to be some indomitable as to make necessary bringing to bear the iron hand of the state? Whose kids do you think would be most often victimized by such a system?

I don't pretend to have the answer to juvenile delinquency, but what I do know is that Mr. Beck's way isn't it. Perhaps we can motivate good behavior using fear alone, but is it wise? Nowhere exists a section of chain link fence capable of instilling that true thirst for knowledge without which learning will not occur.

The massive resources used to build and maintain a network of kiddie prisons might be better spent on providing individual guidance, mentoring, and interactive counseling with the aim of identifying learning disorders; rooting out and addressing sources of trauma and stress; and generally providing an environment wherein the potential of high-spirited children can be explored and unleashed rather than harshly controlled and ultimately stigmatized.

While I am quite sure that Mr. Beck's road is paved with good intentions, quoting Thomas Jefferson in order to justify the creation of new and ever-more power to abridge the liberty of the innocent is simply more than I can bear. And I have serious misgivings about anybody who sits about thinking up reasons to put human beings in a cage.

*Richard Poplawski
KB-7354, SCI Graterford*

Charges to my Inmate Account

I have recently run into a problem here at SCI Forest that I hope readers can help me resolve. I was recently sent paperwork from Inmate Accounts to the effect that they will be taking \$2,090 from my account for "costs" and "restitution" on two separate cases. Now, the two cases in question are already maxed out – one from a previous incarceration from 1994-2000, and one from 2009-2011. My question is this: does anyone have any information on legal case/s already completed that

I can cite or research to challenge this taking of \$2,090? My convention is that the onus to collect should fall back upon the county/s of origin once I am released. Who/what has deemed the DOC a state wide collection agency? Any information on this problem would be greatly appreciated, and I am sure I'm not the only one who has this problem.

*Nicholas E. Renaldi
JF-2747, SCI Forest*

Second Chance Books

Second Chance Books is the first book company which is strictly for the benefit of inmates. SCB is geared to help encourage inmates to do something constructive/productive with their time, as well as to help them become successful. SCB was designed by one of your fellow inmates by the name of Abdul Fowler, also known as 'Dula' or 'Butta'.

SCB not only pays for the publishing fees, it also distributes the inmate's books throughout the prison system as well as on the streets. SCB has already published "Da Art of Hustling" by Abdul Fowler and is currently in the process of publishing "Living the Life" by Keith 'Kaleef' Smith, and "Bang for Money" by Peace. For a copy of SCB's Newsletter which will provide you with a full breakdown of the program, please write to:

Second Chance Books
PO Box 4149,
Philadelphia, PA 19144

*Abdul J. Fowler
CW-9906, SCI Benner*

Mailroom, cont.

RE: Intolerable

I recently read an article in the January 2014 *Graterfriends* called "Intolerable". I'm also in jail for a crime that I did not commit. For the last 6 years I've been trying to fight to get back in court but kept getting denied.

I recently wrote to the Pennsylvania Innocence Project for help. It's pretty sad, but they wrote back saying they cannot help me with my case because I plead guilty.

In January of 2009, I plead guilty to a crime that never happened. That was because the Public Defender appointed to me advised me to plead guilty. He told me that the DA had enough evidence against me that would make me look really bad. He also said that if I plead not guilty, I would go to trial, and that no matter what the jury would find me guilty. So I believed him and plead guilty so I wouldn't have to do almost a life sentence. On my sentencing day, the judge said I wouldn't have to do anything over 10 years, but then sentenced me to 10 to 40. That is injustice. I'm no lawyer but to me that sounds like an illegal sentence.

I filed under the Post-Conviction Relief Act (PCRA) in 2010 and got back into court. The DA threatened me saying that if I didn't withdraw my PCRA claim that he would make sure I would get more time added on. So I basically had no choice but to withdraw my claim a year later. The same detective that arrested me in the first place told me to my face that I took blame for what I didn't do.

I'm asking for help, that if anybody can help me in any way, it would greatly be appreciated or at least point me in the right way.

*Eric German,
JD-2741, SCI Somerset*

Appreciate What You Have

I know a great deal of inmates who complain about something their wife or girlfriend did, when they have no cause to complain at all. They say "she was late coming to visit" or "she didn't send the JPay on time" (that's a complaint I hear a lot), or "she wasn't there when I called the house." It seems you got too comfortable in your expectations of your partner. I'm not trying to hate on people who have that support in prison, I'm simply trying to get you to see the silliness of your complaints.

The fact is, you can do things for your partner while you're in prison: send her a letter, talk on the phone with money she sends you, etc. You're lucky she is holding onto memories of the past with you or hoping you will fulfill the promises you make when you tell her that things will be different when you get out.

If you met your girl or wife while in prison and you never shared anytime together on the streets, you need to check yourself because you really shouldn't be complaining about any of that stuff - appreciate what you have.

*Jason Agresti
JE-7482, SCI Dallas*

Bookcase

Erie, Pennsylvania's Betrayal of Child

*By Ricardo Noble, BX-9351,
SCI Greene*

The book "Erie, Pennsylvania's Betrayal of Child" by Ricardo Noble is available for free at:
www.prisonsfoundation.org.

It details what really happened in my controversial 1991 homicide, conspiracy to robbery case at age 15, how I was unjustly convicted, and the error and injustice of sentencing, placing, and defining children (juveniles) as adults.

Do you want to subscribe
to *Graterfriends*?

See the order form on
page 18.

Think About It

Character

By Dexter Pitts, FJ-4756, SCI Mahanoy

“Judge me not by the color of my skin, but by the contents of my character.” – MLK

On January 17, 2014, we here at SCI Mahanoy had a weekend of celebration in honor of the birthday of the late Dr. Martin Luther King, Jr. with our Chaplaincy and some great pastors who touched us all in some many ways. to start the celebration on Friday evening was Apostle Brenda Alton from Kingdom’s Embassy in Harrisburg, PA.

Then, on Saturday evening with Pastor Moulden Jr., and Sunday afternoon services to close out the weekend with Pastor Greg Johnson – what a wonderful celebration!

Apostle Alton, in her most eloquent sermon, spoke about Dr. King’s life, legacy, and contributions; not just to the African-American people, but to mankind itself. She also elaborated exclusively on character.

Character is what the late Dr. King exhibited through his walk, life, and actions. We as African-American people could see first-hand his way of leading people, his people listening, and his own character leading the way.

Apostle Alton challenged us each in the Chapel that evening to check our own character. Are we walking in the light? Are we living right, where others can see the change in us, and do we exhaust ourselves to and for change? As I sat and listened to sister Alton, her sermon brought about thought. Just how am I living? Am I dedicated to change, from the “character” I was to the man God destined me to be? Her words touched me dearly.

I thought back to years ago when I was in college. We, as a “colored” (back then we as a people were called “colored”, as if we came in various spectrums of color) student body at the University marched on the Florida Capital on Dr. King’s birthday in protest because the state of Florida had not yet recognized his birthday as a state holiday. I remember that day as if it were yesterday. We as the colored student body marched hand in hand, singing what some of our forefather’s had sang many years ago: “We shall overcome”, right up the steps of the capital. What stands out the most of that day to me was this young freshman whose name I forget, standing on the steps and from memory, clearly and with much enthusiasm and conviction, recited Dr. Martin Luther King’s “I Have A Dream” speech flawlessly. I was blown away, to say the least. (See Character, *continued on page 13*)

(Inspiration, *continued from page 1*)

All of these people have one thing in common: they did not allow the orchestrated reality of dying in prison to become their true reality. Instead of being paralyzed by their sentences, they transcended them, turning their lives into examples of changes for others while toiling to free themselves. So as I sit here feeling melancholy, I can’t help but to use their lives as mirrors of guidance.

By living a dignified life and being a champion of prisoner’s rights, Sharon Wiggins has left an indelible impression on many people. The same can be said of Tyrone Wertz and Keith Smith, only adding that both have continued their selfless service in freedom. Unimpeded by the injustice he suffered, Omar has focused every fiber of his being in championing the cause of parole for all lifers. In the same vein, Cat has not lost his stride. He simply side-stepped the injustice, picked up his pen, and once again began writing to resurrect justice.

As soon as he received the self-help parole eligibility packed issued by representatives of Graterford’s Lifers Inc, Mike Lyons made copies on his own dime and distributed them to as many lifers here as he could afford. Also, heeding it’s instructions, he dedicated a month to getting his family to write letters and call their local politicians to urge them to support parole for lifers. How many other lifers took the same initiative? True to his character, he did not flinch when I told him we were scheduled to speak the next day; instead, he just said he’d be ready. Note: there is no pay or certificate involved, just selfless activism.

Meditating on the lives of these individuals and others not cited, the melancholy I felt has been replaced by gratitude and a sense of responsibility. Like a supernova, the flame of inspiration to continue striving to be a part of the solution and to continue to count myself among the ranks of those working for a better future is reignited.

Tomorrow, I will try to inspire those on the T.C. unit to be true to their freedom. I hope that by sharing this story, other lifers will be inspired to get involved. Your own freedom, parole eligibility for all lifers, and others in need, are waiting. **[GF]**

Think About It, cont.

Innocent but Rapidly Falling Victim to the Machine of Death

By Lorenzo Johnson, DF 1036, SCI Mahanoy

Innocent until proven guilty barely holds any weight when it comes down to African and Latin Americans along with poor whites. It's not a mystery that an innocent prisoner spends an average of twelve and half years in prison. That's if justice is served. There's no accurate number of innocent men/women who are wrongfully in prison or unfortunately died in prison. In 2008, one hundred and twenty nine death row prisoners were exonerated and freed, seventeen of them using DNA evidence. Prosecutors continue to fight reviewing DNA evidence to determine whether innocent prisoners had been put to death. In 2011, the Supreme Court backed prosecutors who hid exonerating eye-witnesses and blood evidence from an Innocent man they sent to Death Row for fourteen years (see *Connick v. Thompson*).

The following is a quote from Connie Rice's book titled Power Concedes Nothing: "I had been baptized in the bowels of Injustice. No course of prestigious stint on Law Review could match that experience. Death Row had ripped off Law School's Socratic mask and showed me the sordid underbelly of our warped bar of justice. Law School's pristine parsing of constitutional principles, lofty notions of liberty, and abstractions on the sanctity of Due Process had nothing to do with the mess I'd seen on the Death Circuit. And not one professor could answer the muffled question screaming in the back of my mind: If we determined the most important decision of any legal system, then how much integrity could our legal system really have? Law School had NO answer to this question."

Connie's words are powerful. Being an innocent prisoner, I'm in the confines of the Machine of Death that has been torturing and killing the innocent for a long time. We live in the times of social media, social media is injustice's worst nightmare. Why! It does not take the average of twelve and a half years for an innocent prisoner to break their story if they are in possession of the Truth. Social media can break a wrongful conviction overnight to society world-wide. Now it's up to society to pay attention and start holding the Government Officials you vote into office accountable for freedom, justice, and equality for the Unfortunate and the Fortunate. What's the difference between slavery and mass incarceration? Injustice must come to an end but, that's not possible until we bring an end to the Machine of Death.

"If we determined the most important decision of any legal system, then how much integrity could our legal system really have? Law School had NO answer to this question."

- *Power Concedes Nothing*, by Connie Rice

(Miller, continued from page 4)

Miller was actually two cases: one involved a juvenile lifer named Evan Miller and a second case involved a juvenile named Kuntrell Jackson. Miller, like Batts, came to the United States Supreme Court on a direct appeal. Jackson, like Cunningham, came to the United States Supreme Court based upon a post-conviction petition for relief filed after all his appeals were over with.

Because the United States Supreme Court applied the same rule to both Miller and Jackson, it is believed that the Supreme Court intended that all juveniles should be treated the same way and that sentencing a juvenile to life without parole was unconstitutional whether that sentencing occurred in 2012, 2002, 1992, or even earlier. [GF]

Pennsylvania Prison Society's 2014 Bus Schedule

<p><u>Albion</u> Monthly, 2nd Friday 1:00a—12:30a</p> <p>April 11, 2014 May 9, 2014 June 13, 2014 July 11, 2014 August 8, 2014 September 12, 2014</p>	<p><u>Fayette</u> Bimonthly, 3rd Friday 2:00a-9:00p</p> <p>May 16, 2014 July 18, 2014 September 19, 2014</p>	<p><u>Huntingdon & Smithfield</u> Bimonthly, 3rd Monday 5:00a-9:00p</p> <p>May 19, 2014 July 21, 2014 September 15, 2014</p>	<p><u>Pine Grove</u> Bimonthly, 3rd Friday 3:00a-9:30p</p> <p>April 18, 2014 June 20, 2014 August 15, 2014</p>
<p><u>Benner & Rockview</u> Bimonthly, 2nd Thursday 4:00a-9:30p</p> <p>April 10, 2014 June 12, 2014 August 14, 2014</p>	<p><u>Forest</u> Monthly, 2nd Monday 2:00a-9:30p</p> <p>April 14, 2014 May 12, 2014 June 9, 2014 July 14, 2014 August 11, 2014 September 8, 2014</p>	<p><u>Houtzdale</u> Bimonthly, 2nd Friday 4:00a-9:30p</p> <p>April 11, 2014 June 13, 2014 August 8, 2014</p>	<p><u>Pittsburgh</u> Bimonthly, 4th Wednesday 2:00a-9:30p</p> <p>May 28, 2014 July 23, 2014 September 24, 2014</p>
<p><u>Cambridge Springs & Mercer</u> Bimonthly, 3rd Monday 1:00a-12:30a</p> <p>April 21, 2014 June 16, 2014 August 18, 2014</p>	<p><u>Frackville & Mahanoy</u> Bimonthly, 2nd Monday 5:30a-7:30p</p> <p>May 12, 2014 July 14, 2014 September 8, 2014</p>	<p><u>Laurel Highlands & Somerset</u> Monthly, 1st Monday 4:00a-9:30p</p> <p>April 7, 2014 May 5, 2014 June 2, 2014 July 7, 2014 August 4, 2014 September 1, 2014</p>	<p><u>Waymart</u> Bimonthly, 4th Saturday 6:00a-8:00p</p> <p>May 24, 2014 July 26, 2014 September 27, 2014</p>
<p><u>Coal Township</u> Bimonthly, 2nd Friday 5:30a-7:30p</p> <p>May 9, 2014 July 11, 2014 September 12, 2014</p>	<p><u>Greene</u> Monthly, 1st Friday 2:00a-9:30p</p> <p>April 4, 2014 May 2, 2014 June 6, 2014 July 11, 2014* August 1, 2014 September 5, 2014</p>	<p><u>Muncy</u> Bimonthly, 2nd Tuesday 5:00a-7:30p</p> <p>May 13, 2014 July 8, 2014 September 9, 2014</p>	<p>The Pennsylvania PRISON SOCIETY SINCE 1787</p> <p>245 N. Broad Street 2nd Floor Philadelphia, PA 19107</p> <p>Tel: 215-564-4775 (Listen to prompts)</p>

*July 11th is not the first Friday. However, due to July 4 being a holiday, we've had to make this exception.

Legal Forum

Did The 3rd Circuit Court of Appeals Create a Legal Gordian-Knot?

By Bryant Arroyo, CU-1126, SCI Mahanoy

Subsequently, in a 9-0 ruling, the U.S. Supreme Court reversed the 3rd Circuit decision which granted Lorenzo “Cat” Johnson his freedom and ordered Johnson back to prison, summarily denying Johnson’s attorney’s request for a re-hearing en banc. On review, the same 3rd Circuit Court, in a prior 2-1 decision, which freed Johnson, unanimously reversed their previous ruling agreeing with the decision that begs the question, what would the consequences have been had the 3rd Circuit Court defied the Supreme Court’s ruling and stuck to their original ruling? It also brings to question the integrity of the Court for not standing by their ruling. Clearly, they believed that the evidence did not support the conviction initially.

This case brings to mind that of Lisa M. Lambert. In the Lambert case, she was freed to her lawyers (Tina E. Rainville, Esq.; and Peter S. Greenberg, Esq.) following an evidentiary hearing in federal court which revealed 90 instances of prosecutorial misconduct. Similarly, after sparring with the Federal Courts, both defendants gained their freedom. Lambert enjoyed 9 months of freedom, got a job, and began a new life. Johnson had just begun his life of freedom when it was all taken from him on a whim by the U.S. Supreme Court, which was clearly pro-prosecution. It is very troubling to see with that ease the Court can take a man or woman’s life and return it to being a nightmare. The Johnson and Lambert cases are just two examples of the Court system that is broken. It is perverse to hold defendants accountable for failures by their lawyers, as it is the case with our system: like Johnson and Lambert, who both later enjoyed the benefit of having outstanding counsel, the failures of their original counsel gave the system the out they needed to deny relief—ineffective assistance of counsel! (*See 3rd Circuit, page 15*)

(Character, continued from page 10)

I had, as many of us had, heard Dr. King’s speech before...but this young brother brought us all to our feet, cheering, excited, proud to be colored, black, afro-americans, or anything else they wanted to call us, because we knew we were humans. He told us about the dream.

As each of us returned to campus, we had our own dreams, our own character to work on and live with. So each year on Dr. King’s birthday I remember my years when my character was that of a respected man with a cause in this life. Years later, addiction took so much from me.

Today, my great concern is not whether I have failed, but whether I am content with my failure. I pray now that when I meet someone that they may look at me as not a black man, but as a man who they can judge by the contents of his character, proven to be blameless due to my actions. It is true that character is shaped by our culture, but when we see the wrong in it we can change.

Apostle Alton brought forth in each of us the opportunity to look into ourselves and check our own character. She stood before us and not only preached but talk to us as men, whom she knew had our own difficulties in life just as she has, in which she expressed. Her words echoed in our chapel as they touched our hearts, souls, and minds. Much was taught and I am sure just as much was learned.

On Sunday, Pastor Johnson said something that touched me deeply: he said that in sadness, so many of us come to God, be it in jail or in society. In times of sorrow, do we reach for help from God? He stated that there is something so very therapeutic about sadness. I have to ask why men and women who are incarcerated turn to God; many of us are in different states of sorrow so we feel the need for help and we find the comfort in God. Some, as I have, find peace and comfort as our answer. Do not you in society also seek out God in your times of sorrow? Even those who do not seek out God at any other time, when in sorrow, hurt, fear, and pain come, there you are. So are we.

Fact is, yesterday is history, tomorrow is a mystery, today is a gift – that’s why it is called the present. *[GF]*

(True Soldier, continued from page 4)

The couple was committed to bringing “Balance” to the PA Justice System through their numerous activities. Nan has said that when they decided to become involved, George was the one who stated they would have to be committed for the rest of their lives.

The couple began their lifelong “mission” by becoming members of the PA Prison Society, (PPS), having served 20 years, through their friendship with Joan Gauker, former Editor of “Graterfriends”. They became PPS Conveners for the three central PA State Institutions, SCI-Coal Township, SCI-Mahanoy, and SCI-Frackville. The couple met with inmates as well as prison staff, who truly respected them, to discuss concerns and hopefully resolve issues.

George continued to serve as the Lobbyist Coalition (LCF), Inc., Treasurer, and attend meetings. (Nan is the Vice-President). They represented the LCF and met regularly with the Lifers at SCIG, updating them regarding prison issues. Despite George’s declining health, they did continue to attend Ernest D. Preate, Jr.’s, educational forums in State institutions.

The couple served as Board Members of PA CURE

(Citizens United for the Rehabilitation of Errants) and attended monthly meetings in Philadelphia. The couple taught Parole classes at SCI-Graterford. They were members of the Citizens Advisory District Committee which included three counties.

There is so much more that the couple has done over the years (i.e. - receiving and making phone calls; writing letters to inmates and families to help resolve their concerns, offer advice, and support; their travels to the State prisons and to various meeting places throughout the State – often at night, sometimes in inclement weather, paying their own expenses – all because of their commitment to our cause.

Nan and George were animal lovers and rescued numerous animals over the years. Their household consists of seven Siamese cats and two Pyrenees Mountain dogs, Oskar and Frieda. With George’s passing, Nan has found some comfort in her beloved pets who are a welcome topic of conversation when you speak with her.

George, your presence is and will be truly missed. May I say True Soldier, “JOB WELL DONE” and may you rest in Peace.

Nan, our love, prayers, and thoughts are with you as you remain committed to finish the journey, now, a **LONE SOLDIER**. God bless you.

As Nan often has told me, they never had an argument. They truly were devoted to each other and prison advocacy - “two peas in a pod”.

(Mailroom, continued from page 9)

RE Update on Religious Practices in Pennsylvania Prisons

In response to Mr. Bruce Cooper’s article “Update on Religious Practices in Pennsylvania Prisons”:

We all have the right under the law as human being to practice our individuals faiths or practices. I’m sure there are some pretenders in prison who use faith or religion to get what they want. However, those who are truth to their chosen faith or practices should be accommodated. We should not have to fight for something which is guaranteed by the constitution of the United States. However, there are some people who break or distort the very laws that protect human beings, whether they are free or in prison.

When I first came into the state prison system and arrived at SCI Western, I was forced to send my bibles, devotionals, etc., that I had purchased directly from a publisher to my sister. What harm could having a bible or a holy book do? So I understand the plight of Mr. Cooper and others like him.

Everyone, prisoner or free, is entitled to practice his or her own faith or practice. No one should dictate anyone’s faith or religious beliefs, be it Muslim, Christian, Jewish, Native American (The Great Spirit), Buddhism, Hinduism, Catholic, etc.

*Jesse Keith Blough
HQ-7572, SCI Albion*

Literary Corner

I'm Help

By Algernon V. Robinson, HK-9886,
SCI Chester

Hey, what's up
Do you know me?
I'm help
That hand for free
When you pretend
It's me you don't see
I'm help
That hand for free
I see you
You don't see me
Remember,
That hand for free
Hey, there you are
On the ground
Here I am,
With no one else around
When you need help with
Something you need
I'm the help
That you don't see
Hey, it's me
I know you don't care
Remember me
While you're down there.

(3rd Circuit, *continued from page 13*)

It is difficult, if not impossible, to know what it feels like to fight for freedom, to gain it, and to have the system take it all away on a whim after having started a new life... Some may wonder how that can happen. First of all, our country leads the world in incarceration and it has become a kind of sport to lock up poor defendants. To prosecutors, the people they put away are trophies, and when a court tells them they must let go of one of those trophies, they take it personally.

For example, in the previously mentioned Lambert case, the prosecutor from the Attorney General's office spent over \$2.5 million to get Lambert back in prison after having been released by Federal Judge Stewart J. Dalzell. Once the prison system gets their claws into you they are like a lion on its prey. We do not have the financial resources to wage a sustained battle with the government, and they know that eventually they'll be able to file one more brief, one more motion.

I am not suggesting that people can't beat the system. But, I do know that the majority of the time people do not understand the magnitude of their undertaking. I encourage everyone to fight for justice, especially when the stakes are so high. It is impossible to fathom the thought of spending one's life in prison for a crime one did not commit. Unfortunately, this happens quite often, and the majority of the time it goes unchallenged for a variety of reasons: uneducated defendants, poor backgrounds, no resources. It is sad to say, but justice isn't cheap. The system knows they have the upper-hand.

Personally, I am very hopeful about the Johnson case. I would like to rely on the romantic notion that "the truth always prevails."

Yet, that's the stuff of movies where the bad guy gets caught or killed, and the hero always gets the girl. Lorenzo Johnson is in the fight for his life. The system will do all they can to keep him in the belly of the beast. The prosecutor from the Attorney General's office will do all they can to keep their trophy in their trophy case. I know the prevailing theory here is that justice always wins, but justice wins when just men judge in our system. There are very few of those.

I have only one thought when it comes to fighting for justice—Don't flinch. Keep the fight going because the last one standing wins...

Edward R. Murrow stated: "We will not be driven by fear into an age of unreason, if we...remember that we are not descended from fearful men, not from men who feared to write, to speak, to associate, and to defend causes which were, for the most part unpopular!"

The Voice and Face Inside the Nation of Prisoners... [GF]

When submitting a letter or column to *Graterfriends* for publication, please attach a letter (or write on your submission) that it is for publication and that you are the original author; date and sign the declaration. Please remember that we receive many more letters than we can publish, and original submissions will not be returned.

Report from
Nicole Sloane, Esq.
Criminal Defense Attorney

Appellate Courts Reject Application of Select Mandatory Minimum Sentences

Individuals serving a mandatory minimum sentence may be serving an illegal sentence based upon the recent Superior Court holding in **Commonwealth v. Munday**, 2013 WL 5568915 (Pa. Super. Ct. 2013). **Munday** had been convicted of Possession with Intent to Deliver (PWID) in Philadelphia County. The Commonwealth notified him of its intent to seek a five (5) year mandatory sentence pursuant to 42 Pa.C.S. § 9712.1 that states that the sentencing judge shall impose a five-year mandatory sentence if they determine, by a preponderance of the evidence, that at the time of the offense the defendant or their accomplice were in physical possession or control of a firearm, a firearm was within his or her accomplice's reach, or a firearm was within close proximity of the controlled substance.

Munday appealed his sentence based on the holding in the recent United States Supreme Court decision **Alleyne v. United States**, 133 S.Ct. 2151 (2013). In **Alleyne**, the Court held that any fact that increases the mandatory minimum sentence for a crime is an element that must be submitted to the jury and found beyond a reasonable doubt.

In **Munday's** situation, evidence of the firearm was treated as a sentencing factor not as an element of the underlying drug offense. The trial court made a finding based upon a preponderance

of the evidence rather than upon proof found beyond a reasonable doubt as required by the holding in **Alleyne**.

Accordingly, the Pennsylvania Superior Court vacated **Munday's** sentence and remanded the case for resentencing. The Superior Court panel concluded that imposing the mandatory minimum based on a fact (the presence of a firearm) that had not been proven beyond a reasonable doubt by a factfinder (such as a jury or the judge acting as the factfinder) violated the Fourteenth Amendment's guarantee of the right to Due Process and the Sixth Amendment's guarantee of the right to a jury trial.

What steps do you take if you are serving a mandatory minimum sentence triggered by a factor that was found by the sentencing judge and not the factfinder? If your judgment of sentence is not yet final (if it has been less than 30 days since you were sentenced), file a post-sentence motion followed by a Notice of Appeal. If your judgment of sentence is final, quickly file a petition for post conviction relief (PCRA) arguing that you are serving an illegal sentence. If your PCRA is filed later than a year since your judgment of sentence became final, invoke the timeliness exceptions that you believe apply to the facts of your case and attach this article to your PCRA. Ask for appointment of counsel if you are filing the PCRA without the assistance of counsel. **[GF]**

In the December 2013 / January 2014 issue of *GraterFriends* in the Legislative Highlights section, an error was made on the second bill listed. It should be listed as "SB 391" for Senate Bill 391 (Expungement Bill), instead of "HB 391".

We apologize for any inconvenience.

Legislative Highlights

By Catherine Guidi, Intern
& Ann Schwartzman, Executive Director
Pennsylvania Prison Society

Please check further issues of *Graterfriends* for updates and listings of important criminal justice legislation. Please note that these bills are current as of March 20, 2014. If you have internet access, you may track this bill through the new Prisoner Reentry Network at <http://philadelphia.pa.networkofcare.org/ps/services/index.aspx>.

Bill No. Printer No.	Description	Chief Sponsor	PPS Position
SB 1230 PN 1712	A provision that gives the sentencing judge the discretion to impose a lesser sentence than the mandatory sentence if the judge has a compelling reason to believe that a substantial injustice would occur by applying the mandatory sentence. (In Senate Judiciary 1/16/14)	Sen. S. Greenleaf R-Bucks & Montgomery Counties	Support
SB 1246 PN 1746	An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a mandatory district attorney justice fee of \$20 in persons who receive a conviction. (In Senate Judiciary 2/4/14)	Sen. P. Browne R-Lehigh County	Oppose
HB 0403 PN 2938	Amends the Unemployment Compensation (UC) Law to increase penalties for willful fraud and to prevent incarcerated individuals from receiving UC payments. (Passed house 4/9/13, 201-0; In Senate Appropriations 3/19/14)	Rep. S. Grove R-York County, Part	Oppose
HB 1948 PN 2865	An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing a fine of up to \$1,000 for a person who is convicted of a summary offense. (In House Judiciary 1/13/14)	Rep. S. Helm R-Dauphin County	Oppose
HB 1951 PN 2926	Preventing non-compliant Megan's Law sex offenders from receiving welfare benefits. (Passed House 2/5/14, 179-0; In Senate 2/14/14)	Rep. M. Regan R-Cumberland & York Counties	Oppose
HB 2021 PN 3005	An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of assault by knocking out another; and, in juvenile matters, further providing for definitions and for transfer from criminal proceedings. (In House Judiciary 2/10/14)	Rep. D. Moul R-Adams & Franklin Counties	Oppose
HB 2028 PN 3021	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, giving the diagnosis of Posttraumatic Stress Disorder weight in court and probation proceedings. (In House Judiciary 2/19/14)	Rep. C. Sainato D-Beaver & Lawrence Counties	Support

(LWOP, continued from page 20)

During the 1960's, 70's and early 80's, commutations for lifers were not uncommon. It was likely every parole case-load included one, two or more. During the last few administrations, this form of clemency has all but ended entirely. Since the beginning of the Rendell Administration, five commutations have been granted.

When considering the math, a commutation rate of around five percent of eligible inmates would save the state a considerable sum and free up needed cell space for the next wave of miscreants.

Generally, lifers under parole supervision are easy to supervise and pose no threat to the community. Commutation, therefore, is a practical, cost-effective way of extending the state's mercy as well as managing its prison population. [GF]

New Year, New Look!

As you can tell, *Graterfriends* has a new layout.

We hope you enjoy our new look!

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Please allow 8 weeks for delivery of your first issue.

Announcements

The 227th Annual Meeting of the Pennsylvania Prison Society

Will be held

Tuesday, June 10,
from 5:30 p.m. -7:30 p.m.

At Liberty Management
Services, Inc.
Philadelphia, PA

*We encourage all members and
friends able to attend to join us
for this important event!*

Important Notice Regarding Our Publications

Due to a change in our publishing schedule, *Graterfriends* will be arriving at a different pace than many of you are accustomed to.

We ask that you please be patient with us during this transitional period.

We are hoping this is temporary. Please continue to send in your submissions!

We thank you so much for your support and donations which allow us to continue publishing *Graterfriends*.

Do you have information you think would be helpful to other inmates?

Do you have a story you want other people to hear?

***Graterfriends* cannot exist without submissions from inmates!**

Please submit any articles, letters, or poems to:

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Here's the Case for Commuting Some Life-Without Parole Sentences

By James O. Smith, Official Visitor, Pennsylvania Prison Society

Gov. Corbett's efforts to reduce the state's prison population, thereby lowering the cost of corrections, could include something that is doable, certain, but currently underused. This is the process of commuting the maximum sentences of inmates deemed worthy of the state's mercy.

In Pennsylvania a life sentence means the inmate is never eligible for parole release unless their maximum sentence is commuted. The commutation process is administered through the Pa. Board of Pardons (BOP). If recommended unanimously by the BOP, the action is forwarded to the Gov. for final approval. The inmate's final step is a hearing before the Pennsylvania Board of Probation and Parole (PBPP). If granted parole the individual remains under PBPP community supervision for the rest of their life.

There are over four thousand "lifers" in the Commonwealth's prisons. Many have been behind bars for decades. As they age, the cost of incarcerating them increases as health issues associated with aging take hold and require medical attention. *(See LWOP, continued on page 18)*