

# 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 44 Issue 1

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January 2013

## Crazy Cat

by Torrey Real, EL-1916, SCI Mahanoy

Some will say that Lorenzo “Cat” Johnson is crazy for turning himself in to the authorities because he got a taste of freedom after being locked down so long. I had to even ask myself: “Would I have had the same faith in the justice system; especially knowing that I was innocent in the first place?”

That is a question that will ring in the back of the minds of anyone who has read the front page of October’s *Graterfriends*. [Johnson’s life sentence was vacated by the Third Circuit Court of Appeals on the grounds of insufficient evidence, and he was released. The prosecution then appealed to the U.S. Supreme Court, which reinstated the conviction. Johnson had to turn himself over to authorities, returning to prison.] I commend the brother for having the strength he has, in order to properly see this thing through. And I’m sure that he will have the attention of thousands, if not hundreds of thousands, of individuals who are now aware of his situation. Everyone should be tuned in to his case, as it will truly show the mindset of this land’s highest, and most highly respected court — The US Supreme Court — as it pertains to: blacks, criminals, and all of the other relevant circumstances surrounding Mr. Johnson’s case.

However, there already seems to be a high rate of skepticism when it comes to the history of how this Court has ruled in the past; claims and cases that have had good merit, but were shut down based on what some would consider bias and illogical rhetoric. A lot of these cases were brought to light by author Michelle Alexander, in her book, *The New Jim Crow*.

I have recently read this remarkable and incredible piece of literature, and it has opened my eyes to a myriad of issues surrounding the current state of minorities in this country, and the nature of today’s justice system

It seems to me that if the Court has done something which is “unheard of” (in the words of Mr. Johnson’s attorney), then it doesn’t seem likely that things would go in his favor — especially considering the fact that it’s the prosecution’s appeal that is being entertained.

Why not allow Cat to remain free while the appeal is pending? The Court asks faith of the citizens who sup-

port it, but doesn’t seem to have faith in its citizens — or in the lower court that granted Mr. Johnson’s release.

What gives? Can’t a guy get a “true” break?

My heart goes out to his family and supporters, for all that they are enduring in this tragedy. I could only imagine the pain and sleepless nights they spend worrying about their loved one. The psychological effect and trauma this has to be having on Cat MUST be overwhelming. It must also damage the spirits of others who are going through similar legal battles.

The timing of this event is what appears to be calculated, as everyone was distracted by the November elections. I’m just glad that I’m aware of what’s going on. All who have an opinion on this situation should discuss it among your peers, write op-eds to your local papers, send your thoughts or articles in to *Graterfriends* — anything but sitting in silence while this topic is pending in court.

Ask questions that get to the root of the problem: Is the Court partial to prosecutors? How did they arrive at the choice of *per curiam* without even so much as a brief or oral arguments?

Lorenzo Cat Johnson, you are not alone in this struggle. I’m adding my voice to the pot, and I hope it counts. I know you’re in the hole right now, but keep your head up and stay strong. I want you to know that you’re to be commended for continuing the fight for us after your release. And I wish more brothers and sisters were as dedicated to the battle as you. If they were, we’d be that much stronger!

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## From the Editors

Thank you to all of you who have returned our reader surveys. We try to make this publication as useful and factual as we can, and your feedback is a big help. You will see that we have been able to incorporate some of the comments we saw the most: we are no longer printing the crossword puzzle, and have shrunk the Announcements, Literary Corner, and Bookcase sections. Literary Corner and Bookcase will vary in size depending upon what we receive, and we may not publish them both in each issue. Some writers only send us submissions for Literary Corner, as that is the best way for them to express themselves, so we do not want to completely delete it from this newsletter. You may see more layout changes in the coming months.

Reesy Floyd-Thompson writes almost every month about how women can help their incarcerated loved ones while taking care of themselves. We would also like to hear from any of you who are men with incarcerated women in your family. How do you help them while keeping things together at home? Do you have children, and how does visiting family members in prison help the bonding process? Women are the minority in prison, and often don't get as much attention as the men, but we are hoping to get some feedback from those of you who care for incarcerated women.

Be sure to read Executive Director William DiMascio's column on page 16. It's a different way of looking at failure and how we can learn from it and eventually succeed.



## Mrs. GE-6309 Time

by Reesy Floyd-Thompson

### ARE YOU SQUARE?

As the world resolves to be better with each passing year, prisoners' wives should do the same. When I counsel people on the outside, the one piece of advice I always give is "Do what is right for you." Seems selfish? It should. I often see women doing everything they can to the detriment of themselves and their children to make sure their partner is doing OK. That's a life out of balance. Generally, people who live out of balance are not happy. When a loved one is in prison, it's natural to want to do everything to make them feel loved or, more importantly, not forgotten.

Living a life of balance when a loved one is locked up simply means making sure all four pillars of the relationship are on equal footing — square.

**Take Care of Home:** Keep the house in order by taking care of finances. Set a budget with prison expenses and stick to it. Be honest with your children about what's going on. Have an emergency plan. Stay grounded.

**Take Care of You:** Remember this: "You can't take care of anyone else until you take care of yourself." Put a support system in place. Take time to feel the loss. Ask for help when needed and decide to be OK no matter what.

**Take Care of Him:** An incarcerated person's greatest fear is losing his/her love. Minimize and lessen this fear

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# GRATERFRIENDS

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

Letters more than a page in length (200 words) **will not** be published in their entirety in Mailroom or Legal Chat Room, and may be considered for another column. All columns should be no more than 500 words, or two double-spaced pages.

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## Think About It

### WE NEED TO HELP THE YOUNG PRISONERS

by Harold E. Staten, AS-2651, SCI Houtzdale

I'm a lifer who's been wrongly convicted of murder. It's amazing that no one seems to be concerned about the number of young men and women entering Pennsylvania's prisons. What's so impressive about it is that these are the same men and women who have the potential to be world leaders of tomorrow — and yet, they fill our prisons in staggering numbers.

It's very hard to talk to the younger ones concerning what the DOC has in store for them in the near future. However, we, the older population, need to head them in a more positive direction to help them better themselves. We need to start by illuminating their minds, character, and personality, deterring them from the wrong path.

We have to find a way to eliminate the structure that they hold of the "gangsta" mentality, which seems to lead them toward destruction. Please don't take this in a disparaging way, since my goal isn't to belittle anyone, but we do have to hold them accountable for their mistakes in life, which we all make. We have to stand up and fight this battle alongside them in order to get our point across to them.

Our first step should be changing their way of thinking from an unrighteous point of view to a positive and righteous way of thinking. Once this happens, then we can begin to teach them how to believe in themselves and instill in them discipline and character, along with some much needed confidence. By doing this, we can help them be productive citizens on the streets and part of their loving families.

Whether we like it or not, it's our job to help them eliminate their old ways and teach them a lifestyle that keeps them busy and out of harm's way. We can confide in them and show them that we really care about their well-being. Then their attitude might change.

If we stop perceiving them in a harsh manner, we might handle them with concern, care, and compassion. At this point in time, those traits seem to be nonexistent. So, let's articulate ourselves accordingly to be better role models for the youth of today inside these facilities. Let's plan to do a better job guiding today's youth inside these prisons.

So, all of you older convicts, inside all of Pennsylvania's correctional institutions, let's get the ball rolling toward enlightening the younger population as to what road to choose for a better life inside these walls.



## Legal Chat

### NEED HELP WITH MEDICAL AT SCI HUNTINGDON

Brothers and sisters, I'm facing an ongoing problem here at SCI Huntingdon with Medical. I've been experiencing lower back pain since 2010. Throughout my time in pain I've been put on lay-ins, had therapy, medication, blood work, and x-rays — all to no avail. Only recently have they given me even a guess as to what may be wrong with me, but it's a medical term I can't even pronounce.

I've requested to have an MRI and to see a specialist. The medical doctors told me that they can't request these for me. They told me that they can't request an MRI because the regional director will deny the request. I've filed a grievance here at my jail. It was denied, so I filed a grievance with the Central Office of Appeals at Camp Hill. Camp Hill referred my grievance to the Bureau of Health Services, so it will now take longer for me to get a response.

I'm in serious pain and this jail is not researching why I'm in so much pain. Also, this lower back pain did not come from working out or work, I woke up with this pain.

Brothers and sisters, please refer me to anyone who can help me, because Medical here is inadequate and fails to research people's problems. In closing, thank y'all for listening.

Robert King  
JJ6192, SCI Huntingdon

### ERNEST D. PREATE, JR. MEMORANDUM

Several juvenile lifers have received a memorandum from Ernie Preate suggesting that recently enacted SB 850 will be applied to juvenile lifers convicted prior to June 24, 2012. Although the legislation explicitly states that it applies to juveniles convicted after the date, Preate sets forth a scenario where the Pennsylvania Supreme Court will effectuate the retroactive application of SB 850.

I am not an attorney, but Preate's theory seems far-fetched and preposterous! The language in SB 850 is clear that it is prospective from June 24, 2012. "Kings Bench" is a vehicle by which the Supreme Court obtains jurisdiction of a case. It is not a license for the court to make stuff up. (See *Commonwealth V. Fahy*, 737 A.2d 214 (Pa.1999).) The court is constrained by the US Constitution, Pennsylvania Constitution, statutes, and precedent. The court is not a legislative or executive body. This is what the appellant's attorneys argued so skillful-

(See Legal Chat, continued on page 6)



## Spotlight

### SIMON CARR: A SUCCESS STORY

by Zahara Hill, Editorial Assistant

"If you believe, you can achieve." Not only does he favor this saying, but Simon Carr, a boxer, barber, clothing line designer, philanthropist, publisher, and former prisoner, is the human actualization of the mantra. For those who missed Dee Johnson's story in the Winter 2010 edition of *Correctional Forum*, Carr served eight years in prison for murdering a teenager attempting to burglarize his grandmother's house. Carr lost both of his parents before he was five years old; his father was killed the day he was born. He experienced the instability of living in foster homes and homelessness before he was 11, which is when he began living with his grandmother. Prior to his incarceration, Carr was a professional boxer and Olympic hopeful. When I spoke to him on November 28, Carr told me that it was his first day beginning to box again.

Carr educated himself about business while in prison, later creating his clothing line, Punchline Clothing. Punchline's popularity is now international and Carr hopes his line will become a household brand, comparable to brands such as Sean John and FUBU.



Simon Carr with his championship belt.

Back in 2010, he told Johnson that speaking to a correctional officer's son on the phone, trying to keep the young man from getting in trouble, helped him develop a passion for helping youth. I asked Carr what it was about the conversa-

tion that inspired him, and he said that it was that the officer trusted him to speak to his son. He didn't realize he was viewed so positively by those around him.

Carr dedicates a lot of time to the positive development of youth. He sees the way in which children begin to stray from the right path. "Hurt people hurt people. Bonds have been broken, resulting in youth having questions unanswered." He's realized the power of "simply not overlooking them." Carr doesn't distinguish the need to help the youth from his personal life. When I spoke with him he had just taken a 12-year-old to a basketball game because he had an extra ticket. He is now working on a nationwide tour that focuses on bullying and peer pressure among inner city children. He has also immersed himself in acts of charity such as Operation Give Back and coat drives. In addition to these projects and returning to the ring, Carr also runs Simon Q Carr Publishing Company and Punchline Management.

Carr is looking for artists, writers, and designers to help him create a logo for Punchline Clothing and assistance at his publishing company. Those who are interested may write:

Simon Carr  
PO Box 21710  
Philadelphia, PA 19146



Simon Carr with Will Smith.

### Square, continued from page 2

by keeping the person connected to the family. Decisions that affect the family need to be made as a family. Standard relationship rules still apply.

**Take Care of the Relationship:** Nurture the relationship. There is no point in sticking around otherwise. Get back to basics. A relationship with a loved one incarcerated is a relationship filled with longing and angst. Communication is all you have and thus must be the crux of the relationship. Understand that not everything needs to be said. Know when to temper thoughts for the moment. Always put the relationship above pettiness. It's more important to have a happy relationship than to be right.

Make a resolution to stay committed. Concentrate on these four areas and you are on your way to keeping things in balance, keeping things square.

Reesy Floyd-Thompson is the founder of Prisoners' Wives, Girlfriends, & Partners (PWGP). For more information about this group, please write Reesy at: PWGP, P. O. Box 14241, Norfolk, VA 23518



# Legislative Highlights

*Ann Schwartzman*  
Policy Director, The Pennsylvania Prison Society

The Pennsylvania General Assembly has nearly completed this two-year legislative session, 2011-2012. Although the new session begins in January, a number of bills have passed and have become law. Bills that have not passed both the House and Senate die, but could be re-introduced in the next session. Below are some bills that have become law in the past few months. (Accurate as of 12/13/12.)

BILL NO. PRINTER NO.	DESCRIPTION	CHIEF SPONSOR	PPS POSITION
HB 75 PN 3827 Act 91	Revising Adam Walsh provisions relating to registration of sexual offenders including registration for transient or those that are homeless. <b>(Signed into law by Governor Corbett 6/29/12)</b>	Rep. R. Marsico R-Dauphin County	Oppose
HB 135 PN 4060 Act 196	<b>Prison Reform, Part Two:</b> Providing for duties of public agencies and officers in reporting criminal statistics; amended to include Justice Reinvestment funding and support. <b>(Signed into law by Governor Corbett 10/25/12)</b>	Rep. J. Sabatina D-Philadelphia Cty.	Support
HB 235 PN 4233 Act 197	Provides for the National Human Trafficking Resource Center Hotline. <b>(Signed into law by Governor Corbett 10/25/12)</b>	Rep. P. Clymer R-Bucks County	Support
HB 898 PN 954 Act 199	Restores a five-year mandatory minimum sentence for those convicted of making repeat straw purchases of firearms. <b>(Signed into law by Governor Corbett 10/25/12)</b>	Rep. M. Toepel R-Montgomery County	Oppose due to minimum sentence
HB 1121 PN 4147 Act 200	Provides sentencing enhancements for crimes of violence or drug dealing committed in association with a criminal gang. <b>(Signed into law by Governor Corbett 10/25/12)</b>	Rep. D. Reichley R-Lehigh County	Oppose due to minimum sentence
HR 659 PN 3339	Resolution declaring youth violence as a public health epidemic and supporting the establishment of statewide trauma-informed education. <b>(In House Health Committee 4/3/12)</b>	Sen. R. Waters D-Philadelphia Cty.	Support
SB 850 PN 2475 Act 204	Prohibits automatic or mandatory life without parole for juveniles. Parole possibility based on the age of the offender at the time of the crime with ranges of minimum sentences of 20-35 years served for those sentenced after June 24, 2012. <b>(Signed into law by Governor Corbett 10/25/12)</b>	Sen. S. Greenleaf R-Bucks and Montgomery counties	Oppose due to length of minimum sentences

### Legal Chat, continued from page 3

ly in *Cunningham and Batts*. Article I Section 10 of the US Constitution prevents the Pennsylvania Supreme Court from prescribing a retroactive law. (See *Bouie v. Columbia*, 378 U.S. 347 (1964).)

There is also the Statutory Construction Act, 1 Pa.C.S.A. §1901 *et seq.*, that constrains the legislative intent, retroactive laws, rules of strict and liberal construction and amendatory statutes. A simple reading of the Act should convince anyone that what Preate suggests is fundamentally illegal. (See *Commonwealth v. Shaffer*, 557 Pa. 453, 734 A.2d 840 (1999).) To do what Preate suggests would amount to an amendatory statute which is not lawful.

Finally, Preate's theory rests upon an obscure decision from 1915. Not only do the decisions pre-date the 1972 Crimes Code, but it is inapposite on its facts and outcome. I would argue that the case has no precedential value. Essentially, Preate suggests that because that case applied a non-traditional definition for the term "conviction," the Pennsylvania Supreme Court can (or will) extend that same definition to SB 850. In other words, the court will say that the General Assembly did not really intend what it clearly wrote, or the General Assembly was aware of the esoteric definition of the term "conviction" and employed trickery of legerdemain to mean retroactivity. This is preposterous, since the legislature must explicitly state that a new law is retroactive if that is the intent. Otherwise, the law must be prospective only. *Shaffer, supra*.

Floyd Wilson  
AM-1890, SCI Graterford

### IS YOUR CRIMINAL HISTORY FILE ACCURATE?

I'd like to make you aware of yet another travesty that is happening in the courts of Pennsylvania during the sentencing phases of our trials or guilty pleas.

In 2010, I was notified by the Philadelphia DA's office that my newest offense was in fact my third strike under Rule Pa.9714, and that if found guilty of the offense I'd be subject to 25 to 50 years or life incarceration. I have to tell you, that scared me to death and I took a guilty plea for a modest 10 to 20 years to avoid the 25 to 50 and the possibility of a life sentence.

I then investigated my past offenses that were considered Felony One (F1) strikes. Although the criminal history file from the Pennsylvania State Police showed that the grading in most of my cases were F1 convictions, the indictment sheets from the Clerk of Courts reflected that they were not F1 crimes.

This criminal history file that is supplied by the state police was not accurate and caused a sentencing guideline infraction where the whole guilty plea was reversed through a PCRA. It turns out, by those grades being wrongfully given to the sentencing court, the plea was

invalid because the court threatened me with more time than it lawfully could impose.

I have since given back the whole plea and you can, too, if you do your homework on your past criminal history and its grades. For \$10, you can order your own criminal history file from:

State Police Repository  
1800 Elmerton Ave.  
Harrisburg, PA 17110

This didn't just happen to me, a lot of you may fit these criteria even if you weren't exposed to the two/three strikes rule. If you can find any discrepancies in your conviction grades, you are eligible for a new trial.

Tracy Glenn  
JM-9301, SCI Mahanoy

### RESULTS OF COMMONWEALTH V. BATTY

Recently in *Commonwealth v. Warner Batty*, Common Pleas Court Judge Richard K. Renn ruled that a juvenile's sentence of imprisonment for first-degree and second-degree murder may not obtain relief on his Post-Conviction Relief Act (PCRA) application in spite of the US Supreme Court's decision in *Miller v. Jackson*

Judge Renn stated that Batty's PCRA did not fit within either of the enumerated categories of the Post-Conviction Relief Act. The only category that might conceivably apply to the defendant's circumstances was "the imposition of a sentence greater than the lawful maximum."

Concerning the timeliness exception, the PCRA court held that no court has yet held that the right recognized in *Miller*, if it is a "new right," should apply retroactively. (The Court recognized, though, that the appeal in *Commonwealth v. Cunningham* will address this issue in the Pennsylvania Supreme Court.)

The court declined to postpone ruling on Batty's petition pending the outcome of *Cunningham*. The court also stated it was not confident that "a legislative scheme to address these sentencing issues will be forthcoming soon."

Further, the court stated *Miller* still left open the possibility that a juvenile could be sentenced to a life sentence, but that the life sentence imposed could not be a mandatory one. (*Id.* at 9.)

Additionally, Judge Renn stated that Batty was sentenced to life imprisonment as mandated by the sentencing statute. The possible sentence for murder of the second degree was life in prison.

The issue is that under 61 Pa. C. S. 6137, the Parole Board does not have the power to grant parole for a lifer. 61 Pa. C.S. 6132 gives the Parole Board exclusive power to parole all persons sentenced to imprisonment in a correctional facility (with an exception noted). The PCRA Court then analyzed the Superior Court's recent decision in *Commonwealth v. Knox*, PA Super 147 (2012).



"Even if we were to determine that the combination of the parole statutes and sentencing statutes, and hence the trial court's sentence, runs afoul of *Miller's* dictates, we are unable to grant [defendant] relief." (Slip op. 11.)

Judge Renn in n. 7 stated "[w]e are not sure what the trial court is to do in the face of such a remand when there are no other statutorily authorized sentencing alternatives available given the verdict." (Id. at 11.)

He concluded that he could not "legislate from the bench" and create a new sentence, where none previously existed nor currently exists. "Because [Defendant] was lawfully convicted of first and second-degree murder, it would also be illegal for this court to impose a sentence for third-degree murder."

Lastly, Judge Renn stated:

"It is the Parole statute which creates the legal obstacle to [Defendant]'s consideration for release. His remedy is to apply to the Board of Probation and Parole for relief by way of parole. We have no jurisdiction to parole, nor authority to order [Defendant] be paroled or released from custody." (Slip op. 12.)

In conclusion, Judge Renn stated that the defendant's petition does not overcome the timeliness obstacles. The *Miller* decision did not specifically state that it was to be retroactively applied. Accordingly, the relief the defendant seeks under the PCRA will be denied. (Id. at 13.)

Kenneth B. Davenport  
AF-7291, SCI Dallas

### CASTLE DOCTRINE

Once the Commonwealth of Pennsylvania sinks its teeth into you, it won't let go. This is why I refer to Pennsylvania as the "Incarceration State." Come for vacation leave on probation. "You've got a friend in Pennsylvania — in prison." While virtually every one of the semi-United States is downsizing its prison populations, Pennsylvania is building more prisons. We must demand change. Pennsylvania is in a financial crisis. The prisons are busting at the seams.

From 1963 to 2011, Pennsylvania did not have a Castle Doctrine. Therefore you had to run for your life or serve life. On June 28, 2011, Governor Thomas Corbett RE-Legalized your God-given right to defend and protect yourself — and, of course, your duty to protect your family. There are thousands of men and women currently incarcerated in Pennsylvania, who, if the Castle Doctrine had been made retroactive, would have gone home to their families to be productive, law-abiding, and tax-paying citizens.

I wrote proposal legislation that would close the 48-year gap in your right to self defense and give the Castle Doctrine full retroactivity. But, as usual, I can't do this alone. I/we need your family to forward this article to our elected officials and other media outlets, including social media. Earlier this year, I asked a family member with full power of attorney to create a Facebook

page and obtain an email address for me. That person then began contacting all 203 house representatives, 50 state senators, and the governor, demanding retroactivity for the Castle Doctrine. Boast the financial savings to voters. Expose those who do not respond or refuse to support the idea. Email is free; you do not need postage and envelopes.

You can no longer wait around for someone else to take the bull by the horns. You must take proactive steps. I implore you to have your family put together a Facebook page, obtain an email address, and contact our elected officials at once. We can do this. Together, united, we can force change.

Darren R. Gentilquore  
GX-1572, SCI Albion

### CORRECTIONS OFFICERS' BILL OF RIGHTS

Are you still not convinced of the power and importance of politics? In light of the gross sexual and physical abuse that happened at SCI Pittsburgh, State Representative Mike Fleck and 24 co-sponsors introduced, in July 2012, a bill called the Corrections Officers' Bill of Rights. This one-sided, nonsensical bill would:

1. Require higher standards of internal prison investigations
2. Give guards 24 hours notice before an internal affairs interview
3. Prohibit guards from being required to take polygraph tests
4. Allow accused DOC employees to retain their medial benefits pending investigations
5. Allow guards to sue inmates who file frivolous complaints against them.

The proposed bill (HB 2549) failed to pass during the 2012 legislative session but Rep. Fleck has promised to reintroduce this bill next year! So, let's be clear: guards harass, threaten, physically and sexually abuse inmates, but they deserve a bill of rights? Shouldn't Rep. Fleck introduce a Prisoner Bill of Rights bill?

Terrance Washington  
DN-3858, SCI Somerset

### LEGAL LOGIC

Legal reasoning is unique with logic of its own. Logic is a system of reasoning premised upon precepts and principles formulating rational conclusions through language. Language is a system of terms referring to objects, whereas logic is a system of terms that refer to language. Logic is the syntax of language.

Understanding the basic principles of logic facilitates understanding of legal reasoning. Sound legal reasoning is premised upon principles of logic. What is the role of logic in the reasoning process? The answer depends upon the type of logic involved. Traditional logic inferences and analysis involve two categories: 1) deduction, and 2)

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induction. Deductive reasoning can be illustrated as:

- a. All men are mortal (major premise: rule)
- b. Ray is a man (minor premise: rule fact)
- c. Therefore, Ray is mortal (conclusion: application of rule to fact)

The above is the standard syllogism of deductive logic used by judges in resolving legal disputes. A rule of law applies to certain categories of facts (major premise). The facts are categorized by rule (minor premise). The rule of law is applied to facts (conclusion).

The reasoning process is both inductive and deductive. First, the principle is induced from a line of specific reasoned decisions. And, once identified, the principle becomes the major premise from which a conclusion is deduced. It's a process of adjudication involving legal precepts leading to a logical conclusion. Syllogistic reasoning. Expand your vocabulary and your knowledge. Study words: inference, precept, syllogism, premise, deduction, induction. Order I.L.L. "Legal Logic," 27 Ind. L.J. 471 (1952)

Fred Ray  
GF-2852, SCI Albion

**CAN YOU HELP ME WITH MY CASE?**

This is a plea for assistance from anyone who knows the frustration of proving the negative.

I was serving a nine-month parole hit when I was charged with a new crime over a year ago. I am innocent of the crime and face 17-34 years if convicted. The DA has tried to force me into a plea that would give me time served.

My public defender offered these pleas to me knowing she had information of an exculpatory nature. She misrepresented herself and lied to me in the course of the pre-trial hearings. I was forced to fire her and ask that new counsel be appointed. I anticipate that the Berks County Judge will deny that motion or appoint me another underperforming attorney, and I am preparing to proceed *pro se*.

My public defender also refused to subpoena relevant documents and individuals despite my written requests and warning that certain individuals would "forget" or lie while on the stand.

I have a strong factual and procedural case that I believe will result in proving my innocence if I can get this information before the jury.

So far the lawyers appointed have not been too concerned about making the extra effort. I have filed lawsuits related to peripheral activities in this situation. There is also an investigation underway into the activities of my parole agent who was involved.

I am greatly in need of help lest a great injustice take place. Too many innocent men serve time already.

Brian Boyer  
JH-5867, SCI Frackville



## Mailroom

**RE: THE PRISON PONZI SCHEME**  
**(OCTOBER 2012)**

While in prison I have learned quite a bit about the redemption process. The only thing I have not learned is whether it is authentic.

There are various facets to what is called redemption. One is the so-called "prison bonds." According to various articles on the subject, such as *Treatise on use of Prison Bonds*, and *Golden Key*, the entire modern judicial system is a money scheme that serves to keep society safe on its public front, and to make millions of criminals on its private front. That seems pretty beneficial, but the downside is that when a statute represents a revenue, people can become targets of value. The more statutes enacted means more criminals, and more criminals means more money for the system.

When it comes to redemption, I have no idea if any of it actually works since the Pennsylvania DOC actively fights to keep such information out of our hands.

An interesting point that should not escape our notice is that the DOC does forbid us from having this information. What has them so scared?

Aaron Boynton  
GG-1269, SCI Coal Township

**RE: WE ARE STILL HUMAN BEINGS**  
**(NOVEMBER 2012)**

I am responding to Sister Marquette Harris' letter in the November 2012 issue, where she talked about the unsanitary conditions at SCI Muncy — conditions that could lead to disease and infections. We, as a community of inmates enduring such conditions, have a voice that must be heard.

She shared that they are forced to use portable toilets that are not properly cleaned. This is an extreme health risk because feces carry germs and bacteria. So, the portable toilets should be properly cleaned and disinfected daily.

My advice to Sister Marquette Harris is to document each time you use the restroom and find it in terrible condition. You may also want to file a timely grievance all the way to Camp Hill. Make them aware of the conditions if SCI Muncy hasn't done anything to rectify the matter. Now, I understand that you may want something done soon, but without keeping track and following proper procedures, you will fail in your argument and quest for



help. As you know, the PLRA makes it that much more difficult for us inmates to bring a suit in a court of law. But, if the claim is valid and you can show facts, you have a better chance of succeeding in your claim.

As far as the male officers performing a search of you, that too can be filed in a grievance. That's what the female officers are for. Regardless of any security issues, officers use the disguise of their uniform to get their kicks. My advice to you on that matter would be to file a grievance. If that doesn't help, call the hotline for sexual harassment.

I hope I have provided you with some helpful information and direction for your situation. You have to be forever strong in dealing with your trials and tribulations. All of you women must stick together in order to receive any positive results. Always remember that, without that paper trail, you tread alone.

David Mack  
HS-2409, SCI Frackville

### THE ANSWER LIES WITHIN

I'm impressed that most people, including myself wake up early and prepare for work, despite making only 19 or 42 cents per hour. This enthusiasm and integrity needs to follow us when we're released. If we are able to keep this enthusiastic attitude on the outside, we will then do our part in lowering the inmate population within the DOC and help keep the recidivism rate low. We will be so focused on our jobs and family we won't have to reoffend. We have to take a personal inventory of ourselves (step 10 of AA) and continue to work hard on correcting our mistakes. Doing this will allow us to one day become a productive member of society. Let's pull together so we can move forward in our lives.

Michael Smith  
KJ-0126, SCI Waymart,

### NEW PHONE CHARGES

I read with much interest the article in November's *Graterfriends*, urging prisoners to join the Prison Phone Justice Campaign. While the article was very much on point, it didn't go far enough.

Recently, prisoners' phone accounts at SCI Fayette were denied collect calling capabilities until we call a 1-800 number and set up a pre-paid account. There never was any memo posted, or any other type of notification whatsoever to warn us of this change.

When we attempt to make any collect call, we are given a recorded message along with the 1-800 number to call and set up a pre-paid account, that has as high as a \$100 minimum starting requirement.

I, as well as many other prisoners, feel this is yet an-

other way for the Pennsylvania DOC to defraud our families from even more hard-earned incomes.

My wife called and complained to the people at the 1-800 number, stating it was her choice whether or not to accept the collect call, adding that it was her prerogative to run up her phone bill should she choose to do so, and she shouldn't have to give up-front money to anyone to "hold" for her.

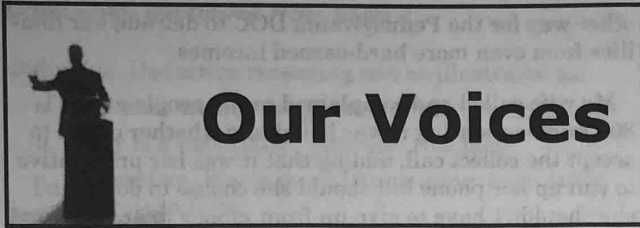
As she lives about 10 miles from the prison, a 15-minute call costs about \$1.68. As such, it would allow me to make about 59 calls. Thus, if I were to call twice a week, it would take me about 29 weeks to use up the \$100. Meanwhile, the phone company is collecting interest, not only on my pre-paid account, but all the prisoner pre-paid accounts in Pennsylvania's state prisons. What a great scam, huh? Who couldn't use some free mandated money via the interest from our money?

All the time I hear prisoners saying, "I'm a grown man!" Well, I'm urging all of you to stand up and refuse to become a party to this grand theft. Get yourself a phone card and deny these thieves one more extra penny of our money!

They'll get the message. As there are about 60,000 prisoners in Pennsylvania's system, believe it or not, we do have a voice, and a powerful one at that should we act like "grown men" and join as one to get righteous things done! As we used to say back in the day, "If you're not part of the solution, you're part of the problem."

Michael White Wolf Dean  
AS-1919, SCI Fayette

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. Thank you.



## Our Voices

### IS IT THERAPY OR TORTURE?

by William DeShields, HV-3812, SCI Fayette

I need to shed some serious light on the torturous practices displayed by SCI Fayette's Therapeutic Community Program, i.e., "TC." After carefully evaluating the methods used, I concluded that TC has overstepped its boundaries. The methods being used to treat inmates with chemical dependencies are humiliation, degradation, and total disrespect.

For instance, they have grown men crawling on the floor barking like dogs, quacking like ducks, lying on their backs mimicking dying roaches, etc. They even allow inmates to encounter each other, which is nothing but an opportunity for one inmate to take his anger out on another inmate. The inmate being encountered has to sit there and let another man talk to him in a derogatory and inflammatory manner. This makes inmates dislike each other. The justification is that this practice is making the inmate being encountered aware of his dope fiend behaviors. In reality, it creates a security breach by harming other inmates mentally and physically. After these sessions are over, inmates threaten each other with physical violence.

Then, if you tell staff about a problem you have with another inmate, they tell you to deal with it yourself. If you harass them about it, they will move you into a cell with that same inmate. If this is not a breach of security, then tell me, what is? Many of us in this program live in fear of being assaulted due to the things we are forced to do to each other. They expect inmates to police the community. Inmates who tell on other inmates in prison have suffered serious injuries (and in some cases have died) and are the most despised people in the institution. In TC, there is no way around this. If you want to complete the program, you have to tell. These practices put inmates in control of other inmates' freedom because if you fail to complete TC, you will not be granted parole. What makes it worse is that you can't even deny an accusation against you because they say that the program is based on acceptance. If you deny the false claim, you're likely to get kicked out. This environment breeds more hate than love.

Many incidents of threat and violence have occurred and staff members have frequently neglected to handle the issues. Instead of evaluating and coming up with reasonable solutions, they practice favoritism, racism, humiliation, which is keeping this therapeutic community in a perpetual state of chaos.

(See Therapy?, continued on page 14)

### SHOCKED BY LORENZO "CAT" JOHNSON'S CASE

by George Rahsaan Brooks-Bey, AP-4884, SCI Frackville

I was dismayed after reading the front page article in the October 2012 issue of *Graterfriends*. I have read every single document in the case of Lorenzo "Cat" Johnson, know his case and circumstances as well as my own, and I decry the decision of the U.S. Supreme Court. I am also shocked and appalled that Cat, who served 16.5 years in prison, actually innocent and wrongfully convicted, has had his case overturned and is again in a prison, actually innocent and wrongfully convicted. Seems not much has changed for those who are black and poor, since the US Supreme Court handed down its infamous Dred Scott ruling of 1857.

As I share Cat's situation of being actually innocent and wrongfully convicted, I believe that "reconfining" him does not spring from a sense of justice or fundamental fairness, but from a belief that all that matters is that he's black, poor, vulnerable, and convictable — he's nothing but another notch in the belt of a career politician. That's all most prosecutors and judges-to-be, being "brothers" of the same lodge, clearly understand; they agree that individuals like Cat are to be used as stepping stones for their political careers.

The state's apparatus for punishing all those who are black or poor and presumed "guilty until proven innocent" is in full array! The District Attorneys' position? If they were present or in the area where a crime was convicted, then they must have been involved or must have known about it. On a fundamental level, whether Cat is guilty of committing a crime matters very little, if at all. He is simply a part of the "grinding mill" of the so-called legal system where, most of the time, there is no real question of a poor defendant's culpability. Prosecutors are supposed to seek convictions as well as "seek justice." However, most, if not all, prosecutors have a mindset that is blind to the concept that a person can be arrested, yet be actually innocent. To prosecutors, the fundamental function of the law is not to dispense justice, it's about conflict resolution: He says he's innocent, we say he's not. Let us get a plea of guilty or a conviction so that we can move on to the next case because we have 30 more cases this week and wins look good on our political resumes. Justice sounds nice. It's something everyone hopes for but very few ever attain!

Justice is fundamentally a by-product of a system designed effectively to settle disputes short of clan warfare. If a conflict can be resolved by a conviction (and that is apparent to prosecutors in most cases where one is black or poor) then "mere presence" is all the system demands in order to obtain a conviction. And once those wheels are set in motion, they inexorably roll on, guilty or not!

If the public truly demands justice, then Cat's case cannot be about "conflict resolution," because the verdict is contrary to the facts. As the Third Circuit ruled in Cat's case, the evidence was "insufficient because mere presence is not a crime." That being Pennsylvania law, why is an innocent man again wearing guilty prison clothing?

## A JUVENILE LIFER'S OUTLOOK ON RECENT SUPREME COURT RULING

by Shariff Ingram, DV-6749, SCI Greene

As many know by now, the US Supreme Court has ruled that it is unconstitutional to sentence a juvenile offender to a mandatory life sentence without parole. I received this sentence as a juvenile, and for many years I had family and friends who always told me to be patient, that eventually things will change. But after years and years of being confined behind these walls, watching my youth slowly fade, dealing with the constant disrespect from prison officials, (it seems many of them are more miserable than those of us who have been confined behind these walls for many years), these prisons began to mess with my mind. I stopped really caring about anything. I felt certain that I would die behind these walls, so why tolerate the disrespect? I began to feel I had nothing to lose. I know many that have adopted this mentality.

Though the door has seemed to open up somewhat, many of us have spent decades with this mindset of not caring about anything and acting off this emotion of feeling that we are going to die behind these prison walls. So I now wonder what will be the fate of us if we have new sentencing hearings, if we will ever really have a shot at benefitting from this new ruling?

Not long ago, I read how they sent Jordan Brown's case back to juvenile court, and sentenced him to juvenile life. This was the 11-year-old who was accused of shooting and killing his father's fiancée and her unborn child. He is being rehabilitated to return to society, and he will be reviewed every six months to see if he is ready to do so. Either way, he cannot be held beyond his 21<sup>st</sup> birthday.

While being mindful that everything that takes place has already been decreed by Allah to happen, I could not help but wonder how much a similar program would have helped me at 15-16 years old. Instead, I was thrown into an adult system with no rehabilitation at any level.

In the October issue of *Graterfriends*, there was a letter by Terri Harper where she stated, "How can you live, even with a life sentence, in fear and just keep taking everything they throw at you in silence?" This is exactly how I felt over the years as a youth, feeling that I will die here no matter what my behavior is. I see all these new anti-gang programs they are starting — one here at SCI Greene — but the biggest gang I see are the corrections officers throughout these camps. They harass men for no reason, assault men, send them to the hole for nothing, then the administration sits back and does nothing. Greene is the worst I have seen throughout all my travels in these prisons. Many prisoners — I would say most — are intimidated and scared to say or do anything. This environment will either make you more aggressive, or it will break your spirit completely. For me, it made me aggressive in ways I never was before.

My environment made me the way I am. So I wonder now, what hope do individuals such as myself have of benefitting from this new ruling, even if we are resentenced?

## INHUMANE CONDITIONS AT DELAWARE COUNTY PRISON

by Rob Boyden, Drexel Hill, PA

The conditions in the Intake Unit at the George W. Hill Correctional Facility (GWHCF), formerly known as Delaware County Prison, constitute cruel and unusual punishment. I recently endured 11 days of confinement there.

On October 20, I was arrested by Upper Darby Township Police and charged with resisting arrest, public drunkenness, and disorderly conduct. I spent several hours in a holding cell at police headquarters. Then, within minutes of my arraignment — where a judge set my bail at \$20,000 — I was handcuffed, shackled, and whisked away to GWHCF.

My first stop was the Booking Unit, where I was strip-searched, fingerprinted, photographed, and asked a series of routine questions. I was issued an inmate number and a wrist band was tightly clasped around my left wrist. I was also issued clothing, bed linens, a few cosmetics, a flimsy toothbrush and a plastic cup — all neatly tucked onto a tattered laundry bag. My first meal consisted of four slices of white bread, two thick slices of bologna and an eight-ounce carton of Wawa iced tea.

After spending nine or 10 hours in the prison's Booking Unit, I was transferred to Intake Unit 8B. Upon entering, two guards feverishly rifled through the contents of my laundry bag. "Got any drugs in here? Any pills? Any cigarettes? Any weapons?" asked one of the guards. "No," I replied. I was then strip-searched a second time. I was assigned to share a cell with two other inmates. My "bed" was a plastic boat on the floor where my head would lie just a few feet from the toilet.

I believe that, several years ago, a federal judge issued an injunction ordering the prison to cease housing more than two inmates per cell. Not only are three inmates crammed into a cell 22 hours a day, but on the Intake Unit, inmates are required to eat their meals while locked inside their cell, near a toilet.

Inmates are only supposed to spend 72 hours on the Intake Unit before being transferred to general population. Due to overcrowding, that's no longer the case. Several inmates told me they'd been there for over three weeks.

Overcrowding? GWHCF houses approximately 55 federal inmates on Unit 8D. It's an overflow from the Federal Detention Center located at Seventh and Arch Streets in Philadelphia. Rumor has it that the feds pay big money to house these inmates.

Although I submitted a phone list to a prison staff member less than one hour after entering the prison, my phone list wasn't approved until the tenth day of my incarceration. I had funds in my inmate account, but with-

(See Delaware County, continued on page 15)





## Pssst... Pass the Word

### EDUCATION PROGRAMS AND FAMILY CONNECTIONS PROGRAMS IN PRISONS ARE BECOMING PROGRAMS OF THE PAST

by Allen Ross, AJ-1152, SCI Greene

Back in the day, SCI Greene had numerous educational programs that were beneficial to inmates: building trades classes, business computer classes, barber school classes, art classes, and HVAC classes.

As hard economic times hit, the educational programs were devastated, becoming non-existent in the Pennsylvania DOC. We now live in an era in which inmates cannot procure adequate educational skills before trying to reintegrate into society as productive citizens.

August 24 was the last day for the business computer classes at SCI Greene. The business computer classes

were a positive, educational, and inspirational tool for inmates housed at SCI Greene. Now, HVAC is the only educational program available at SCI Greene for inmates who want to learn skills.

Moreover, the ripple effect of hard economic times has spawned the phasing out of a vital read-to-a-child video program that connected numerous incarcerated inmates with their children, and gave each child a special opportunity to have a book read to them by a parent. Now that the program has been taken away, ties have been severed between some incarcerated parents and their children. These draconian cutbacks implemented by the DOC to save money go against the idea of connecting families.

Yet, in Pennsylvania, the prison population is growing at a rapid rate due to the influx of inmates coming back to prison. There are no educational programs to help these new arrivals return to society as productive citizens.

These drastic measures by the DOC really ensure the recidivism rate cannot be reduced.

If you care about these vital programs, then ask your family members to contact their state representative and voice their opinions about all of the beneficial programs that have been terminated by the DOC.

### SENDING FUNDS TO A PA PRISON INMATE USING CREDIT CARDS THROUGH JPAY

by Kevin Brian Dowling, DY-6243, SCI Greene

JPay has failed to disclose new fees charged to people who use credit cards to send funds to an inmate. As of August 2012, card holders are being charged bank fees in addition to the fees charged by JPay. It seems that JPay was covering these fees since winning the prison contract in 2012, but now refuses to pay them. For example, if you send an inmate \$200 to \$300 using a credit card over the Internet, JPay has been charging you a fee of \$10.95. JPay won the contract with the DOC by touting quick credit of the funds to an inmate within 24 hours. Banks consider this a "cash advance." Now, the card holder gets hit with a \$12.43 bank fee and an interest charge of \$2.04 (in addition to the \$10.95 charged by JPay). Sending that money now costs a total of \$25.42 instead of \$10.95. This is an outrage. Neither JPay nor the Pennsylvania DOC has notified inmates or their families that these new charges were starting. It is unknown if these fees are less for credit card transactions under \$200.

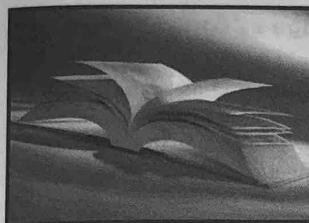
The DOC and JPay pushed credit card use by touting the immediate credit of funds to an inmate prison account in 24 hours. Now, they all are making money from inmates' families and friends, just like the 44 percent

kickback given to the Pennsylvania DOC on the exorbitant phone call fees charged to inmates.

The only way to avoid these new bank fees is to use bank debit cards and avoid credit card use. Many people don't use debit cards, or won't use them. People can still purchase money orders from the US Postal Service, whose fees are much lower than credit cards anyway, and mail them to JPay in Florida, following their instructions and using their form. Of course, JPay takes from 7 to 11 days to credit money orders to an inmate. If a money order is from a bank or business, they take even longer to credit. When inmates were permitted to receive money orders directly at the prison, it only took about 24 hours to credit.

A credit card holder must check with their bank to find out what fees they will be charged to send credit card funds through JPay. Those bank fees need to be added to the fees charged by JPay as listed below.

Amount of Gift	Internet Fee	Phone Fee
UP to \$20.00 .....	\$3.95 .....	\$4.95
\$20.01 to \$100.00 .....	\$5.95 .....	\$6.95
\$100.01 to \$200.00 .....	\$8.95 .....	\$9.95
\$200.01 to \$300.00 .....	\$10.95 .....	\$11.95



## Literary Corner

### HURT PEOPLE

by Levita Gomez, OL-2933, SCI Cambridge Springs

Some say, hurt people hurt people. Is that why good people turn evil?

So many sad faces I see in this prison. Happy people become mad as if the enjoyment of life will never come back.

Even I don't feel happy anymore. To feel and see so much pain yet pretend I feel nothing is the hardest thing to do inside of this place.

I need to feel free from these feelings. I've cried to all the staff members in this prison, still no one listened. Still remaining unhappy, sad and mad women.

I'm ready to give up on looking for what used to be a good feeling. Hurt from trying everything to start the healing, nothing is working because I'm still hurting!

Maybe nothing is going to take this pain away; so if you find happiness first, I'll snatch it away.

Could this be the reason why good people turn evil?

Oh I get it, now I understand why they say hurt people hurt people, because it happened to me.



## Bookcase

### SYNOPSIS OF *ENTRAPMENT IN BLOOD*

Book and Synopsis by Joseph Rodriguez  
#20260-050, USP Lewisburg, PA

Our Constitution clearly states that no man shall be deprived of life or liberty without due process of law. What happens when those sworn to protect our liberties are the very ones who try to take them? This is the horrifyingly true account of the FBI's deliberate attempt to murder three men, whom they considered to be master criminals. When that sting went wrong, they were brought before the courts, with doctored evidence, and were wrongfully convicted. This is what could happen to anybody the government considers an enemy of the state.



## Announcements

### Life Support for Women with an

**Incarcerated Loved One** is a support group for women looking for a safe place to share feelings and concerns about incarcerated family members. The group usually meets the second Tuesday of every month from 4:00 p.m. to 6:00 p.m. at the Pennsylvania Prison Society: 245 N. Broad Street, 3rd Floor, Philadelphia, PA 19107 (Race-Vine station, across from Hahnemann Hospital).

For more information:

Mason Barnett, 215-564-6005, ext. 106 (Prison Society)

### If you are a prisoner who has written a

**book**, we want to publish it. There is no charge to publish or read your book. You retain full rights to your book if you later wish to place it with a literary agent or commercial publisher. Handwritten or typed, your book will be scanned and published exactly as we receive it. Any language is acceptable. It may contain drawings and photos.

For more information, contact:

Prisons Foundation

PO Box 58043

Washington, DC 20037

### Fight For Lifers West In Pittsburgh,

**Pennsylvania**, has meetings every third Saturday at Crossroads U.M. Church, located at 325 N. Highland Ave. in the E. Liberty section of Pittsburgh, 15206 (across from Home Depot) at 10:00 a.m. until 12:00 noon. Contact FFLW at 412-361-3022 (leave a message) or at [fightforliferswest@yahoo.com](mailto:fightforliferswest@yahoo.com) for more information. We really need lifers' family and friends to get involved — our membership has dwindled to only a few people and we are just hanging on. Our lifers need us more than EVER!

**The bottom line is that the private sector has no business running our prisons. This is one of the most basic government responsibilities.**

—Ted Strickland  
Former Governor of Ohio  
(2007-2011)

# DEATH ROW

## January Birthdays

Ralph Birdsong  
AF-9092, GRA

Dustin Ford Briggs  
GN-8696, GRN

Tedor Davido  
EW-4765, GRN

Daniel Gwynn  
CW-5713, GRN

Sheldon Hannibal  
CG-5771, GRN

Roderick Andre Johnson  
DN-0530, GRN

James Lambert  
AK-7472, GRN

Jerome Marshall  
AY-5932, GRN

Thomas James Meadows  
BL-5087, GRA

David Allen Sattazahn  
BT-7445, GRN

Michelle Sue Tharp  
OF-6593, MUN

Christopher Williams  
BT-3553, GRA

**GRA = SCI Graterford**  
**PO Box 244**  
**Graterford, PA**  
**19426-0244**

**GRN = SCI Greene**  
**175 Progress Drive**  
**Waynesburg, PA**  
**15370-8090**

**MUN = SCI Muncy**  
**Post Office Box 180**  
**Muncy, PA 17756-0180**

*If you do not want your name published, send a letter to Graterfriends each year you do not want it to be included. Be sure to note your date of birth.*

### Therapy?, continued from page 10

Added to this, there is an officer who has sexually harassed inmates on the TC unit. He also uses verbal abuse as a form of intimidation. The officer in question is extremely hostile and disrespectful. The program is already a major challenge. The intimidation and abuse is unnecessary and unprofessional. Inmates are afraid to file paperwork on this officer. If you do, you will become a target or get kicked off the unit. It appears that staff are afraid to redress his issues. He is unfit to hold such a position, especially on a therapeutic block.

There is no true care and concern for the inmates in TC. When we are degrading and humiliating ourselves, the counselors, guards, and staff all gather around to laugh in amusement. People who do graduate walk away having learned nothing about drugs and addiction treatment. This program is not about treatment. It focuses more on degradation, neglect, and disrespect, which is making criminals worse off than they were before they came to prison.

The TC program here is violating a lot of our religious beliefs as well. Some inmates in TC are forbidden by their religion to clap, dance, sing, and make a mockery of themselves, yet this program doesn't respect that. Staff members were shown religious books that teach and preach against the likes. Their response was "deal with it or sign out." If you sign out because your religious beliefs are ignored or violated, you lose your chance of being paroled. Who in their right mind would want to spend extra time in prison? This is how they get away with many of the torturous practices in TC: the lure of freedom.

The reason why this program is still running in spite of failing to successfully treat people is because of the federal grant money the institution receives each time an inmate is placed in the program. We are being neglected and mistreated here.

## SUBSCRIPTION INFORMATION

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\$100	Friend of the Society		

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**The Pennsylvania Prison Society**  
245 North Broad Street, Suite 300  
Philadelphia, PA 19107

Prisoners may pay with unused postage stamps.

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Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Payment Amount \_\_\_\_\_ Payment Method \_\_\_\_\_

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### Delaware County, continued from page 11

out an approved phone list, I was unable to make calls to family or to my attorney. On the Intake Unit, inmates are not allowed to order any commissary — not even pens, pencils, stationery, or postage stamps. In order to fight the charges against me, I needed to communicate with the outside world. Without an approved phone list, pens, paper, or stamps, I was out of luck.

Page three of the Inmate Handbook (August 2012) reads, in part, "You have the right to complain about the conditions of the Intake Unit at the George W. Hill Correctional Facility if you believe that they violate your right to be free from cruel and unusual punishment. Your rights in these areas have been the subject of a federal lawsuit. These rights are more specifically set forth in a Settlement Agreement, a copy of which is available for your inspection in the prison law library." Not only did I want to inspect the Settlement Agreement, I also wanted to file a formal complaint about prison conditions. And, I needed to do some legal research. In order to visit the prison law library, I was told that a counselor must add my name to the law library list. I later learned that inmates are not allowed to see a counselor while they're being housed on the Intake Unit. So much for going to the law library!

After five or six days, I (politely) informed a guard that I wanted to file a grievance. As he handed me a grievance form, I asked him if I could borrow a pen to fill it out. He told me inmates, "ain't allowed to have no pens or pencils" while housed on the Intake Unit. "This jail, dog!" I was told. So much for filing a grievance!

Inmates on the Intake Unit are not allowed to use a broom, a mop, or any cleaning supplies to clean their cell. Cell floors are littered with food crumbs and large clumps of lint that shed from the prison-issued wool blankets. The Intake Unit showers are filthy and were never cleaned or sanitized during my stay. And inmates are not issued shower shoes, either. (Seriously!)

Clean uniforms? There's no such thing on the Intake Unit. No laundry is collected.

A constant flow of cold air blasts through the vents inside the cells. The prison is so cold that the guards wear jackets for the duration of their shift. Did I mention that inmates aren't allowed to have jackets?

The bottom line: The cruel and unusual conditions on the Intake Unit at GWHCF caused me undue stress and hindered me from adequately preparing an effective defense for my case.

Some people may read this letter and say, "If you don't like it, don't go to jail!" They must also understand that just because an individual is arrested, doesn't mean he's guilty. Two of three charges against me — public drunkenness and disorderly conduct — were dropped by the Commonwealth. I'll fight the remaining charge at trial!

### Failure, continued from page 16

Where does this leave the rest of us, those who were hoping to see more positive outcomes?

Last month, this column was committed to the importance of the political arena. If there is a lesson to be learned in all this, it reinforces the critical nature of our electoral system. Politicians cast their votes for what they believe their constituents want and only rarely do they take a strong moral stand in the face of voter opposition.

Our task must be to strive harder to win over the electorate. It's not impossible: the stop smoking campaigns proved that. But it's not easy, either.

Perseverance is essential. There are numerous great lessons in history where short term failings lead to eventual success. Consider George Washington's Continental Army freezing at Valley Forge, President Lincoln agonizing over the bloody battles of the Civil War, or Winston Churchill watching London crumble under the blitz. These heroic challenges succeed ultimately because their causes were girded with moral sensibilities.

People who impose intemperate sentences because they have the power to do so, or who take advantage of those entrusted to their care are not operating from a framework built on the ethical lessons of the past.

The message at the start of this new year must be about enduring in the face of the weaknesses and moral failings of others.

## Inmates in PA Prisons

Did You Serve in the US Military, and were you sentenced before December 1980?



If so, we want to hear from you and other, similar veteran inmates for a study on Post Traumatic Stress and other issues.

**Write us at the address below**

**Veterans Legal Foundation, Inc.**

12 West 8th Street, Chester, PA 19013

First Class postage is required to re-mail

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## **THE LAST WORD**

### **Failure Can Lead to Innovation**

by William M. DiMascio

Executive Director, The Pennsylvania Prison Society

In a land replete with conferences, it had to be one of the most unusual gatherings. When conferees gathered in the nation's capital recently, they were there to admit, celebrate and learn from failure. It was the third annual FAILFaire gathering hosted by the World Bank primarily for nonprofits in the field of social change.

Sarika Bansal, who covered the conference for *The New York Times*, said that failure in the social change arena can be positive as it is frequently viewed in Silicon Valley, where investors see it as part of entrepreneurial risk-taking. She quotes one attendee as saying, "If you're not failing, you're not considered to be innovating enough."

The inclination of many to hide their failures or to not talk about them is seen as the worst course of action because nothing is learned from the experience.

So eager are these folks to share their failures that they have developed a website called, Admitting Failure. It proclaims itself a "community and a resource, created to establish new levels of transparency, collaboration and innovation within civil society."

"Fear, embarrassment, and intolerance of failure drives our learning underground. No more. Failure is strength. The most effective and innovative organizations are those that are willing to speak openly about their failures. Because the only truly 'bad' failure is one that's repeated."

Admitting Failure invites submissions of stories about failures but, as you might expect, it only publishes the "best" failures.

Ashley Good, editor of the website, said social change will only reach its full potential when failure is seen as an "indicator of innovation and a driver of collaboration that's needed to catalyze systemic change."

Learning about the virtues of failure came at a fortuitous moment of reflection on the year just passed. It was especially heartening to discover something positive might be salvaged from the debacle of SB 850. Just when it seemed success was at hand with the US Supreme Court decision in *Miller v. Alabama*, the state legislature did its best to skirt the intent of the ruling.

Life without the possibility of parole remained an option for juvenile offenders and our ever-innovating and catalyzing lawmakers delivered a new twist on mandatory sentences – the bifurcated mandatory. Now juries have the option of life without parole or, depending on age (and disregarding development), a term of 35 years to life. So, it seems those who wish to continue the remarkably costly and ineffective tough on crime approach learned from their failure in court and adapted.

Now, too, we are hearing about the phone company finding new ways to gouge prisoners' families with these minimum balance, prepaid accounts. All the while the state talks about reentry and keeping families together. It seems clearly to be a failure of human decency to permit this bilking of the public to get kickbacks from the phone company.

(see Failure, continued on page 15)