

GRATERFRIENDS

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

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June 2013

Dear Reader: Wake Up!

by Christian B. Michael, Sr., DK-6928, SCI Forest

As I was sitting in the day room with approximately 120 of my fellow inmates, I was approached by another inmate who just so happens to be openly homosexual. We had a conversation as the other inmates at the table prepared to play cards. The gay inmate and I continued to talk when, all of a sudden, the inmates who were about to play cards abruptly got up and went to another table. They did this after noticing that we were not going to move. It wasn't that there was no room for all of us, they just got up and left.

Earlier in the day, I had started to read *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander. Now, I'm no intellect, scholar, or

We overlook the common threat that binds us as the same disenfranchised class of people.

critic of literature, but this book is something that should be on the shelves of every inmate, our loved ones, and anyone who has had the opportunity to come into contact with the criminal justice system.

The New Jim Crow gives an account of how the old Jim Crow Laws disenfranchised people of color and the striking resemblance to the current disenfranchisement of the convict. Then it dawned on me: the very same discord that plagued slaves in this country, and caused the plight of the victims of the Holocaust, is worsened by our own prejudices toward each other while we all struggle to be treated as humans. The tension between the slaves who worked the fields and the slaves who worked in the "big house" can still be seen every time a homosexual walks up to a table to sit and everyone gets up and walks away.

The very same thing is what happened when people of color got on the bus and were forced to sit in the back. It's the same thinking that went into white-only water fountains and people of color using the back entrances — if they were even allowed to enter the establishment.

The very sad reality is that there is even more oppression on the gay inmates than there is on anyone else in these human warehouses. But we claim all kinds of absurd reasons to separate ourselves. We overlook the common threat that binds us as the same disenfranchised class of people. We hypocritically hide behind race or other things to do the same thing that our captors do to all of us: oppress.

Until we realize that every convict who is denied freedom and the fundamental basics to be citizens upon release are fighting the same battle — be he/she Christian, Muslim, Jewish, Atheist, gay, straight — we will continue to suffer by our own hands, as well as by those of our captors and other powers who benefit from our own ignorance toward each other.

Wake up!

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From the Editors

On June 4, we celebrated our 226th year of service and honored some in the criminal justice arena and in our own organization. This year, we recognize:

- “Ms. Freddi,” Official Visitor of the Year
- Jerome Walsh (SCI Dallas), Corrections Official of the Year
- William Payne (SCI Huntingdon), Prisoner of the Year

We will feature more about these three incredible individuals in a future issue of *Graterfriends* so that you all understand why we chose to honor them in this way.

You have an opportunity to help the Pennsylvania Innocence Project, and for them to also help you. See Page 3 for more details regarding their research into cases that used hair “matching” as evidence.

In February, we printed two pages of information regarding the December 2012 changes that took effect in Pennsylvania’s sex offender registry. In this issue (on Pages 6-7), we have recreated that information in Spanish so that those in the Latino community may better understand their rights and responsibilities under these new laws. It is important to us that we spread this information as much as possible so that people understand this new legislation.

Finally, don’t miss Official Visitor Cathy Wise’s poem in Literary Corner. It’s based on her observations while sitting in the SCI Muncy visiting room, waiting to visit with prisoners there.

Spotlight

STATES REPEALING DEATH PENALTY: IS THERE HOPE FOR PENNSYLVANIA?

by *Deven Rogoshewsky, Editorial Assistant*

Capital punishment has been part of criminal justice since antiquity. One of the earliest, and probably most famous, examples can be seen in the Code of Hammurabi, which codified different punishments for different crimes, most notably the idea of an “eye for an eye, hand for a hand, and tooth for a tooth.” This ancient text is the ancestor of laws seen in the Torah, Bible, Ancient Greece and Rome, all the way through the Middle Ages to modern times.

Today, two-thirds of the world’s nations have abolished the death penalty, including the world’s major economic powers — except for China, Japan, and the United States.

In the United States, capital punishment is cause for much debate. Politicians use the death penalty in order to appear tough on crime, even though evidence indicates that the death penalty is ineffective. In the 1972 case *Furman v. Georgia*, the U.S. Supreme Court deemed the death penalty unconstitutional, causing a national repeal between 1972 and 1976. In 1978, however, the Court overturned this ruling and reenacted the death penalty. Currently, 33 states allow the death penalty, including Pennsylvania.

(See Death Penalty continued on page 15)

GRATERFRIENDS

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

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

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

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If you have a question about *Graterfriends*, please contact Mindy Bogue, Communications Manager, at 215-564-6005, ext. 112 or mbogue@prisonsociety.org.



Pssst... Pass the Word

YOU CAN HELP THE PENNSYLVANIA INNOCENCE PROJECT

by Marissa Boyers Bluestine
Legal Director, Pennsylvania Innocence Project

Since the mid-1800s, microscopic hair comparisons have been used to try to tie individual suspects to hair found at a crime scene. It has, sometimes, been used as the only evidence of guilt to convict people — even to execute them. The problem is, it's not reliable — at all. And the FBI agrees.

In conducting an analysis, the examiner takes photos of the crime scene hair and compares it, under a microscope, to photos of the suspect's hair. The examiner then determines if the hairs "match." This is entirely dependent upon the examiner's individual experience, capability, training, and, yes, judgment. It is not based, in any way, on scientific principles.

What can we tell from examining hair under a microscope? Whether it's human or animal. Whether it's from a person's head, arm, or other part of the body. Maybe whether it comes from a specific ethnic group — European, African, or Asian descent. But the jury is out on that one. Of course, if the suspect is of mixed heritage, then there is no reliability there, either.

THE IMPACT OF *LAFLER V. COOPER*

by Christopher Berry, AY-3534, SCI Coal Township

I read issues of *Graterfriends* every month with great interest, searching for the latest developments in law and the plight of prisoners in Pennsylvania. While I feel the pain of everyone affected by the system, it strikes me as odd that a decision was rendered in a case that affects 90 percent of all defendants, yet didn't even receive honorable mention in one edition of this publication since the decision was rendered! I am referring to the landmark decision in *Lafler v. Cooper*, 132 S. Ct. 1376, (2012). In *Lafler*, the Court ruled in essence that, "criminal justice today is for the most part a system of pleas, not a system of trials. Ninety-seven percent of federal convictions and ninety-four percent of state convictions are the result of guilty pleas... the right to adequate assistance of counsel cannot be defined or enforced without taking account of the central role plea bargaining plays in securing convictions and determining sentences." The Court held in *Lafler*, that "but for counsel's deficient performance there is a reasonable probability he and the trial court would have accepted the guilty plea."

I am in the same position as Mr. Cooper. In 1984, I was

The FBI now acknowledges that hair comparison testimony can be very flawed. They are reviewing thousands of cases with the Innocence Project and the National Association of Criminal Defense Lawyers to identify those where FBI agents gave trial testimony that was not scientifically supportable. Generally, we are looking at cases (through 1996) where an FBI agent testified.

We're trying to find out how many people this may affect in Pennsylvania.

Of course, just because that part of the testimony was flawed does not necessarily mean that anyone who had that as part of his case should get a new trial. Most often, the testimony was an insignificant part of the case, and didn't really play a role in a given conviction.

If your case involved the testimony of an FBI agent who compared a hair found at the crime scene to yours and declared it a "match," please write to the Pennsylvania Innocence Project and let us know.

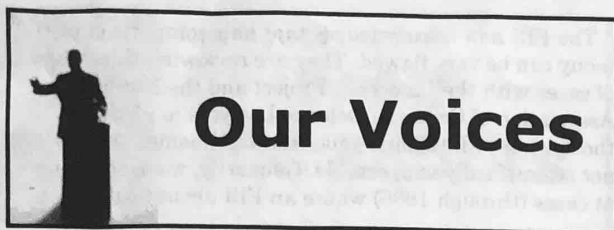
The Pennsylvania Innocence Project conducts post-conviction investigation and litigation in cases where people have been convicted of crimes they did not commit. To have your case considered by the Pennsylvania Innocence Project, write us a letter briefly explaining the crime(s) for which you were convicted, your sentence, why you say that you are innocent, whether you have completed your direct appeal, and what new evidence may exist to prove your innocence. Please do not send any documents until asked to do so, and do not copy the questionnaire for others to use — it only slows down our evaluation.

Marissa Boyers Bluestine
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given numerous erroneous statements by incompetent counsel, the D.A., and the court, in defining a life sentence. To persuade me to plead guilty, my family and I were told that I had a "legal right to a parole hearing in 20 years," that I "would be eligible for prerelease," and that I would get out in 12, 14, or 17 years and still be a young man." Prior to sentencing, I was told by the prosecutor that "life might mean you will be released in 15 years, it might mean you will be paroled in 20 years." At sentencing, which took place immediately after I pled guilty, I stated that I was pleading guilty because "I just don't want to spend the rest of my life in prison." In 1999, a three-judge panel of the Superior Court granted me a conditional new trial and ruled that "Berry was actually misled by his own counsel, the prosecutor, and the court into believing that he might be eligible for parole."

An *en banc* panel of the same court would later turn justice on its head and rule that this issue in my case was "previously litigated," despite the fact that it was never raised on appeal. In 2005, the previously litigated doctrine was ruled unconstitutional by our State Supreme Court in *Com. v. Collins*, 888 A.2d 564. Again, I challenged my conviction via the PCRA in 2006 on this

(See *Lafler v. Cooper*, continued on page 13)



Our Voices

REST IN PEACE, MY SISTER

by Avis Lee, OO-6302, SCI Cambridge Springs

Sharon "Peachie" Wiggins, a juvenile lifer, died on Sunday, March 24, of a massive heart attack at SCI Muncy. She had been locked up for 44 years, since the age of 17.

She was being reviewed for release based on the U.S. Supreme Court's ruling last year that stated sentencing juveniles to mandatory life without parole is cruel and unusual punishment, therefore unconstitutional. Her supporters had already gotten her a job and an apartment, and were patiently waiting for her to be resentenced and released.

Her funeral was held in Detroit where her family resides. Needless to say, we are all reeling.

Peachie, although older than a lot of us, was everybody's baby. She had been incarcerated since she was a young girl, and she had a very young, upbeat spirit. She let us all know we could carry ourselves the same way. The fact she was still standing let us know that we, too, could stand.

She always encouraged us to go to school, get GEDs, learn trades, go to college, tutor, mentor, file appeals, apply for commutation, stop getting misconducts, stay sober, reach out to the community through give-back efforts and programs, and to strive for excellence in all that we do and speak.

She was into robotics. She showed me sketches of her prototypes decades ago. Ironically, I watched a documentary on PBS about two weeks ago. Her designs were on par with the experts! That was the kind of mind that was locked behind these walls, a scientific genius in the making.

I am honored to have met Sharon "Peachie" Wiggins, and humble to have had the privilege of serving 17 years of my life sentence with her.

When I read the story, "Parable of the Talents" in the Holy Bible, I think of Peachie and how our heavenly Father would be so happy that she did not waste her talents, no matter her circumstances. She steadfastly rose above them, and when she saw a need, she stepped up to help. I could go on forever, but I'll end in saying:

Rest in peace my sister. God Bless you. Job well done. Excellent use of the "talents."

Rest in Peace. See you in Eternity.

VIOLENCE IN OUR SOCIETY

by Larry Stephenson, AM-1449, SCI Graterford

Some social scientists say that violence is a learned behavior. If this is partially correct, it helps us understand why violence is so prevalent in America. A look at the historical make-up of this nation will show a pattern of violence since the first European settlers landed on these shores in the 1400s and 1600s.

Since then, there have been numerous acts of violence in this country toward its inhabitants, and by this country towards other nations. Starting with the violence directed at the indigenous people of America (Indian Wars), there has been a constant flow of wars: The Revolutionary War, The War of 1812, Spanish-American War, Mexican War, Civil War, World War I, World War II, Korean War, Vietnam War, Grenada Invasion, Persian Gulf/Iraqi War, and War in Afghanistan. Soon there may even be a war in Iran and Syria. Those born over the past 100 years cannot recall a prolonged period of non-violence in this nation and by this nation.

Citizens seem to look toward the nation's leader to set the pattern of behaviors and codes of conduct to live by. When citizens are constantly bombarded with press conference by these leaders, talking about hunting their enemies down and killing them on-sight — what message does that send to the population?

United States' "fly-by" bombings in other countries influence "drive-by" shootings in American cities.

There is also a pattern in this nation's history of romanticizing violent criminals and warmongers. Take a look at how many movies have been made to glorify men like Jesse James, Al Capone, John Dillinger, General George Custer, and a host of other violent people in this country's history.

Society has become so desensitized to violence that some people believe it's a normal occurrence. Just look at the violence and senseless killing in the African-American communities. If young Caucasian men were killing each other the way young African-Americans are, society would demand a moratorium on guns. Even animals like deer, rabbits, pigeons, and bears have moratoriums when killing them becomes too overbearing.

A black life, however, appears to be worthless. It is always "open season" for killing them. The multigenerational psychological effects of self-hate from slavery are the root cause of so much black-on-black violence. Until this pathology is seriously addressed, expect more of the same behavior in the African-American communities.

If violence is a learned behavior, then it can be unlearned. A unilateral declaration by every human being on this earth to end violence must be made, or violence may consume us all.

PEACHIE, YOU SHOOK ME!

by *Fatimah Martin, OK-5913, SCI Muncy*

I'd seemed to have forgotten what passion was, what dedication and determination were. I'd forgotten to believe in myself enough to want change.

I was one of those individuals afraid of change. I was so comfortable practicing distorted perceptions and principles, smothering my anger and hurt with these distortions, that I didn't recognize that I was slowly destroying my own character, my own soul, my future — even with all these smarts I may have, all my family, friends, love and support. I truly felt like my family was supposed to support me. They owed me. The streets owed me. I owed the streets. Even GOD owed me.

I continued to behave like an idiot even after I was sentenced to Muncy Correctional Facility for Women.

In the summer of 2009, I met an amazing woman. She had beautiful skin, beautiful hair, a soft jaw line, a content demeanor. She said, "Oh! You're a gangster? So you're ready, right now, to die for those principles you done made up? You must be ready to say 'Bye' to your family and loved ones forever! Tell me where gangsters end up!" At this time I was too defensive to answer the nerve of this lady, but not too silly to miss the logic behind her words.

Ms. Wiggins went on to say, "It's all fun and games until it gets real and you're on your knees begging for another chance at living life, not just existing. That chance may not be too late if you listen now. You don't want this life, Fatimah."

Ms. Sharon Wiggins, aka Peachie, explained her history, her struggle with these same distorted principles. She explained how these distorted principles led her to be sentenced to death at the age of 17, her sentence reduced to life imprisonment when she was 20.

Weeks later, I redirected my thought process. I began to listen, to follow the natural order of changing. Thank you, Peachie, for your guidance. I needed it. Thank you for not allowing me to give up on myself, on my family, on my life. Thank you for teaching me so much.

Ms. Sharon Wiggins was a rare breed, a magical individual, intellectually perfected, dedicated to reforming herself — which she accomplished. Ms. Wiggins has helped many at Muncy to be dedicated to developing the necessary skills to reform.

Peachie had honorable ethics, and a selfless phenomenal character that was purely down to earth; unmatched, a swagger unnumbered. God called on you, Peachie, because you had served your purpose here on Earth. In my heart, in my eyes, you've done more than give back: You've redefined and reformed many of us who were lost and broken. The courage and strength to do so is unimaginable, but you did it, Peachie! "God makes no mistakes." I love you Peachie. I'll never forget you.

SPECIAL EDUCATION

by *Jesse Keith Blough, HQ-7572, SCI Albion*

Education is an important part of bettering oneself in prison. However, a group of people are neglected, the people with special needs. It's just like outside of prison, where teachers just push students through instead of actually trying to help them learn. Many prisoners pick on people with learning disabilities or mental challenges, calling them "the crazy" block, etc. However, these people are human beings, too.

Education should be available to all people willing to learn or attempt to learn. The DOC has no special education classes. It often gives prisoners with special needs books a grade level too high for them, as well as hired "tutors" who think they are better than those they teach or know everything, and often neglect the special needs of those with mental illness. Just because a person earns a GED doesn't make him or her a good tutor. Tutor training is a must, and teaching and reaching a student is a gift or talent. Anyone can give someone a book and say, "Do this, I check, I give you back the book, you do more."

I am not trying to offend anyone. However, if someone is not given an education/special education, how are they expected to be successful when released from prison? All I wish is that everyone be afforded the chance to learn and the opportunity to have accommodation for special needs. I am no better than anyone else, I just want to make a difference and help my fellow brothers and sisters.

People need to call or write the DOC, the governor, and people in office to stress the importance of education — not just on the street but also in prisons. This is especially true for people with special needs. However, education is one of the first things cut from budgets. That is why most prisoners come back to prison: lack of education and life skills.

Many worry about how much food is on their tray instead of worrying about having the skills to stay out of prisons. I am but one voice. I can't do this on my own. If my words hold value to you, please speak up — not for my sake, but for yours and your fellow brothers and sisters.

Do you want your fellow human beings treated like they have no value, or do you want people to see everyone as equals, as human beings, as people clinging to hope — hoping one day people will stop hating and give them tools to help them change their lives and break the cycle of crime?

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. Thank you.



Legislative Highlights

Ann Schwartzman

Policy Director, The Pennsylvania Prison Society

In February, we printed information regarding Pennsylvania's new sex registration legislation. Below is a Spanish version of that information.

LO QUE NECESITA SABER SOBRE LAS LEYES DE REGISTRO DE AGRESORES SEXUALES DE PENNSILVANIA.

Usted debe cumplir plenamente con la ley. Incluso si usted no está de acuerdo con su clasificación o los requisitos, usted debe seguir registrándose y proporcionando información precisa, mientras impugna su estado. Un funcionario a su servicio le hará completar un formulario de inscripción preliminar. Entonces deberá declarar en un sitio designado en persona dentro de las 48 horas tras la liberación para completar el registro. No cumplir con esta ley es un delito con penas estatales forzosas.

Desde el 20 de diciembre de 2012, Pensilvania se mueve en un sistema de tres niveles para la clasificación. Basándose en el delito más grave por el que fue condenado, usted será colocado en un nivel. (Consulte la tabla en el reverso.)

Si ya está registrado, usted debe cumplir con su nueva asignación de nivel. Si usted todavía no está registrado, pero está en prisión o bajo supervisión de libertad condicional/libertad provisional por uno de los cargos en la tabla, usted debe registrarse antes de la liberación.

Los delincuentes en el Nivel 1 deben registrarse anualmente durante 15 años. Los delincuentes en el Nivel 2 deben registrarse cada seis meses durante 25 años. Los delincuentes en el Nivel 3 debe registrarse cada 3 meses por el resto de sus vidas.

Usted debe declarar en el plazo de diez días antes de la fecha especificada por la policía del estado. Si no tiene hogar, usted debe declarar en un sitio de registro cada mes.

Si usted ha sido definido por el Tribunal de sentencia como un Depredador Sexualmente Violento (SVP), se le coloca automáticamente en el Nivel 3 y además debe asistir a sesiones de terapia al menos mensualmente con un proveedor del tratamiento aprobado por la Junta de Evaluación de Delincuentes Sexuales (SOAB).

Usted debe proporcionar la siguiente información cuando se presente en el registro:

- Su verdadero nombre y los alias, nombres tribales o étnicos;
- Su dirección principal y cualquier dirección donde pasará siete o más días;
- Si no tiene hogar: cualquier refugio temporal, parques o lugares que frecuente o donde recoja su correo;
- Sus números de teléfono, incluyendo números de teléfono celular;
- Su Número de Seguridad Social;
- Los nombres y direcciones de todos los empleadores o sus áreas de viaje si no trabaja desde una ubicación fija;
- Cualquier licencia ocupacional o profesional que tenga;
- Los nombres y direcciones de cualquier escuela a la que asista;
- Su licencia de conducir y la información de registro para cualquier vehículo que usted posea u opere;
- Su fecha de nacimiento;
- Documentos de inmigración o pasaporte en su nombre;
- Las direcciones de correo electrónico y todas las identificaciones y seudónimos en Internet y redes sociales.

Si hay algún cambio en uno o más de estos, usted debe presentarse en persona en un registro en el plazo de tres días hábiles.

La siguiente información acerca de usted se publicará en el sitio web de la Policía Estatal de Pensilvania:

- Su nombre y cualquier alias;
- Su dirección principal y cualquier dirección secundaria;
- Su dirección de trabajo o área de viaje;
- Su información de la escuela;
- La descripción y número de la placa de todos los vehículos que posea u opere;
- Su descripción física;
- El texto de los estatutos de sus cargos;
- Su fotografía actual y hasta ocho fotografías anteriores, incluyendo las fechas en las que fueron tomadas;
- Si usted cumple o no estas leyes;
- Las fechas en las que su registro se volvió activo y su información fue actualizada por última vez;
- Si su víctima es un menor o no;
- Si usted es o no un depredador sexual violento, un delincuente menor sexualmente violento, o su asignación de nivel.

Los delincuentes juveniles no se anunciarán en el sitio web, pero los declarados delincuentes menores sexualmente violentos serán anunciados. Los delincuentes juveniles y los delincuentes menores sexualmente violentos deben declarar cada tres meses por el resto de sus vidas.

Si usted no comparece cuando está programado o si usted proporciona información incompleta o incorrecta, usted puede ser acusado de un nuevo delito que conlleva graves castigos mínimos obligatorios.

Usted recibirá una notificación en el correo recordándole aparecer como está programado, sin embargo, el fallo al recibir la notificación no le exime de aparecer a tiempo.

Los depredadores sexualmente violentos y los delincuentes menores sexualmente violentos están sujetos a notificación a domicilio por las autoridades.

Niveles de delitos sexuales (Efectivo 12/20/2012)			
	Nivel 1 (42§9799.14(b))	Nivel 2 (42§9799.14(c))	Nivel 3 (42§9799.14(d))
PENNSYLVANIA OFFENSES	18 Pa.C.S. §2902(b) Retención ilegal del menor no siendo el padre o guardián legal 18 Pa.C.S. §2903(b) Encierro ilegal del menor no siendo el padre o guardián legal 18 Pa.C.S. §2904 Interferir en la custodia del menor 18 Pa.C.S. §2910 Engañar atrayendo a un niño a un vehículo o estructura de motor 18 Pa.C.S. §3124.2(a) Agresión sexual institucional (Víctima es 18 o más años) 18 Pa.C.S. §3126(a)(1) Agresión indecente 18 Pa.C.S. §6301(a)(1)(ii) Corrupción de menores 18 Pa.C.S. §6312(d) Abuso sexual de niños 18 Pa.C.S. §7501.1 Invasión de la privacidad	18 Pa.C.S. §3122.1(a)(2) Agresión sexual reglada 18 Pa.C.S. §3124.2(a.2)(a.3) Agresión sexual institucional 18 Pa.C.S. §3126(a)(2,3,4,5,6,8) Agresión indecente 18 Pa.C.S. §5902(b.1) Promover la prostitución de menores 18 Pa.C.S. §5903(a)(3)(ii), (4)(ii), (5)(ii), (6) Material obsceno (menores) 18 Pa.C.S. §6312 (b) (c) Abuso sexual de niños 18 Pa.C.S. §6318 Contacto ilegal con menor 18 Pa.C.S. §6320 Explotación sexual de niños	18 Pa.C.S. §2901(a.1) Secuestro del menor 18 Pa.C.S. §3121 Violación 18 Pa.C.S. §3122.1(b) Agresión sexual estatutario (Víctima tiene 18 o más años y el delincuente es 11 o más años mayor) 18 Pa.C.S. §3123 Relaciones Sexuales Involuntarias Desviadas (IDSI) 18 Pa.C.S. §3124.1 Agresión sexual 18 Pa.C.S. §3124.2(a.1) Agresión sexual institucional (víctima es menor de 18 años) 18 Pa.C.S. §3125 Agresión indecente agravada 18 Pa.C.S. §3126(a)(7) Agresión indecente 18 Pa.C.S. §4302(b) Incesto (víctima menor de 13 años, o menor de 18 años y más de 4 años menor que el delincuente) Depredador Sexualmente Violento (SVP)
	18 U.S.C. §1801 Videovoyeurismo 18 U.S.C. §2252(a)(4) Materiales obscenos 18 U.S.C. §2252(a) Pornografía 18 U.S.C. §2252(b) Dominio de Internet 18 U.S.C. §2252(c) Palabras o imágenes integradas en Internet 118 U.S.C. §2422(a) Coacción 18 U.S.C. §2423(b) Transporte de menores 18 U.S.C. §2423(c) Transporte de menores 18 U.S.C. §2424 Declaración de hechos 18 U.S.C. §2425 Servicios Interestatales	18 U.S.C. §1591 Tráfico sexual 18 U.S.C. §2243 Abuso sexual de menores/custodia 18 U.S.C. §2244 Abuso (contacto sexual) 18 U.S.C. §2251 Explotación sexual de niños 18 U.S.C. §2251(a) Compra/venta de niños 18 U.S.C. §2252(a)(1), (2) or (3) Actividades relacionadas con la explotación sexual de niños 18 U.S.C. §2260 Producción de pornografía infantil 18 U.S.C. §2421 Transporte 18 U.S.C. §2422(b) Coacción e incitación 18 U.S.C. §2423(a) Relacionadas con la prostitución	18 U.S.C. §2241 Agresión sexual agravada 18 U.S.C. §2242 Abuso sexual 18 U.S.C. §2244 Contacto sexual abusivo
FEDERAL OFFENSES	Delito militar comparable u otros delitos, otras jurisdicciones. Conspiración, intento o sollicitación de las suso-dichas ofensas.	Delito militar comparable u otros delitos, otras jurisdicciones. Conspiración, intento o sollicitación de las suso-dichas ofensas.	Delito militar comparable u otros delitos, otras jurisdicciones. Conspiración, intento o sollicitación de las suso-dichas ofensas. 2 o más condenas por delitos de Nivel 1 o Nivel 2.

Si usted tiene alguna pregunta acerca de su registro, usted puede contactar la

The Pennsylvania State Police
 Bureau of Records and Identification
 Megan's Law Section
 1800 Elmerton Avenue
 Harrisburg, PA 17110

gratuita al 1-866-771-3170

El sitio web de registro se encuentra en
www.pameganslaw.state.pa.us

Este documento no es un sustituto de la asesoría de un abogado. Si bien hemos hecho todo lo posible para asegurar su exactitud, debe consultar a un abogado si usted tiene preguntas.



Legal Chat

STATE WIRETAP LAW

A new state wiretap law has assisted the Montgomery County Narcotics Enforcement Team (NET) in the prosecution of a 26-year-old Pottstown man accused of selling marijuana.

Passed only a few months ago, this law conveniently enabled county narcotics officers to tap all the defendant's phones rather than requiring them to show probable cause to tap each individual communication device. As a result, the accused pot dealer was arrested, charged and jailed in lieu of posting \$1 million cash bail. (Yes, one million dollars cash!)

During a televised press conference last week, Montgomery County District Attorney Risa Vetri Ferman admitted, "If we did not have the target-specific wiretap, we would never have been able to get (the defendant)."

Has anybody in the legal community challenged the constitutionality of this law?

Rob Boyden
Drexel Hill, PA

COMMONWEALTH V. CUNNINGHAM

Many juvenile-sentenced lifers are aware that in September 2012, the Pennsylvania Supreme Court heard oral argument in *Commonwealth v. Cunningham* — a case that will decide whether *Miller v. Alabama* will be applied retroactively to those who have filed (or will file) collateral petitions.

A brief filed by the District Attorney's Office of Philadelphia suggests that they want the Supreme Court to keep in place the judgments of first- or second-degree murder for those juveniles previously so adjudged.

In order to get this result (in the event the Court rules *Miller* is retroactive), they want the Court to overrule the Superior Court's previous decision in *Commonwealth v. Yount*, 615 A.2d 1316 (1992), and *Commonwealth v. Lewis*, 718 A.2d 1262 (1998).

I recall that in the mid '80s and early '90s, Jon Yount and many other likeminded lifers, e.g. Franklin Castle, filed post conviction petitions challenging the statutory construction of S1102 of Title 18 as not barring the imposition of a life sentence without the possibility of parole. For a much fuller discussion on this issue, see "Life Means Life, Maybe? An analysis of Pennsylvania's Policy Toward Lifers," 30 Duq.L.Rev 661 (1991-1992).

The District Attorneys Association now argues that Yount and Lewis were wrongly decided. If the Supreme Court does not overrule those cases, then they want the Superior Court's reasoning in those cases to be treated as dicta, and cited *Rachmel v. Clark*, 54 A. 1027 (Pa. 1903), for the proposition that "dicta in [an] opinion, not

necessary to a decision on the facts presenting, are not to be regarded as an authoritative enunciation of a principle."

Castle v. Commonwealth, Penna. Board of Probation and Parole, 554 A.2d 625 (Pa.Comm.w. 1989) is also cited in the DA's brief. This case held that pursuant to principles of statutory construction the word "shall" in Pa.C.S. S1102(b) is to be regarded as mandatory, rather than "directory," and a sentence of life imprisonment must be imposed for second-degree murder. Under the Parole Board's jurisdiction (currently 61 Pa.C.S. S6137(a)) the DA's brief argues this provision "specifically prohibits the Board from paroling a prisoner condemned to death or life imprisonment." Therefore, they need this subsection declared unconstitutional as applied to juvenile lifers.

Essentially, the District Attorney's Office of Philadelphia and the Pennsylvania District Attorneys Association want the Court to disregard its prior jurisprudence on S1102 of Title 18 as to whether it speaks to the eligibility of parole for life-sentenced inmates; and also deem unconstitutional 61 Pa.C.S. S6137(a) which denies the Board authority to release on parole inmates "serving life imprisonment."

In a supplemental brief the DA's Office of Philadelphia filed in *Commonwealth v. Batts* [recently decided], they cited the Superior Court's July 2012 decision in *Commonwealth v. Knox*. The Superior Court stated "there is no single particular statute in Pennsylvania which directs that juveniles must be sentenced to a term of life in prison without parole... [w]e emphasize that our disposition does not mean that it is unconstitutional for a juvenile actually to spend the rest of his life in prison, only that the mandatory nature of the sentence, determined at the outset, is unconstitutional."

If the Court elects to go this route, it raises a host of thorny issues. At a minimum, it would resurrect Yount's equal protection argument that lifers, as a class, are entitled to individualized treatment in sentencing. See 419 Pa.Super.624.

In a 1984 case, the U.S. Supreme Court stated "[w]hen the law lays an unequal hand on those who have committed precisely the same offense, the discrimination is invidious." *Selective Service System, et al. v. Minnesota Public Interest Research Group et al.*, 468 US 841, 880 (1984) (citing *Skinner v. Oklahoma*, 316 US 535, 541 (1942)).

Furthermore, all lifers who previously filed post conviction petitions on this issue and were denied on the basis of Yount and Lewis would be entitled to re-litigate their PCRA's based on the new ruling of constitutional law.

Kenneth B. Davenport
AF-7291, SCI Dallas

RE: IS YOUR CRIMINAL HISTORY FILE ACCURATE

I disagree with Mr. Glenn's January 2013 letter regarding the third strike law under PA 9714. My associates and I have investigated indictment sheets and state police criminal history. In short, he qualified for 25 to 50

years or life. I saw in his rap sheet past offenses: he had F1, F2, and F3 crimes of violence.

Mr. Tracy did not do his research in *Com v. Butler* A2d, *Com v. Harris* A2d. F1, F2, and F3 decisions all count as a "strike." Mr. Tracy is a three-striker; he got lucky. The DA was probably inexperienced and not acquainted with rule 42 PA CSA 9714 offenses. By the way, the old 9714 was repealed as unconstitutional. The General Assembly debated, and passed the "three strikes" law.

Com v. Shiffler A2d explains how rule 9714 works and is applied.

I read Mr. Tracy's article regarding how, when he filed a PCRA under *Com v. Norris* A2d, the court may have "struck" him. This only occurs if a defendant appeals his case.

This letter is to make inmates aware that all F1, F2, F3 crimes of violence can be "struck."

In Pennsylvania, there are "two strike" laws that carry 10-20 years, and three strike laws carry 25-50 years to life. There are many inmates subject to these laws; the courts put them in a box and bury them. Beware, read 9714; it tells you how it works. Ask your paralegals to look up cases I cited.

Gilbert Arteaga
GC-3018, SCI Huntingdon

REGAIN OUR FREEDOMS

For quite some time, Pennsylvania inmates have endured various reductions in status, rights, and basic human necessities: loss of furloughs; no conjugal visits; reduction in hours compensated; loss of communication, via monthly envelope reduction, phone price gouging, and visit days removed; loss of musical choices (no cassette tapes or CDs at current facility); loss of education choices (Rosetta Stone, books on audio, etc.); loss of assistance in procuring outside resources (DOC no longer cuts checks to pen-pals). The DOC has even psychologically reduced us to a childlike status, through the method of limiting our freedom of speech, by only allowing us to view movies rated PG-13 or lower.

CORRECTION

In the April issue, we ran a letter by Frederick Ray, III, entitled "Analytical Skill" in the Legal Section. The last paragraph should begin: "All legal analysis and reason are premised upon the above syllogism. Mastering this fundamental precept and paradigm of legal analysis induces analytical skills and the realization that legal analysis is a mechanical intellectual activity. Analytical skills require thinking objectively, detecting invalid premise and fallacies in legal argument..." The bold text was inadvertently left out of the publication. We apologize for any confusion this may have caused, and thank Mr. Ray for contacting us about it.

How in the world were they able to pull this off, when courts are supposed to protect First Amendment rights? See: *King v. Federal Bureau of Prisons*, 415 F.3d 634 (7th Cir. 2005) [PLN, May 2006, p. 36]: "Forbid a person to read and you shut him out of the marketplace of ideas and opinions that it is the purpose of the free speech clause to protect." What is a movie, if not a book on film?

Most of the aforementioned losses, were systematically implemented by former Secretary Jeffrey A. Beard, who was a 40-year veteran of Pennsylvania's DOC. During his run as secretary (10 years), Pennsylvania saw a dramatic increase in the state's prison population from 38,000 in 2001, to 51,300 in 2010. He made outrageous state budget requests, in hundreds of millions, toward prison expansion. He implemented one of the most restrictive forms of isolation programs, similar to the Housing United at California's Pelican Bay State Prison. And following his departure, the U.S. Department of Justice launched an investigation based on the abuse allegations at SCI Pittsburgh. Mr. Beard's methods concerning mental health care for prisoners were reported as going against appropriate measures that are standard in the medical profession; the same profession which Mr. Beard was practiced in, but seemingly ignored in his quest to be "tough on crime."

If his practices were not beneficial to Pennsylvania's inmates, taxpayers, and the people whose mental health care and wellbeing he was charged with, then why are most of his methods still in play? PG-13 movies, really? A man is limited by the ideas and perspective of the media to which he is exposed. I'd say, at the very least this seems to be a definite violation of the First Amendment, no matter how small it seems. "Lose a thousand battles, no matter how seemingly small; and eventually you lose the war." Time to regain our freedoms.

Torrey B. Real
EL-1916, SCI Mahanoy

UNJUST AND UNFAIR

I am writing because my son and I are co-defendants. We have been punished for our crime: I have a 20-40-year sentence and my son has life plus 20-40 years. SCI Cambridge Springs keeps denying my writing privileges. I went through the chain of command, even as far as Secretary John Wetzel, and their responses were that they don't want to intervene with SCI Cambridge's decision. I've done all I know to have contact with my son, if anyone has any information on what else I can do, please let me know.

Please help. I love and miss my son so much. Why would they keep a mother and child from writing each other? So unjust and unfair. Please reach out.

Thank you and God Bless.

Terrie Collopy
OR-9022, SCI Cambridge Springs



Mailroom

IN MEMORY OF RANDALL BRITTON

In 2007, I was housed in SCI Houtzdale where Randall Britton was employed. Randall Britton, in my eyes (I don't know about anyone else's), was one of the few that lived by "Don't be right, make it right," which was his motto and was said to me many times during constructive conversations between the two of us. No matter how negative I became, and how often I acted irresponsibly, Mr. Britton treated me with the utmost respect. And now today, as I still sit inside an RHU cell in solitary confinement, I can still remember how much of an impact he had on me. His influence and consistent encouragement has played a part in who I am today. Because of this, I feel that he should be thanked. In 2011, Randall Britton died of non-Hodgkin's lymphoma and I never was able to express my appreciation.

Mr. Britton, thank you for the encouragement, understanding, and the ear you provided when I was venting my frustrations, requesting information about prison rules and regulations, and when I needed advice about staff conflicts. May you rest in peace. Farewell.

Christopher Balmer
GX-5754, SCI Greene

RE: A LOSING EQUATION

Last week my tutor, Ms. Beverly, and I were reading an article from the April 2013 issue of *Graterfriends* entitled "A Losing Equation..." by Lee Horton. The article was about an older inmate trying to discourage a younger inmate from earning his GED. The author, however, encouraged the young man to pursue his dreams.

I experienced the same situation, but I didn't have anyone supporting me. The so-called older guys around me filled my mind with negativity. Unfortunately, I listened to them. Now I am 32 years old without a high school diploma.

They say everything happens for a reason. Today, through the Prison Literacy Project at SCI Graterford, I have a great tutor who pushes me so that I can accomplish my goals. She inspires me to believe in myself. We need more people like her in this world. I am working toward my GED. I hope that Graterford will continue to support the Prison Literacy Project in the future, so that others can get the skills and encouragement they need to succeed.

Khalid Anderson
GJ-3105, SCI Graterford

CONGRATULATIONS TO WILLIAM PAYNE

I want to congratulate my friend and fellow lifer, William Payne, on being awarded Inmate of the Year by the Pennsylvania Prison Society. Bill has worked very hard over the years as president and vice-president of the Pennsylvania Lifer's Association, helping to make changes, motivate, and educate men and women inside and outside of prison. It's not easy for us to get the word out on lifer issues or show people why we deserve a second chance, but we are trying. Anyone on the outside can read more about lifer issues, prison issues, or just about being in here at my blog: www.betweenthebars.org/blogs/1738/.

Bill is a juvenile lifer. I don't think he would ever commit another crime if released. On my blog, I advocate for second chances here in Pennsylvania. If you're on the outside, please read my blog to learn what it's like in here. Learn about what you can do to help make changes. All questions, comments, and advice are welcome.

Once again, congratulations Bill. You've certainly earned this award and I cannot think of a more deserving man. Keep up the hard work, don't lose focus, and don't give up hope.

Robert Pezzeca
DX-1148, SCI Huntingdon

Editorial Note: William Payne was awarded the Pennsylvania Prison Society's Inmate of the Award, in absentia, at the 226th Celebration Anniversary on June 4, 2013. Congratulations to Mr. Payne!

RE: THE LAST WORD

Mr. DiMascio's March "The Last Word" article has moved me to write.

The movie *Casablanca* is one of my favorite movies, and I frequently use the line by Mr. Claude Rains (Louie, in the movie) when I hear about staff misconduct here at Houtzdale or when an inmate is being badly served by the courts.

The main characters (Humphry Bogart as Rick and Claude Rains as Louie), start out as self-serving jerks, not giving a care for anyone, despite the injustice they see all around them.

However, as the movie progresses, they realize that if they do not act to fight against the injustices, change will never come and the dark side will win!

I hope and pray that more people in the justice system could be more like Rick and Louie, and put aside their own selfish needs in order to do the right thing and fight against injustice wherever it occurs.

Thanks for all your good efforts.

William Dolack
FQ-5666, SCI Houtzdale

**RE: I WAS A CHILD WITH AN INCARCERATED
PARENT**

I have been incarcerated since November 17, 2008 for selling drugs. I've been in prison 4.5 years now. I wanted to commend you for your courage to share your story with those of us who are incarcerated. I turned 33 on May 15. I received 7-14 years for my crime.

I would like to apologize to you for the loss of your father, on behalf of whoever may have sold drugs to him. By selling drugs, I was part of the problem. Drugs destroy the lives of the users and sellers but also their families. I have lost an aunt, and my father was in an accident that left him disabled.

I screwed up my life, but I'm grateful to have the chance to still get out of prison and make something positive out of my life, to set a good example for other people who may be going down the same destructive road I was on. I've been part of the problem, now I would like to be part of the solution.

Jason Agreski
JE 7482, SCI Hunlock Creek

RE: A BETTER WAY

I have to respectfully disagree with my sister Kim Angle and Mr. John Tierney, who mentioned stop and frisk tactics in the March 2013 *Graterfriends* as a solution to combat crime and incarceration rates. What stop and frisk does is victimize primarily black and brown people. Do we honestly think the police are stoppin' and friskin' in the suburbs? I'm certain that we can come up with more "restorative justice" measures to combat crime. These are the facts: More black men were detained by the New York City Police Department (NYPD) in 2011 than black men that actually lived in the city. Last October (2012), controversial audio of a biracial Harlem man being threatened and called a "mutt" by police during a stop and frisk incident leaked online. You can Google it. Stop and frisk is racial profiling by another name. Even Pittsburgh Assistant Police Chief Maurita Bryant is against it!

The New York City stop and frisk protocol must be viewed in light of the March 9, 2013 police shooting of a 16-year-old African-American kid named Kimani Gray. The NYPD admits cops shot Gray 11 times. The March 13 autopsy report confirms the teen was hit seven times, including three bullets which entered his body while his back was turned away from the officers. According to the New York Civil Liberties Union, in 2012, 87 percent of cop stops (and frisks) were Black or Latino individuals, and 9 out of 10 were innocent of any infractions. In the first six months of 2012 alone, cops/security guards killed 110 black people in the United States, according to the Malcolm X Grassroots Movement. Imagine how many of those killings started as stop and frisk confrontations? The five millionth stop and frisk to take place during New York Mayor Michael Bloomberg's admin-

istration occurred March 14, 2013. Dr. Jeffrey Fagan issued an expert report (in December 2012) based on statistics for the period January 2010 through June 2012 and concluded that, "Blacks and Latinos are significantly more likely to be stopped than whites. Blacks and Latinos constitute 84 percent of the stops, a far higher percentage than their proportion of the city's populations." Hopefully we can keep these facts in mind when we support stop and frisk tactics as a means to crime reduction.

Terrance Washington
DN-3858, SCI Somerset

Editorial note: Mr. Washington recently sent us two letters about the stop and frisk policy in New York City. We combined them into the one letter you see here.

**RE: THE ONLY TVs WE CAN BUY
ARE DEFECTIVE**

This letter is in response to the February 2013 letter from William Roth (JE-1664, SCI Graterford) and his frustration with the defective RCA flat screen televisions currently being sold through PCI. This was previously an issue here at SCI Frackville, with the Smith Corona 250 Typewriter. Mr. Roth your letter to Secretary Wetzel will not change this situation; there's too much money being made through the PCI and, realistically, that is the DOC's only concern.

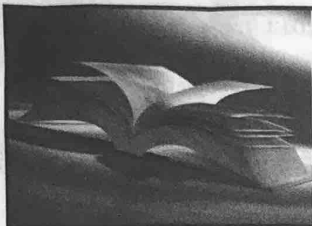
However, the solution to this problem is to first contact the RCA Corporation and place them on notice that the flat screen TVs are defective and you are filing a formal complaint with:

Commonwealth of Pennsylvania
Office of Attorney General
Bureau of Consumer Protection
Harrisburg, Regional Office
301 Chestnut Street, Suite 105
Harrisburg, PA 17101
(717) 787-7109

Everyone here at SCI Frackville lodged this complaint and was, shockingly, reimbursed for their typewriters and the cost of shipping. I was personally reimbursed for the cost of three Smith Corona 250 typewriters and twice for shipping for repairs. Finally, you are a consumer with consumer's rights, and now you have the information to protect those rights. Send purchase and/or shipping and handling for repairs and documents with every correspondence and/or complaint. Peace.

Barry Basir Jones (AKA Bear)
HF-5900, SCI Frackville

Do you want to subscribe to
Graterfriends?
See the order form on Page 14.



Literary Corner

THE VISITING ROOM

by Catherine Wise, Official Visitor

Tentative, yet loving hugs between
people trying to learn each other again.
Haven't seen each other in weeks, months.
It takes time to reconnect and feel at ease
And then it's time to say good bye
In the prison visiting room.

Children run to Momma's outstretched arms.
She scoops them up and swings them in the air.
They squeal with delight, their joy palpable.
And then tears and screams as they are torn apart
In the prison visiting room.

A brother greets his sister with a smile
and a pat on the back.
They catch up about mom and dad,
share chips, hot dogs, sodas
from the vending machines.
They share memories from childhood
In the prison visiting room.

One bathroom is for visitors, one for inmates,
Must keep them separate.
Like everywhere else here, keys control access.
Both are numbered areas,
charted somewhere for observation
In the prison visiting room.

The women look normal,
Clean-looking, neutral-smelling
Make-up free, jewelry free.
They look almost serene, sweet
Except for hard-living lines,
Nervous eyes, tattooed expressions
And the too-big baggy brown uniforms.
They yearn for a way to make amends,
To make things right, whole
In the prison visiting room.

Gray uniformed sergeants keep watch
with smiles that are genuine yet controlled.
Formidable, forbidding they watch,
ready to scold,
for too much hand-holding,
lingering kisses, unruly children
In the prison visiting room.

Mothers visiting are tired, shrunken, wrinkled.
They worry about their daughters.
They live with broken hearts,
a sadness that never leaves.
Then they leave their daughters
In the prison visiting room.

Cinderblock walls painted a once-cheerful yellow.
Paper butterflies decorate the bulletin boards,
Cruel, ironic reminders of not being free.
Ceiling fans circulate stale air, stale lives
In the prison visiting room.

All aspects of life here
Eyes shining with love, with tears
Minds thinking, minds dulled
Smiles of courage and of cruelty
The ugly, the beautiful
The rich, the poor
The discouraged, the hopeful
The going nowhere, the been everywhere
The lonely, the tired
The satisfied, the searching.
All together, separately — we are one
In the prison visiting room.

*Written while waiting to visit with prisoners as an
Official Visitor.*



Announcements

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 for more information.

If you are a prisoner who has

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

Prisons Foundation
PO Box 58043
Washington, DC 20037

New College Designed For Inmates'

Needs: New Freedom College (NFC) is designed for the specific needs of inmates' lives. Tuition costs at NFC are between \$33 and \$50 per credit, which includes books, lessons, assignments, encouraging feedback, and grade updates. (NFC was founded in 2013 and currently does not have a web presence, but they are registered as a business in Oregon State)

For a free information guide and enrollment form, write to:

New Freedom College
1957 W. Burnside St. #1660
Portland, OR 97209



Think About It

A SIMPLE SOLUTION FOR PHONE RATES

by Vernon Maulsby, AY-4429, SCI Graterford

In the March *Graterfriends*, I happened to see Mr. Lusik's fairly well-reasoned comments concerning phone charges. While interesting, his comments missed the mark on what can really be done to change this matter. I will try to do so now.

The inflated charges stem from the DOC's mindset to always "skim" the maximum profit from us at every opportunity. This is so systemic to the DOC way of thinking, that only by accepting this fact can we really accomplish change. This is about profit and nothing else, so why don't we address it on this level?

How? Simple. Instead of spending \$5 or more on one phone call, spend that same amount of money on postage-paid envelopes. For the price of one call, you can send at least ten letters. Just imagine the results: you empower yourself to communicate with your loved ones several times, in as great a length and depth as you wish — get as "long-winded" as you desire — while at the same time, doing your part to stop the profits of the overcharged phone calls from falling into the pockets of the DOC. It doesn't get much better than that.

Letter-writing also gives you power to ponder, give thought to what you wish to say **before** you say it. How many times have we all said something on the phone, only to later regret how we said it? Another important consideration, one unrelated to the phone charge issue, is that of the phones being monitored. I, for one, find it difficult to express my deepest emotions to loved ones when I know some DOC drone might be listening in, or that at some later time, these private expressions can be relayed by others. An unrelated issue, perhaps, but still worth considering.

It is all well and good to fight this phone issue in the court, but in the meantime, STOP the flow of your hard-earned money into the DOC's pockets now. Strangle off the profits, and the powers that be will become, suddenly, more tractable to compromise and accommodation.

I am not saying to give up the phone service entirely; emergencies happen, and rapid communication is necessary. What I am saying is to save the phone time for that, and not just because you want to hear the voices of your loved ones in real time.

The struggle for equity requires sacrifices like this, but the eventual rewards for all of us, are worth it. We are being screwed over for profit, so let's take away profit so we can stop being screwed. It's as simple as that.

I wish you all peace and strength as you struggle for equity in this matter.

Lafler v. Cooper, continued from page 3

issue, only for my claims to be denied. I have been fighting this manifest injustice from day one. My case is now before the courts pursuant to the decision in *Lafler*. While I have not obtained my freedom, I can relate to what Lorenzo "Cat" Johnson is going through in this regard.

My question to fellow lifers across the Commonwealth is: How many of you have been promised parole on a life sentence by your attorney, the D.A., the Court, or all of the above, in exchange for a plea of guilty? I surmise that there are considerable numbers of lifers who have done so on incompetent advice from attorneys.

I have followed the case of Marcus Perez, whose trial judge told him that he would be paroled in 17.5 years on a life sentence in exchange for his guilty plea. I have assisted others who have been the victims of this manifest injustice. I prepared a PCRA and accompanying memorandum of law on behalf of James "Big Smoke" Hardison in light of *Lafler*. Mr. Hardison has been in prison for 35 years, told by his attorney, who has since been disbarred for unrelated reasons, that he "would get out in 20 years." His trial attorney also told him that he couldn't appeal his conviction. His sentencing judge tried to sentence him to 10 to 20 years on a second-degree murder conviction, but was told by the Commonwealth that the statute required his sentence to be life without parole. The judge was startled and said that he was misled by Mr. Hardison's probation officer, who recommended a 10 to 20 year sentence.

Believe it or not, in the '70s and '80s, this happened frequently. Mr. Floyd Brown finds himself in the same posture as well. His judge told him that in exchange for his plea, he would receive a life sentence, but "there is light at the end of the tunnel, and in 12 years, you will be eligible for parole." Just like me, his conviction was overturned, only to be reaffirmed by the Superior Court.

In light of the decisions in *Lafler* and *Missouri v. Frye*, the courts should be overwhelmed with PCRA petitions to move the courts for "either a new sentencing hearing, or a lesser sentence" as enunciated in *Lafler*. So on behalf of all lifers, and prisoners in general, who were given incompetent advice by sworn officers of the courts, we ask for your support in fighting this injustice. There are a few cases that have been overturned on this issue: *Meyers v. Gillis*, 142 F.3d 644 (3d Cir. 1998), and the case of Eugene McGuire, to name a few. Not to be divisive, but quite honestly, it seems as if members of the minority community, who are most affected by incompetent advice from attorneys, can't get a break from the courts on this issue!

In sum, we need the support of anyone with a voice who is willing to assist us. While I fully support those wrongfully convicted and the plight of juvenile lifers, as well as parole eligibility for lifers, what of those of us who pled guilty based on a promise of parole on a life sentence where no parole exists? Don't we, in light of *Lafler*, and *Strickland v. Washington*, 104 S.Ct. 2052 (1984), deserve the parole we were promised at sentencing? Please allow your voices to be heard and demand justice for those who have been the victims of this manifest injustice.

DEATH ROW

June Birthdays

George E. Banks
AY-6066, GRA

Edward Bracey
BU-0711, GRA

Kevin Brian Dowling
DY-6243, GRN

Joseph A. Elliott
CA-1717, GRN

James Frey
GD-5345, GRN

Ronald Gibson
BQ-5220, GRN

Kenneth Hairston
FA-9174, GRN

George Hitcho, Jr.
KN-8474, GRN

Alexander Keaton
CM-9724, GRN

Emanuel Lester
BS-0997, GRN

Glenn Lyons
KK-2323, GRN

Craig Murphy
AY-2939, GRN

Donyell Paddy
CX-3459, GRN

Ernest Porter
AY-7434, GRN

Rasheen L. Simpson
CT-1781, GRN

Paul Gamboa Taylor
BT-2525, GRN

Gerald Watkins
DD-5212, GRN

Herbert Watson
AY-3075, GRN

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

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

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.

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Death Penalty, continued from page 2

Under British law, the colony of Pennsylvania implemented the death penalty in the 1600s with public hangings. In 1834, it became the first state to move executions out of the public forum. The capital punishment statute was amended in 1913, which moved the administration of executions from the state to individual counties; electrocution also became the preferred method. In 1972, sentencing procedures were deemed unconstitutional. It was reinstated in 1978, after revisions to the law. Currently, Pennsylvania has 195 men and women on death row, ranking it as fourth highest in number of death row prisoners.

The general consensus among law enforcement agents is that the death penalty is ineffective as a deterrent to crime. In death penalty states, homicide rates are double or quadruple those of non-death penalty states. For example, in 2011, Louisiana had a homicide rate of approximately 11.5 per 100,000 people, the highest in the country. Overall, non-death penalty states have consistently lower (often lower than the national average) homicide rates compared to their counterparts.

Politicians use the death penalty to appear tough on crime; such debates are distractions lawmakers use for finding real solutions to crime. Luckily, current trends indicate that legislators are coming to a consensus regarding capital punishment. The Death Penalty Information Center's (DPIC) executive director, Richard Dieter states, "Capital punishment is becoming marginalized and meaningless in most of the country." Legislators across the country are beginning to recognize the negative implications capital punishment has on the community — and most importantly, on their wallets. On average, it costs \$33,000 to house a prisoner per year; on the other hand it costs \$20 million to execute one. Technological advances are also inciting fear of executing the innocent. In Illinois, for example, at least 13 people who were executed have since been found to be innocent.

Since 2007, six states have repealed the death penalty, making a total of 18 states that do not have a death penalty. Since the start of 2013, two additional states, Maryland and Delaware, have introduced legislation to ban the death penalty. Maryland's governor, Martin O'Malley, ratified the repeal on May 2.

So, what's next? One can only hope that these current trends continue. Regardless of what occurs in the future, however, these current trends have a huge impact on today's criminal justice system. Law enforcement and prosecutors are being forced to examine cases and evidence more closely. We hope that this general downward trend of new death sentences and executions will lead to the United States abolishing the death penalty altogether.

Editorial note: Since this article was written, Delaware's House Judiciary Committee tabled the bill. Lifting the bill from the table for discussion requires a committee majority.

Not Like Us, continued from page 16

Not that we would ever do anything as terrible as they did. We are not the incarnation of Satan to be sure. But we all know that to some extent it is a matter of degree. We all have our dark side, the side we try to keep under control when a speeding motorist cuts us off, when we learn of a spouse's infidelity, when a careless act leads to workplace ridicule.

The simplest of images can cause the hair-trigger of our emotions to fire up our most repressed thoughts. Fortunately we rarely act on these impulses. But prisons are filled with men and women who, in an unthinking second, responded to those sinister inclinations.

In a similar, though far less threatening way, a man who claimed to be a veteran of more than 20 years as a Correctional Officer in the Department of Corrections took umbrage at a story in the *Williamsport Sun-Gazette* about

**"Pity and forbearance should characterize all acts of justice."
—Benjamin Franklin**

the Prison Society, which had a small celebration of our 225th Anniversary on the campus of Lycoming College. So angered was the writer who said we were "brain washing" students and "destroying this Country" that all of his references to the Prison Society were couched as "these people" and this "so-called Society."

He wrote: "These people who operate this so-called Prison Society, have no conception of what these persons who are incarcerated, are not choir boy and girls, they are not law abiding citizens." [sic]

He went on to describe one prisoner's particularly brutal crime of rape and murder of a nun, no less. "The Prison Society wants to make live [sic] behind bars a better place for him!" he added. Finally, he declared that "these people care more about the killers than the poor victims and their families" and do all this for "self serving reasons."

I don't know whose self is being served, but I do know that our several hundred official visitors do their work selflessly, for nothing more than, perhaps, the understanding that we are all part of the human race. Some people are sainted for the good works they do, but far more are condemned for the bad things they do. And on top of that, the "bad" people tend to get type cast, so Latinos become suspect as rapists, black doctors, as abortionists and people who advocate for humane prison conditions, as victim haters.

The most famous of the esteemed founders of the Prison Society was Ben Franklin. He said, "Pity and forbearance should characterize all acts of justice." Those are words our letter-writer might wish to consider. He certainly needs to do something to change his attitude.

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June 2013

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THE LAST WORD

They are Not Like Us

by William M. DiMascio
Executive Director, The Pennsylvania Prison Society

Oftentimes have I heard you speak of one who commits a wrong as though he were not one of you, but a stranger unto you and an intruder upon your world.

But I say that even as the holy and the righteous cannot rise beyond the highest which is in each one of you,

So the wicked and the weak cannot fall lower than the lowest which is in you also.

—Khalil Gibron, Lebanese-American artist, poet and writer

Faces in the news:

- Ariel Castro, accused of kidnapping, raping and brutalizing three young women in Cleveland for more than ten years.
- Dr. Kermit Gosnell, abortion doctor convicted of killing three babies who were born alive at his Philadelphia clinic.
- The Brothers Tsarnaev, the Chechen immigrants who planted bombs in the middle of the Boston marathon crowd killing three and maiming hundreds.
- Adam Lanza, sullen young gunman who massacred 26 people at Sandy Hook Elementary School.

These faces repeated on television and in the newspapers get burned into our psyches as icons of horror. These are the images of people who snatch young innocents, kill babies and indiscriminately blow up or gun down men, women and children. How reassuring to know these faces of evil are not our faces!

(see Not Like Us, continued on page 15)