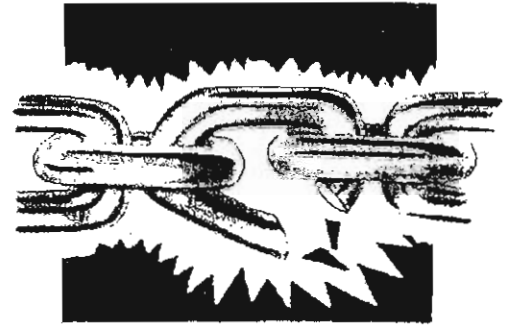




Voices.Con

Term-to-Life Prisoners Converse



Vol. 11, No. 2

www.VoicesDotCon.org

OCTOBER 2013

IN THIS ISSUE...

With thousands of low risk term-to-life prisoners ready for release CA elects to expand prisons

.....Page 1

Looking at things from a new perspective

.....Page 3

Knowing how to respond when faced with a lengthy parole deferral is critical

.....Page 4

New law in CA provides for Youth Offender parole hearings

.....Page 5

Parole hearing stats for May/June

.....Page 6

All about Voices.Con and publishing info

.....Page 8

CA POISED TO SPEND \$730 MILLION ON PRISON EXPANSION

In a desperate attempt to meet a court ordered population reduction, requiring the CA prison population to be reduced to no more than 137.5% design capacity by years end, counties with empty jails or "Community Correctional Facilities" are now being told by state prison officials to prepare to reopen them. Jeffrey Beard, Secretary of the CA Department of Corrections and Rehabilitation (CDCR), has said the state will soon reopen the lower-security dormitory-style jails in Taft, Shafter, Coalinga and Delano, among others. The 500-bed facilities in Taft and Shafter will be first to open, with about a \$5 million annual payroll each.

On September 11th, the CA Legislature passed SB 105 (Senate vote: 35-2) which will cost the taxpayers \$730 million over the next 15 months. The bill provides funds for the CDCR to contract or lease additional capacity (about 5,500 beds) in out-of-state facilities located in Mississippi, Oklahoma, Arizona, Colorado, Minnesota and Michigan. California currently has a contract with Corrections Corporation of America (CCA) to house up to 9,200 prisoners at an annual cost of \$214.8 million, and only about 650 of those beds remain unfilled. If SB 105 were to proceed, CA would soon have 14,700 prisoners housed out-of-state.

SB 105 also permits leasing bed space in private prisons and other Community Correctional Facilities

located within the state. One such facility, a 2,300 bed CCA prison located in California City, Mojave Desert (about 66 miles southeast of Bakersfield), would be leased and staffed by 2,000 CCPOA (state guard's union) staff. The deal has the blessings of Mike Jimenez, CCPOA President, so long as the CCA prison is upgraded for enhanced security. The guard's union wants to see a lethal fence constructed around the perimeter (\$10 million) and some additional gun towers (\$500,000 ea.) as well.

The bill (SB 105) also gives provisional funding for "rehabilitative programs" to counties for drug, mental health and "other" related programming. The counties would only receive the \$200 million annually if the Three-Judge Court will extend the Dec/2013 deadline by 3 years. Of course, everyone including CA's Senate Leader Darral Steinberg, and CA's Governor Jerry Brown, (the individuals who proposed these provisions) knew quite well that the Court would never consider a 3 year delay. In several recent orders, the Court has made it clear that the state in this case has caused 23 years of unnecessary delays, and any further extensions of time are highly unlikely in this case.

In a comprehensive report filed by the Legislative Analyst's Office (9/4/13), the two plans that SB 105 was comprised of, were analyzed for the state's Legislature: "The president pro tem's [Steinberg's] plan would not meet the court-ordered

/////

/////

on PRISON EXPANSION, cont'd
population reduction by December. It's also unlikely to achieve a large population reduction in 2013-2014 because it would take several months for the grant program to ramp up and for counties to ramp up their ability to treat new offenders." The report also gave consideration to the governor's input: "Even under the governor's plan, early releases are still possible. This is because there are various logistical difficulties associated with the governor's plan. The plan would also result in unnecessary expenditures." On September 16, 2013, Gov. Brown filed this population reduction plan (SB 105) with the Three-Judge Court asking that the deadline be extended to December 31, 2016.

In response, the Three-Judge Court issued an "Order to Meet and Confer" on September 24, 2013. In this order, the judges said, "that the parties shall meet and confer, beginning immediately, regarding defendant's [Gov. Brown/CDCR] pending request..On or before October 21, 2013, Justice Siggins (Hon. Peter Siggins will facilitate this process) will informally report to this Court the status of the discussions and provide his recommendations..." The Three-Judge Court also said "The December 31, 2013 deadline shall be extended until January 27, 2014" and ordered that during the meet-and-confer process, "defendant's shall not enter into any contracts..to lease additional capacity in out-of-state facilities or otherwise increase the number of inmates who are housed in out-of-state facilities." The Court instructed that "a durable solution to the prison crowding problem" can be reached and "shall specifically include: (a) three strikers; (b) juveniles; (c) the elderly and medically infirm; (d) Immigration and Customs Enforcement prisoners; (e) the implementation of the Low Risk List; and (f) any other means..that are included in defendant's May 2, 2013 List."

In a letter released on September 4, 2013, Corrections Secretary Jeffrey Beard gave a statement with regard to the CDCR's "Low Risk List," he said, "There are only about 1,200 inmates with less than a year to serve who are doing time for a nonserious, non-violent offense and who have no prior serious or violent conviction..that doesn't even get us close to the federal court's demand." This is his take on how many prisoners the state is willing to release in the face of a Court order to reduce the population by an additional 9,600 prisoners.

Hopefully while the parties meet-and-confer, somebody will point out that the

state of California currently confines thousands of forensically assessed Low Risk term-to-life prisoners which could easily be released tomorrow, and with a proven recidivism rate of about 1%. The state could even release higher risk prisoners at a cost that's a fraction of the hundreds of millions of dollars they intend to spend in pursuit of an endless expansion of prison capacity, by simply releasing these prisoners to a higher level of supervision, employing additional parole/probation staff as a much cheaper alternative.

Ms. Rebekah Evenson, a lawyer for the Prison Law Office, recently told the papers "sending people out-of-state is bad public policy, it's expensive and unsustainable and separates prisoners from their communities." She couldn't have summed it up better than that! Obviously the special interests (private prison corporations & prison guard union) still have a firm hold on the state's governor and legislators. It is simply unconscionable that a state government would unnecessarily spend (at least) \$730 million of taxpayer money in their effort to avoid a population reduction order, when there are thousands of low risk term-to-lifers ready for release.

Sources: Plata v. Brown, #C01-1351-TEH(9/24/13), See "Articles" at VoicesDotCon.org, Fresno Bee-By M. Benjamin(9/21/13), SacBee-(9/12/13).

Let Us Help With Your Parole Review!

Whether you have been denied before or this is the very first review; do not take a chance and do nothing! **Our office has 13 years' of helping those in Prison obtain another chance!**

Parole is a Privilege not a Right! Our Parole Plan will show you as a Favorable Candidate for the Privilege of Parole!

We can create your Parole Plan **OR** your family can download a Parole Plan from our website. Either option, remain case free and let's work together on getting you another chance.

For full details, have your family call us or visit our website and download your Parole Plan!

D&D Worldwide Services, LLC.

P.O. Box 40081 Houston, Texas 77240

Office: (281) 580-8844 ~ Fax: (888) 288-3374

Website: www.myparole.info

PRINCIPLE

In his dealings with the world
the gentleman is not invariably
for or against anything.

He is on the side
of what is moral.

CONFUCIUS

PERSPECTIVE MATTERS

The perspective that one has towards other people, situations, challenges, goals, relationships, and life in general is usually perceived as either optimistic or pessimistic. But there are many other aspects of our perspective which define our approach even more. There are attitudes which can cause us additional difficulties, if we allow them to, and there are many beliefs which prevent us from perceiving the truth of a situation or person.

Some of our perspective can be attributed to personality and our genetic makeup, but a larger part is learned habit and the effect our experiences have had on how we perceive the larger world we all live in. This is not to say that any one perspective is more right or more wrong, but some perspectives do cause us to suffer needlessly in negative emotions and a general unhappiness. The point would be, awareness of ourselves and the ability to change ourselves, brings the capability and sometimes the responsibility to ourselves, to seek out personal happiness and success in our lives by changing our perspective.

When our perspective includes an attitude resulting from unresolved emotional issues, stress, or uncontrolled emotional reactions, then we are more likely to be cynical, angry, or paranoid and our perspective will certainly be affected in how we treat people and our actions going forward. Some people might be motivated by these emotions, while others may be discouraged by them. Either way, our perspective would include how we feel about ourselves.

The larger part of our perspective is gained through learned habit and our personal experiences as we live our lives each day. We gain a new perspective or reinforce our existing perspective by the thoughts and feelings we experience in each situation, and the consequences of each situation. If we are aware that our perspective impacted our negative or positive consequences, then we are likely to evaluate ourselves, and possibly make an adjustment. If we are not aware, then we will continue to live in denial, and nothing will change until we do become aware.

To develop a healthy perspective, one must have

the self-awareness, willingness, and humility to be honest with themselves before making changes in how they perceive and interact with the world around them. Something which may help immensely is one of Steven R. Covey's "7 Habits of Highly Effective People." Habit No. 5 says "seek first to understand, then to be understood." His meaning focuses on empathetic communication and building openness and trust in all of your relationships.

To put this into practice, we look to understand a person in each experience, no matter how they behave or what they say, we look to the person and the potential "why" they may be behaving or saying whatever they are. By always attempting to see the real person behind the behavior, it is much easier to be empathetic, understanding, and compassionate when interacting with others. We will find that our own personal happiness is improved as we recognize some of our own struggles in others, and work to improve them.

As for situations, struggles, and challenges, this perspective of always seeking to understand gives us the ability to evaluate and understand each situation before we take action. This means that

(Cont'd on page 4)

PRIVATE PSYCHOLOGICAL EVALUATION FOR LIFERS

Many lifers are receiving CDCR/BPH FAD psychological evaluations indicating a moderate or high risk that they do not deserve, based upon the misuse of actuarial measures. This will result in a BPH lengthy denial and many more years of suffering.

A private psychological evaluation, arranged with the help of your attorney, will correct this injustice and in many cases result in your deserved release. If you have such a denial, a new psych report is new evidence, allowing you to go back to the board sooner.

I have over 40 years of experience (over 3000 reports) evaluating lifers and my reports are recognized by the courts.

MELVIN MACOMBER, Ph. D.

PMB 316

8789 Auburn Folsom Road, Suite C

Granite Bay, CA 95746

(916) 652-7014

reports@drmelmac.com

perspective MATTERS, cont'd

our response will be rational, considerate, and thought-out. This also means that we will hopefully make less mistakes by developing patience, self-confidence, and the self-efficacy to face new challenges when they arise. We become someone who is capable and responsible, instead of someone who may be impulsive and volitile.

Our perspective impacts our success in life, in relationships, and in situations alike. Our perspective absolutely affects our own personal happiness, because how we perceive the world around us affects how we feel about ourselves and life in general. We benefit by always being the student in every situation and seeking to understand what is around us, before deciding how we will, or will not, respond. We gain control in our lives by doing this, and ultimately inner peace and stability in our lives.

THREE YEARS OR FIFTEEN?

The current law permits the CA Board of Parole Hearings (BPH) to defer subsequent parole hearings for periods of 3, 5, 7, 10, or 15 years after denying parole to term-to-life prisoners. To avoid a 15 or 10 year deferral,
(Cont'd on page 6)

**** CONSEQUENCES ****

A I B F F O E N P O L M I G C T I
R P O C S A G U T E M L Y O N R D
D E T A F S S N H C D Q N B E H F
F F G O I M E S I E U C U P I F E
V F E R E M A U N W L D E A L L S
U E T H E L M I D U O R O L O G S
A C A Y K M T I S E C L E R R N A
I T N C T S E I N U T M L E P I C
Y R A M E I O L S E O I T O M M U
C B M D A N L S C C N U A G F O Y
H L E H O E I A T P R T I W E C P
E R L O U O U U U N A A B U A H N
P Y N Q N S O M S T O Y O A S T I
S T E U E P A Y M E N T O R S R F
K S S T D U H T A M R E T F A O F
S D N U O B E R E L L P V E F F A
E Y E W G A C E R T L U S E R I R

- | | |
|-----------------|------------------|
| 1) Aftermath | 13) Forthcoming |
| 2) Awaited | 14) Imminent |
| 3) Backlash | 15) Outcome |
| 4) Cause | 16) Payment |
| 5) Conclusion | 17) Payoff |
| 6) Dues | 18) Predestined |
| 7) Effect | 19) Product |
| 8) Emanate | 20) Rebound |
| 9) Emerge | 21) Repercussion |
| 10) Eventuality | 22) Result |
| 11) Fated | 23) Returns |
| 12) Following | 24) Sequel |



LAW OFFICE OF

MARC E. GROSSMAN

UPLAND, CALIFORNIA

- The Law Offices of Marc Grossman have a 14 year record of obtaining relief for those in the Lifer Community with approximately 40 petitions being granted.
- Our track record with respect to Habeas relief for parole dates for lifers is second to none.
- We also are now 2 for 2 on our Three Strikes Cases and hope to have another favorable result on our next one.
- Our published winning opinions include *In re Robert Rosenkrantz*, *In re Garabet Tokhmanian*, *In re David Barker*, *Pearson v. Muntz*, *Styre v. Adams*, etc.
- *I am proud to serve the Lifer community and there is no more fulfilling work that we do than helping those wrongfully denied their Liberty in their fight for freedom.*

Please note: Pro Bono cases not accepted at this time.

We are unable to return documents sent to us so please only send us your copies.

Call toll free:

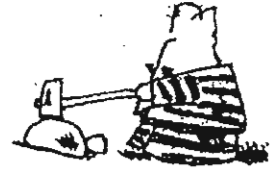
888-407-9068

www.wefight4you.com

100 N. Euclid Avenue, Second Floor, Upland, CA 91786



LITTLE KNOWN REASONS TO PAY ATTENTION



Senate Bill No. 260 was signed into California law by the Governor on September 16, 2013. This bill requires the CA Board of Parole Hearings to conduct a Youth Offender Parole Hearing to consider the release of offenders who committed their crimes prior to age 18. Below are some of the significant changes in law that this bill enacted.

A Youth Offender hearing is permitted when:

- * If the prisoner has a determinate sentence of 15 years or more, he/she becomes eligible for a youth offender hearing after having served their 15th year.
- * If the prisoner has a sentence of less than 25-to-life, he/she becomes eligible for a youth offender hearing after having served their 20th year.
- * If the prisoner has a sentence of 25-to-life or more, he/she becomes eligible for a youth offender hearing after having served their 25th year.
- * SB 260 also requires the BPH to "Give great weight to the diminished culpability of juveniles as compared to adults..in reviewing a prisoner's suitability for parole"
- * Permits the prisoner to "Designate one person to **attend** the youth offender parole hearing and read a brief statement" relating to the prisoner's "growth and maturity since the commission of the crime"
- * Requires the BPH to meet with the prisoner "during the **6th year** prior to the inmate's minimum eligible parole release date" and to "provide an inmate additional, specified information during this consultation, including individualized recommendations regarding the inmate's work assignments, rehabilitative programs, and institutional behavior, and to provide those findings and recommendations, in writing, to the inmate within 30 days following the consultation."
- * SB 260 also requires that, "in assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by the board, be administered by licensed psychologists"
- * Section 1. of this bill states that California's "Legislature finds and declares that, ..only a relatively small proportion of adolescents who engage in illegal activity develop entrenched patterns of problem behavior and that developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds, including parts of the brain involved in behavior control."
- * SB 260 exempts Three Strikers and LWOP from its provisions.

DAVID J. RAMIREZ, ATTORNEY AT LAW
AGGRESSIVE-EXPERIENCED-REASONABLE
LEGAL REPRESENTATION

Specializing in Representing Life Term Inmates in:

- Parole Suitability Hearings
- En Banc/Rescission Hearings
- Petitions for Writ of Habeas Corpus
- on Board Denials and Governor Reversals
- 3000.1/Parole Violations
- Clemency Inmate Appeals/115s
- 3 Strikes Petition to Recall
- Petition to Advance Hearing

Law Office of David J. Ramirez
7545 Irvine Center Drive Suite 200
Irvine, CA 92618

Tel: (949) 623-8314 Fax: (949) 666-5505

dramirezusc@yahoo.com

I have over 70 grants of suitability-check out my
web video at www.shouselaw.com

CALIFORNIA LIFER NEWSLETTER

CLN: A comprehensive newsletter mailed every 6-8 weeks. State and federal cases, parole board news, statistics, legislation and articles on prison, parole and correctional issues of interest to inmates and their families.

CLN also provides services such as copying and forwarding federal and state cases, articles and news and materials available on the internet.

SUBSCRIPTIONS: Prisoners: \$30 (or 80 stamps) per year (6 issues minimum). Outside Individuals: \$35. Institutions and professional: \$90.

CLN, Box 277, Rancho Cordova, CA 95741

or **FIFTEEN**, cont'd

a prisoner must present evidence that it's not likely to require more than 7 years for him/her to adequately address the factors which make him unsuitable for parole. Thus, when BPH commissioners defer at a prisoner's next parole hearing for, say, 15 years, they are essentially telling the prisoner, "You've not demonstrated to us that you will likely be able to address all our concerns within the next 10 years, so we're giving you 15 years to do it." This does not mean the prisoner cannot adequately address the BPH's concerns within 10 years. This only means that the prisoner did not show during the hearing that he/she could do so.

The law allows prisoners to petition the BPH for an advanced hearing at any time after a denial of parole. The Board provides a form petition (BPH 1045(a)) for this purpose, but it does not prohibit prisoners from requesting advanced hearings by other means. This possibility of advanced parole hearings effectively erases any difference between the various deferment periods; for motivated prisoners, there is no difference between a 3-year deferral, and a 15-year deferral. Here's how it might work: A prisoner is denied parole and receives a 15-year deferral because he did not demonstrate his likelihood of satisfying the BPH's requirements within 10 years. He becomes motivated, enrolling in self-help programs, developing parole plans, gaining insight, etc. Within a year after the parole denial, he has addressed all of the BPH's concerns, effectively taking away all reasons to deny parole. He then may file a BPH 1045(a), detailing all the progress he has made and attach all of the supporting documents (e.g., chronos, job offers, etc.). If the prisoner's progress shows that there is no longer a legal reason to deny parole, the BPH must advance the hearing and grant parole at that advanced hearing. In effect, the 15-year deferral has turned into a 1-year deferral (plus the few months pending the petition process and advanced

hearing date). If the BPH declines to advance the hearing, the prisoner may file subsequent petitions every 3 years and use any other methods (e.g., letters, etc.) to inform the BPH of changed circumstances at any time without limit. Of course, a decision to decline to advance a hearing when no evidence of the prisoner's current dangerousness exists may be challenged in habeas corpus proceedings as a violation of the prisoner's due process rights.

Editor's note: This article is specific to California's parole board. The policies and procedures referenced may not apply to parole boards in other regions of the U.S.

* BPH STATS MAY/JUNE 2013 *

TL. Paroles GRANTED: 97
TL. Paroles DENIED: 264
TL. Deferrals 5 years or more: 115
TL. Deferrals for 3 years: 203 (Stips=56)
TL. Hearings Conducted: 739

PRISON LEGAL NEWS

PUBLISHED MONTHLY SINCE 1990

A 56-page magazine packed with:

- ▶ Summaries and analysis of recent national and local court decisions on prisoner rights, from the prisoner perspective.
- ▶ Articles from attorneys, including how-to litigation advice.
- ▶ News of prison-related struggle and activism in the United States and around the world.
- ▶ Distributes a wide variety of legal, self help and criminal justice books.

ANNUAL SUBSCRIPTION RATES

Prisoners \$30

Non-incarcerated individuals \$35

Institutional or professional \$90
(attorneys, libraries, government agencies, organizations).

Sample copy \$3.50

Prison Legal News

PO BOX 1151 - LAKE WORTH

FL 33460 - [561] 360-2523

HTTP://WWW.PRISONLEGALNEWS.ORG

Orders accepted by phone or online. New and unused postage stamps or embossed envelopes may be used as payment.

CFS *will buy your stamps!*

CONVERT YOUR POSTAGE STAMPS INTO CASH

Upon receipt of your stamps, we send a money order to your trust account or - as you direct - to a family member, friend, or outside account, a wired or electronic funds transfer, or to a package vendor (*).

CFS OFFERS THE FASTEST, MOST REPUTABLE SERVICE WITH THE MOST CHOICES:

- 10 years in the business
- Highest reimbursement rates
- Payment within 24 hours
- Stamps accepted from all states, inmates,** and free persons
- Money orders, wired/electronic transfers, package vendors (*)
- Minimum money order is \$15.00
- Funds sent to your trust account or to whom you designate
- No order form is required
- All denominations of stamps are accepted
- Single stamps, stamped envelopes are OK.

* We will submit money order to the vendor, but you must submit your order forms to the vendor and deal with the vendor directly.

NEW REIMBURSEMENT RATES

**[Void in states where prohibited by law.]

70% of FACE VALUE

For Complete Sheets, Books, or Rolls of "Forever" Stamps
In new or excellent (unfolded, unmarked, original) condition

60% of FACE VALUE

For Complete Sheets, Books, or Rolls of All Other Stamp Denominations
In new or excellent (unfolded, unmarked, original) condition

50% of FACE VALUE

For All Other Stamps Including Partial Books, Sheets, Rolls, or Strips,
and Single Stamps of All Denominations, and Stamped Envelopes
Single stamps must have adequate peel-off borders
Envelopes must have current first-class rate postage and no prison markings

- DO NOT apply tape of any kind to the stamps.
- DO NOT send envelopes with prison stamp or impression.
- PLEASE give us a complete name/address where funds are to be sent.
- PLEASE provide any special forms required & complete instructions.

Visit our website:
www.cash4urstamps.com

CFS

P.O. BOX 687

WALNUT, CA 91788

SEND SELF-ADDRESSED STAMPED ENVELOPE FOR FREE BROCHURE



The Voices.Con newsletter is written exclusively by term-to-life prisoners, unless otherwise noted, focusing on issues of primary concern to those serving a long-term incarceration. The newsletter is published monthly at the VoicesDotCon.org website. This information has been designed to be of potential benefit in any jurisdiction having term-to-life and long-term prisoners and is made available to any other supportive family and friends as well. No persons affiliated with the Voices.Con newsletter are lawyers. Information provided herein is not intended as a substitute for proper legal advice. All questions or comments on information contained herein should be directed to the Editor at the above E-mail address.

ABOUT VOICES.CON

Voices.Con is an excellent source of nuts and bolts information relating to parole preparation, parole related politics, understanding parole law and current rulings and the importance of retaining the proper counsel and psychologists for parole hearings. This information is provided exclusively by long-term prisoners who have been there and are currently experiencing the ups and downs of the parole process. We are sorry to say that we do not have the resources to hire staff lawyers or provide legal documents of any kind. **We do maintain a mailing list for paid monthly newsletter subscriptions (\$11 annually.)** The Voices.Con newsletter and all past editions, may be downloaded at no cost by any friend or family member at the VoicesDotCon.org website. On occasion, we may have a current or past edition that can be mailed to a prisoner who has nobody else to download it for free. However, this remains completely contingent on the number of donations received at our mailing address. **Please include a Self Addressed Stamped Envelope in any correspondence requiring a response.**

A FEW FACTS TO REMEMBER

- ⇒ Today, more prisoners in U.S. prisons are serving life terms than ever before. With a U.S. prison population of 2.3 million people, 140,610 are serving life terms.
- ⇒ California's prison system peaked at 173,000 prisoners in 2007, making it the largest prison system in the nation. With 34,164 prisoners serving life terms, it also has the most lifers.
- ⇒ In Alabama, California, Massachusetts, Nevada, and New York, at least 1 in 6 prisoners are serving a life term.

SUGGESTED GUIDELINES FOR SUBMISSIONS

1. We have only one agenda; advocating on behalf of the term-to-life prisoner and distributing information that will further this cause, enabling the term-to-life prisoner to effectively advocate on his or her own behalf.
2. You may write an essay/article on any related subject or issue of concern to the term-to-life prisoner population.
3. We prefer that all submissions be between 250 and 500 words. Please clearly print or type all submitted material.
4. We also accept and encourage all submissions of topical artwork. Please include a Self Addressed Stamped Envelope with any submissions of artwork or written material where a return has been requested.

OTHER AVAILABLE MATERIAL PUBLISHED AT VOICES.CON WEBSITE:

- * Preview or download our Prisoner Support Directory specifically designed for the needs of the term-to-life prisoners—Free
- * Preview or download a complete Newsletter Descriptions List of all previous editions of Voices.Con—Free
- * Preview or download all previous editions of the Voices.Con newsletter ever published—Free
- * Preview or download previously argued case law in parole related court cases—Free