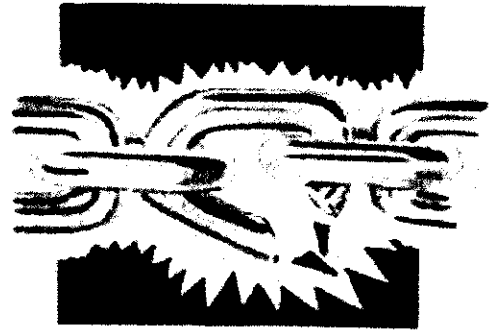




Voices.Con

Term-to-Life Prisoners Converse



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The politicized nature of California's parole process is deeply rooted in many years of special interest groups (victim organizations) that have periodically managed to artfully manipulate the State Legislature, and various politicians. This has been a rather shrewd and successful venture, funded with big money through campaign contributions, and a few carefully placed "fear of crime" campaigns resulting in the passage of some very unscrutinized ballot measures. With each new bill or measure passed into law, a new and significant likelihood of increased punishment befell (retroactively) the incarcerated population serving an indeterminate term-to-life sentence.

Prior to 1972, state prisoners serving an indeterminate sentence had a right to "periodic" parole hearings. The law provided for no specific time period between hearings. Between 1972 and 1977, prisoners were entitled to attend annual parole hearings. In some very extreme cases, an exception could be made in order to postpone a hearing for 2 or 3 years.

In 1977, the Determinate Sentencing Law (DSL) went into effect. This law mandated that all prisoners incarcerated after July 1, 1977, will be entitled to a parole hearing on an annual

basis. The DSL permitted no exceptions to the annual parole hearing rule.

It was not until 1981 that California enacted an exception to the annual parole hearing. The new enactment permitted the Board to defer the next parole hearing for 3 years if the prisoner's crime involved more than one offense that resulted in the taking of a life. This law also marked the beginning of California's 30+ year systematic removal of any guarantee that a timely consideration of parole will ever come, or once granted parole, that any eventual release from prison will ever happen.

Over the following several years, various victim rights groups successfully attracted and purchased media space, raising the levels of hysteria over crime on a statewide basis. In 1988, these same victim groups and their (paid-for) legislative representatives brought forth a ballot initiative, known as Proposition 89.

Of course, back then the tactics of fear conveyed through an orchestrated and exaggerated use of media coverage was relatively rare, if compared to today's obsession with crime. This permitted these interest groups to easily deceive the state's electorate, and Proposition 89 was passed, making Cali-

increased punishment EXPOSED, cont'd
fornia 1 of only 3 states in the nation that permit their Governor to reverse parole grants. The Governor's authority to reverse decisions of the state's parole board became effective on November 9, 1988, and has been applied retroactively to all crimes occurring prior to 1988, as well as all crimes that have since followed.

In 1990, the state's Legislature introduced (and later implemented) Senate Bill 560. This bill permitted the Board to defer the next parole hearing for 5 years if the prisoner had more than 2 murder convictions. In 1994, they introduced (and implemented) Senate Bill 826. This bill permits the deferral of parole hearings for 5 years if convicted of any murder. Moving forward 14 years, billionaire Henry T. Nicholas, another very wealthy crime victim, bankrolled the state's infamous Proposition 9. His 2008 ballot initiative was gleefully supported by special interests like Justice for Homicide Victims, Crime Victims United, CCPOA (Prison Guards Union) and a multitude of District Attorneys. The state's parole board implemented Prop. 9 on December 15, 2008. This new law created a parole hearing deferral of 7, 10, or 15 years, with a 3 year minimum upon any denial of parole.

Three years later, Senator Ted Gaines introduced SB 391. This (2011) bill would have changed P.C. §3041 requiring the prisoner to "prove that the gravity of the current offense..does not require a more lengthy incarceration," and removed the wording from the penal code that instructed the Board that they "shall normally set a release date" at the hearing. Fortunately, the Legislature wisely rejected this bill, and it was never brought to the floor.

Today, Assembly Member Gipson has introduced AB 920 (amended May 28, 2015). This bill would amend P.C. §3043 to (1), permit the legal representative of any victim or next of kin to be provided with the prisoner's "Board Packet" (the summary of his Central File info), even if it contains confidential information, and (2), permits the victim's "designated representative" to provide testimony at the hearing and/or submit a statement, "which may include substantiating references to the Board Packet." In other words, the victims will be permitted to access and comment upon the information contained in the prisoner's Central File, apparently whether it's confidential or not.

In each of the aforementioned changes in

law, the state has either increased the duration one must remain incarcerated (an additional 15 years in the case of Prop. 9) before his/her release on parole will even be considered, or, in the case of Prop. 89, a person already determined by the state's parole board to be suitable for release on parole, and given a release date, can have that date revoked at the Governor's whim. Recently a U.S. District Court decision was published in relation to the legal impacts of Proposition 89. It seems to offer some of the best explanation of just how these new laws deprive the rights of the parole eligible term-to-life prisoner population.

The Constitution prohibits both federal and state governments from enacting any ex post facto law. An "ex post facto" law is one that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. The Court determined that, "the Ex Post Facto Clause is violated if either Proposition, as implemented by the decision-maker -the Board in the case of Prop. 9, or the Governor in the case of Prop. 89 -creates a 'significant risk' that its retroactive application to the class would result in 'a longer period of incarceration' for them than they would have received under the law in effect when their crimes were committed." (Gilman v. Brown Jr. (2014) #CIV S-05-830 LKK/CKD)

No one can deny that there's more than a "significant risk" of "a longer period of incarceration" created by a law that permits the Governor to revoke an already determined release date prior to the prisoner's release. -Particularly when such an authority did not even exist when the prisoner's crime was committed. This is what California's Proposition 89 does, and it is illegal. CA's Prop. 9 mandates a minimum of 3 years before the next parole hearing may take place. Even if the state of the law when he/she committed their crime required an annual consideration of parole, a prisoner who might become suitable for parole after only 1 year must still wait the 3 year minimum before he/she may apply for release.

The Gilman case presented a very thorough and lengthy factual record and was recently decided in favor of CA's term-to-life prisoner population. The state has appealed the decision to the 9th Circuit Court of Appeals, where it's currently pending.

ON LIBERTY

Like other tyrannies,
the tyranny of the majority was first,
and is still vulgarly,
held in dread,
chiefly as operating through the
acts of the public authorities.
Society can and does execute its
own mandates: and if it issues wrong
mandates instead of right,
or any mandates at all in things
with which it ought not to meddle,
it practises a social tyranny more
formidable than many kinds of political
oppression, since, though not
usually upheld by such extreme penalties,
it leaves fewer means of escape,
penetrating much more deeply
into the details of life,
and enslaving the soul itself.

JOHN STUART MILL (1859)

WHY DO PEOPLE HATE?

This unfortunately is a commonly heard question, no matter who you are, or where you are. Sometimes it is a question that you might ask yourself, when being prejudiced against. Other times, it might be a question to ask someone else in a common situation, or to simply vent one's frustration after an experience you had. The point is that we have all had an experience of being prejudiced against, and some understanding, even a little understanding, would certainly help us to manage these situations better.

Let's look at some of the sources of hate because that will help us to understand a person's hate better. This understanding in no way means that we agree, accept, or excuse a person's hate, it simply means that we will be better able to understand and possibly communicate with this person better. One major source of hate derives from inner pain that results from trauma, abuse, or injury. A person's experiences, and the resulting emotions from their experiences, become an overwhelming pain and accompanying anger, that is then expressed as hate. The hate might actually sometimes be directed at self, but is expressed in a manner that hurts others instead. This hate is usually a combination of anger,

frustration, guilt, shame, and/or regret. Victims of crime would usually fall into this category, especially when they have a difficult time finding acceptance or forgiveness, in the injustice and suddenness of their experiences.

Another source of hate is the beliefs we develop from our families, friends, different cultures, and our life experiences. It may be that our family has some racist beliefs about others, because they were taught to hate, or because they had an experience which resulted in them being prejudiced against. It may be that our friend has some anger towards people who steal, because his family once owned a store that went bankrupt due to loss of merchandise. It may also be that our culture, or someone else's culture, conditions us to see others as less than, to be despised, or even that they believe themselves to be superior; as in the case of the Nazi's against Jewish people. Both believed they had reason to hate each other.

There are also people who, as mentioned above, that hate themselves and probably have low self-esteem. They may hate others, or at least believe and behave in a manner that demonstrates that they do, in order to feel better about themselves. They will attack the character, behavior, etc. of others, to satisfy their own inner need to feel worthy, or at least to feel better than the other person. This is a common condition, and is usually less severe in its manifestations, but not always. Sometimes this condition, and others already mentioned, lead to domestic violence within the home, substance abuse and addiction, criminality, and involvement in gang activity.

We are then left with the same question we began with, a question without any answer that satisfies anyone. The truth is that hate is an indefensible emotion, it is irrational, and it can be understood by others and presented to the individual in the hopes of eliminating it entirely. If we, as an individual, as a community, and as a nation, work together to bring awareness to those who hate, even in small ways, then we can hope to change the world we live in, and the way in which we treat each other. Do your part by responding to hate, when it occurs, in a compassionate and empathetic manner, while always attempting to bring awareness to the other individuals in the hopes that they will choose to change themselves by discovering that hate is an unnecessary and ugly emotion to express. That they have value beyond what the hate does for them.

THE VALUE OF LIFE

Among those of us term-to-life prisoners who are doing all we can to become better human beings, the struggle of relative worth must at some point be reckoned with. Social forces such as conformity, acceptance, comfort, belongingness, and to a great degree, personal productivity all come to bear on all individuals' dynamic senses of relative worth. But this is a sticky trap of unhealthy thought; that of comparative worth.

All cultures have both healthy and unhealthy influences. Subcultures define and further divide roles and norms. In our culture, we seem to have some kind of hierarchy, with protagonists that emanate from disparate realms. In the 1800's and early 1900's, our vaunted and venerable citizens seemed to come from mainly two backgrounds; politicians, and what are known as Captains of industry.

The idea of celebrity did not begin in either of these realms, but these simple examples provide a pathway in our national history by which we can discern.

Our current modes of celebrity are comprised primarily from the backgrounds of acting and sports. Individuals from these fields who are able to attain a celebrity are then somehow imbued with an unnatural, unhealthy, (and frankly), undeserved near-immortal quality of personal worth which far surpasses the worth of the average citizen.

To those of us who have committed a crime that resulted in the loss of a life, this is outrageous. But it is what we feel every time we deify our victim, and it is why we are so sensitive to worth comparison. We sometimes feel less-than, because that is the overarching message of being in prison, but it is a lie.

Our culture, as it is portrayed in the media, values the lives of police officers above all others. News coverage is lengthy and incessant whenever a cop is killed. Celebrities come next, and then perhaps the most deeply exploited of all, the young woman (or girl), who if pretty enough and light-skinned enough, will garner lengthy and repeated media coverage.

Our culture devalues the homeless, the disabled, the old and/or infirm, and the offender.

As prisoners and offenders, we need to take a hard look at how we value ourselves, and the value we assign to our victim, their family, those around us, our supervisors and "overseers," and we have a duty to ourselves to do our best to find the balance.

Every human life, from the moment of con-

** JUSTICE **

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| 1) Accurate | 13) Lawful |
| 2) Authority | 14) Magistrate |
| 3) Code | 15) Penalty |
| 4) Consideration | 16) Process |
| 5) Correct | 17) Proper |
| 6) Constitutional | 18) Rational |
| 7) Decree | 19) Reward |
| 8) Deserved | 20) Right |
| 9) Equity | 21) Righteous |
| 10) Fairness | 22) Sanction |
| 11) Impartial | 23) Statutory |
| 12) Judge | 24) True |

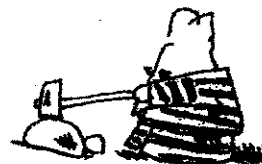
ception until the last dying breath, is worth the same exact amount; it is all priceless and precious. Despite our pasts, our present circumstances, our feelings, or any outer change in our world, we are still priceless beings. We need that healing, and it is only available if we work for it. Like all else, it comes through discipline. We can train ourselves to spot the prejudices of worth in our thinking.

One of the easiest clues comes when we objectify anyone, including ourselves. Unless we do this, try to heal this part of ourselves, we keep in cache a sickness that is akin to that which fueled some of the greatest atrocities known in modern history. The feeling of inferiority in all forms, cascading from any source, are powerful and difficult to bridle. We are given daily messages in prison that reinforce these feelings. Status and hierarchy are well established, even warshipped within the "chain of command," and lest we show any confusion, the baton, the spray, the gun, and the hole are there to provide a tacit threat.

(Cont'd on page 6)



LITTLE KNOWN REASONS TO PAY ATTENTION



The following information was taken from California's "Status Report" filed on July 15, 2015, in the Plata case. This is the case where California was ordered to reduce its prison population down to below 137.5% of design capacity by February 28, 2016.

- * As of 7/15/15, the State's 34 adult prisons confined a total population of 111,168 (134.4%) California prisoners being confined in out-of-state private prisons total: 7,277
- * Between Jan/2014 to Jun/2015, the CA Board of Parole Hearings (BPH) has conducted 717 SB 260 Hearings for offenders whose crime was committed prior to age 18. Of those hearings, 204 paroles were granted.
- * Between Nov/2012 to Jul/2015, the total number of Three Strikes prisoners released under Prop. 36 was 2,111. That's up from 2,056 in Apr/2015.
- * Between Feb/2014 to Jul/2015, the BPH has conducted 767 parole hearings for elderly prisoners over the age of 60 years. Of these hearings, 255 paroles were granted.
- * Between Nov/2014 to Jul/2015, the total number of prisoners released under Prop. 47 was 4,072.
- * Out-of-state prisoners seem to be dropping at an average rate of about 500 prisoners per month. The statewide prison population seems to be holding at about 134% of design capacity, which is currently 2,554 prisoners below the Court ordered 137.5%.

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An Associated Press report states that California's long-term prisoner homicide rate is twice the national average...

"Reducing the prison population from roughly double the system's designed capacity was a step in the right direction."

-Senator Mark Leno, D-San Francisco

"California prisons are so deadly in part because they are so large, with many holding more than 4,000 inmates,"

-Criminologist Barry Krisberg, U.C. Berkeley

"California still has too many inmates in tight quarters."

-James Austin, National Prison Consultant

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Introduced to the California Legislature by Assembly Member Gipson, Assembly Bill 920 (as amended on May 28, 2015) will amend California's Penal Code §3043 to state the following:

"The victim's attorney may request to be provided a copy of the board packet. The requested board packet shall be provided at the same time as that information is provided to the district attorney..(d) The board shall permit a representative designated by the victim's next of kin to attend a particular hearing, to provide testimony at a hearing, and to submit a statement, which may include substantiating references to the board packet"

value of LIFE, cont'd

The starting point is to find who we really are, stop stuffing our feelings, and stop believing the myth that one life is worth more than any other.

CA PAROLE COMMISSIONER CONFIRMATIONS

In May, the CA Senate Rules Committee held confirmation hearings for seven of the state's 12 parole commissioners. Two groups were in attendance providing commentaries regarding each commissioner. The first group was LSA (prisoner advocates), and the second group was CVAA (crime victims).

It was noted that LSA supported the confirmation of commissioners John Peck, Terri Turner and Brian Roberts, and opposed Amrit Singh and Marisela Montes.

The CVAA opposed the confirmation of Terri Turner, and supported the confirmation of Amrit Singh.

All 7 of the commissioners that were considered for reappointment were confirmed by the Senate panel. California's parole commissioners serve a 3 year term per each confirmation, at an annual salary of about \$117,000.

Over the next two years, the remaining commissioners will be up for reappointment by the Governor. These commissioners will be: Cynthia Fritz, Elizabeth Richards, Ali Zarrinam, Peter LaBahn and Arthur Anderson.

VICTIM ATTENDANCE ON THE RISE

It has been reported that there seems to be an ever increasing number of victims and victim representatives, support persons, and various forms of 'immediate family' of the victim, in attendance at parole hearings. Under Proposition 9, they are each allowed to make statements during the final phase of the hearing, and do just that in virtually every case.

The CA Board of Parole Hearings recently issued an Administrative Directive in response that clarifies exactly who qualifies as "immediate family" for attendance purposes: the victim's spouse, parent, grandparent, brother, sister and children or grandchildren who are related by blood, marriage or adoption.

It also directs any prosecutors or District Attorney to "express [only] the views of the individual(s) the prosecutor is representing." -He shouldn't be providing his personal views.

THE ADOLESCENT BRAIN

By Jemine Hall, PhD, CACIII

Teens growing up in fear and chaos tend to spend more time in the 'survival brain,' trying to feel okay, rather than in activities that develop their pre-frontal cortex. They adapt to their environment, but at a high cost. For example, because these teens spend less time thinking from the cortex, they often have trouble paying attention, sitting still, and controlling emotions.

The developing adolescent brain is very vulnerable to stress and, in emotionally charged situations, teens may overreact. They may push the boundaries and break the rules. They may cry or get angry without apparent reason. As the brain matures, teens will operate more and more from the cortex, where reasoning and judgment occur.

Often called the CEO of the brain, the prefrontal cortex is one of the last areas of the brain to mature. A mature prefrontal cortex is necessary for good judgment, controlling impulses, solving problems, setting goals, organizing and planning, and other skills that are essential to adults.

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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 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, 159,520 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 35,759 prisoners serving life terms, it also has the most lifers.
- ⇒ In Florida, California, New York, Texas, Georgia and Ohio, at least 85,800 prisoners are now serving some type of 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
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