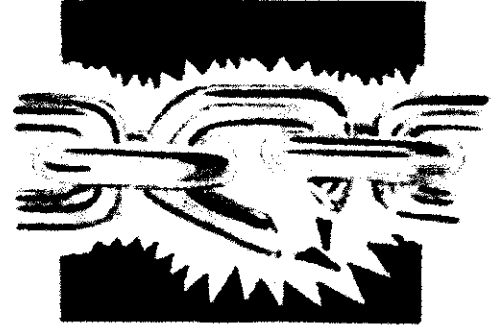




Voices.Con

Term-to-Life Prisoners Converse



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THE EVER EVOLVING MANTRA OF FALSE REASONING

The right to attend a parole hearing and provide victim opposition to the granting of parole began in 1982, with the enactment of California's Penal Code § 3043. Then, in 1988, CA became one of only 4 states to give their governor the power to reverse parole grants (P.C. § 3041.2). Since then, the number of those serving a parolable term-to-life sentence has grown from 9,000 to 35,000 prisoners.

These numbers alone should have been enough to signal the courts that these two laws have created much more than just a "speculative" risk of an increase in punishment. In the recent case of Gilman v. Brown, (2014) No. 05-00830-LKK/CKD, the U.S. District Court ruled that the governor's power to reverse grants of parole did in fact create a substantial risk of an increase in punishment. The case is currently under a stay pending review in the 9th Circuit Court of Appeal.

Governor Pete Wilson was in the state's top office when the governor's power to reverse parole decisions was first enacted. By the end of his term, he reversed about 33% of all parole grants. By the time Governor Gray Davis left office, he had reversed every single parole grant with the exception of 2. When Governor Arnold Schwarzenegger completed his term in office, he had reversed

an average of 73% of all parole grants.

Currently, Governor Jerry Brown has been reversing about 20% of all parole grants during his first term. This has provoked one of the many vengeance oriented organizations, to reenter the arena of deceptive hysteria, praying on the public's naivete. Christine Ward of Crime Victims Alliance, commenting on Governor Brown's record of parole grant reversals said, "This is playing Russian roulette with public safety." She fails to mention that the paroled term-to-life ex-prisoner population has proven to have a less than 0.5% recidivism rate, as opposed to the average prisoners who return to prison at a rate of 65%.

Governor Brown's current list of reasons to reverse a grant of parole, appears to be nearly identical to the reasons the parole board (BPH) often have in their denials of parole. Prisoners who normally suffer multiple parole denials, and then must suffer additional years of parole grant reversals by the governor once they are finally granted parole, all seem to have these same case circumstances in common; (1) Victim/District Attorney opposition at the parole hearing, (2) the victim was young or female, (3) the victim was politically connected or tied to law en-

false REASONING, cont'd

forcement, or, (4) the victim was handicapped in some form. -All of these circumstances, however, are not legal reasons to solely base either a parole denial, or a parole grant reversal on.

During the 1980's, 1990's, and most of the 2000's, the CA parole board, and the state's elected Governors, had the luxury of simply reciting the boilerplate "due to the egregious circumstances of the crime" reason to forever deny parole or reverse a parole grant. However, in 2008 the courts ruled that the Board may no longer recite this mantra (a static factor that can't ever change) as a constitutionally proper basis for a parole denial (In re Lawrence (2008) 44 Cal.4th 1211-1228). The state's parole board is also barred by law from denying a parole based on the mere opposition to parole received from a victim representative, or the county DA's office (In re Fain (1983) 139 Cal.App.3d 295).

As a result, what we face today is a parole board (and governor) that has adopted a new boilerplate mantra; "The prisoner 'lacks insight' into the causes of his/her crime." This is uttered during the denial of parole (because the courts have so far refused to address its contextual vagueness) in virtually every term-to-life prisoner's case where the victims and DA's oppose parole, or the victim, in the opinion of the Board or governor, was considered a vulnerable person. -Even when the prisoner's level of "insight" was far superior to those who have gone before him/her and were released on parole.

It appears that the BPH and governor have simply learned to not state the actual reasons (because they're not legal) for the parole denial, or a reversal of a grant. Even in this post-Lawrence era of parole law, there remains a sizeable class of parole ready term-to-life prisoners still in search of an equitable and just parole consideration process.

Sources: PC §3043 (Added by Initiative Measure), PC §3041.2, Gilman v. Brown (2014) #05-00830-LKK/CKD, Lawrence (2008) 44Cal.4th, Fain (1983) 139 Cal.App.3d 295.

* ELECTION YEAR! *

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ANATOMY OF THE STATE

It is important for the State to inculcate in its subjects an aversion to any "conspiracy theory of history;" for a search for "conspiracies" means a search for motives and an attribution of responsibility for historical misdeeds.

If, however, any tyranny imposed by the State, or venality, or aggressive war, was caused not by the State rulers but by mysterious and arcane "social forces," or by the imperfect state of the world or, if in some way, everyone was responsible ("We Are All Murderers," proclaims one slogan), then there is no point to the people becoming indignant or rising up against such misdeeds.

Furthermore, an attack on "conspiracy theories" means that the subjects will become more gullible in believing the "general welfare" reasons that are always put forth by the State for engaging in any of its despotic actions.

A "conspiracy theory" can unsettle the system by causing the public to doubt the State's ideological propaganda.

MURRAY N. ROTHBARD

SUSTAINED ACCOUNTABILITY

We all know that there are consequences for our actions, whether good or bad. And we know that we can be held accountable for our actions as well. We are held accountable for our behavior beginning at a very early age by our parents, our siblings, our peers, teachers, etc., and we are also held accountable by the police authorities within the jurisdiction of whatever crime we may have committed. We can also hold ourselves accountable. But, when we don't do this, someone else usually steps in and does it for us. So why wouldn't someone hold themselves accountable for their own actions?

The fear of consequences would be a reason you might choose to not hold yourself accountable, as well as, not believing or understanding that you did something wrong. You could be emotionally disconnected and not care, or suffering from emotional pain and telling yourself
(Cont'd on page 3)

sustained ACCOUNTABILITY, cont'd
that you don't care. Finally, you could be influenced by those around you or numbed by your addiction, and not confident enough to do what you believe is right. There could be more, but it is during these times that others hold us accountable for our actions, and rightly so. Our society requires that each person has certain rights and they must be protected when violated by others.

So, when we are placed inside of prison for the crime(s) we committed, we are being held accountable by the state we reside in. A judge will determine the severity of our consequences in most cases, and we are then sentenced to serve however many years inside of prison -but do we also hold ourselves accountable? In many instances, yes we do. Soon after arrest there are confessions of guilt, or maybe later during trial. Others may take longer to be accountable to themselves due to addiction, criminal beliefs, or even disconnected and immature emotional states. For the term-to-life prisoner, who must at some point appear before the parole board, their process of change will nevertheless include a sincere level of accountability for themselves.

Some of the ways in which we hold ourselves accountable are: by making donations to individuals, groups, or organizations, by facilitating self-help groups, by being a sponsor to others, by volunteering our time to community efforts, by helping to make our community better, cleaner, or safer. This list may be endless, but it boils down to being of service to others and our community. When we are accountable, we become responsible for the results of our actions, choices, or behavior. We become liable to others, to the point of restoring balance to the situation and those involved.

With this in mind, does release automatically determine the end of accountability? Or can your own personal accountability extend beyond your prison sentence? In the case of murder, the loss of life can never be redeemed. We admit this during our hearings, and this truth relies on our being of service for the rest of our lives. We cannot restore a life, thus our accountability never ends. This is the willing burden our heart carries because, we alone are responsible. We carry it willingly because it makes the

pain, guilt and shame bearable to know that we are, in some way, attempting to restore balance to the world we live in. It is very difficult and frightening, but also liberating in that we become beholden to ourselves, all else is less than our accountability to self. This is the path to true freedom of being, peace of mind, and even happiness, because this is the path to self-forgiveness and sincere accountability.

* GILMAN v. BROWN *

As it stands now, this case is still under a stay pending review of the state's appeal to the Ninth Circuit Court of Appeals. In the Gilman case, the U.S. District Court ruled that California's governor is not constitutionally permitted to reverse the parole grants of term-to-life prisoners whose crime took place prior to the enactment of the law which provided the option. In other words, it was determined to be an ex post facto violation to apply the 1988 law to any prisoners whose crime occurred before the law existed. The same ruling also made the determination that Marsy's Law of 2008 (denials of parole for up to 15 yrs.) could not be applied to those whose crime occurred prior to 2008.

The current briefing schedule will conclude around the end of November 2014. Then we will have to wait on a new order to be issued by the Ninth Circuit Court, which will likely be again appealed to the U.S. Supreme Court. -It may be awhile before the stay is lifted.

* IN RE BUTLER *

This was the CA case in which both parties agreed to a formal settlement. The State Attorney General's office agreed to require the CA Board of Parole Hearings (BPH) to set a base term at all future parole hearings for term-to-life prisoners. After the settlement was agreed to, DA's from both Sacramento and San Diego counties filed transfer requests to the CA Supreme Court, even though the case didn't even originate in either of those counties. The CA Supreme Court ~~declined~~ to accept the case for review. Therefore, the settlement is final.

THE SOCIAL CHALLENGE

It is a stark reality that as term-to-life prisoners, we carry the potential of living out the remainder of our lives in prison. Most of us do not like the conditions we must live with, but then how many of us give of our time and energy to improve the lives of those who are our neighbors?

We have all had the experience of being in a room where everyone is talking at once. Each individual voice is seeking to be heard, to know that the emotional envelope of expression has been understood and received. We all feel relief when we know we have been heard. This need drives many behaviors, and the greater dynamic of the situation described above takes countless forms. For instance, consider the "Tagger" or "Graffiti Artist." Typically, this person is a youth who has likely endured abuse or psychological wounding in some form, and finds no suitable outlet through which to be heard.

And so, screaming at us with the only tools that bring relief, that person will set about getting the need fulfilled.

Another form of this is the "Yard Preacher." The list of examples take many forms, but what we need to face is what we ourselves do to fulfill this basic need. How do we make ourselves heard, and why do we choose that particular form?

Many of us have committed a murder. That is the ultimate subjugation of another, and is the loudest, longest, deepest scream of self-expression that anyone can produce. What were we saying, and why were we saying it?

If we really want healing for ourselves and for others, we need to be aware of our modes of expression, and know why we use them, each one in particular. We also must grow beyond our selfish pursuits and offer ourselves to be a helper to others, as they seek to be heard. We can gain only that which we become for those around us.

Long ago, Western thought systems about individuality emerged from Eastern tradi-
(Cont'd on page 6)

Lifer Scheduling and Tracking System

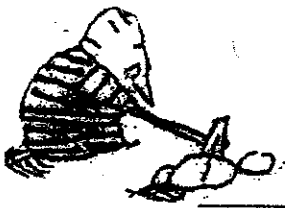
Board of Parole Hearings

Lifer Prisoner Parole Consideration Hearing and Decision Information
For the Calendar Year 2014

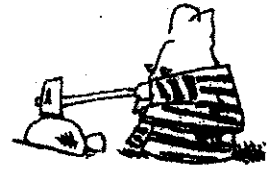
	Total	January	February	March	April	May	June	July	August
	Hearings	Hearings	Hearings	Hearings	Hearings	Hearings	Hearings	Hearings	Hearings
Total Scheduled Hearings (All Hearing Types)	3023	496	471	532	491	524	509	0	0
Suitability	2422	422	406	353	380	431	430	0	0
Other Hearing Types*	601	74	65	179	111	93	79	0	0
Scheduled Hearings	3013	438	423	367	395	452	441	0	0
Suitability	2422	422	406	353	380	431	430	0	0
Documentation	0	0	0	0	0	0	0	0	0
Consultation	497	57	46	163	96	69	66	0	0
3 Year Review	0	0	0	0	0	0	0	0	0
En Banc	47	6	7	6	7	16	5	0	0
Rescission	5	3	0	1	0	1	0	0	0
Progress	30	4	9	4	4	4	5	0	0
PC 3000.1	12	3	1	3	4	0	1	0	0
PC 1170	10	1	2	2	0	3	2	0	0
Suitability Hearing Results (Actions Taken)	2422	422	406	353	380	431	430	0	0
Grants**	503	89	83	72	86	85	88	0	0
Denials	880	130	123	131	143	193	160	0	0
Split Decisions	6	0	0	2	2	0	2	0	0
Stipulations	136	19	22	17	28	24	26	0	0
Voluntary Waivers	271	71	55	38	35	32	40	0	0
Postponements	471	88	93	67	72	72	79	0	0
Within State Control - PP	330	60	72	44	56	45	53	0	0
Exigent Circumstances - PP	54	12	9	6	9	9	9	0	0
Inmate Requested - PP	87	16	12	17	7	18	17	0	0
Cancellations	132	21	24	24	13	21	29	0	0
Continuances	23	4	6	2	1	4	6	0	0

*Note: Other Hearings includes: Suitability, Documentation, 3 Year Review, En Banc, Rescission, Progress, PC 3000.1, PC 1170

**Note: The number of Grants is comprised of the number of results occurring during the scheduled hearings.



LITTLE KNOWN REASONS TO PAY ATTENTION



The following information was taken from California's "Status and Benchmark Report" filed on September 15, 2014, 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.

- * The current number of CA prisoners being confined in out-of-state private prisons: 8,774
- * The state has contracted an additional 260 beds (McFarland) and another 887 beds (other) within the State of California at private facilities.
- * The CA Board of Parole Hearings held 31 Youth Offender Hearings (SB 260) during the month of August. This brings the total number of such hearings to 204 since Jan/2014.
- * The state's parole board released an additional 3 indeterminately sentenced prisoners with advanced parole dates during the month of August.
- * As of September 3, 2014, the state has released a total of 1,878 Three Strikes prisoners as a result of California's Prop. 36.
- * With regard to the many other measures the state has agreed to take in order to reduce the prison population, they continually recite the following phrases throughout their report as reasons for their inaction: "developing plans..and strategies" "developed a tentative policy of approach for identifying" "The State is currently drafting.." "The State anticipates finalizing policy.." "...in coming months" and the ever popular "expected to be implemented later this month" -So far, the courts have let them get away with statements like these.

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There is only one Initiative on the ballot this year concerning prisons. This would be Proposition 47, "The Safe Neighborhoods and Schools Act." Prop. 47 purports to be in support of California's Realignment efforts to reduce the prison population. Here is what this Proposition offers to the voter:

- * Mandates a misdemeanor sentence instead of a felony for various drug charges.
- * Mandates a misdemeanor sentence for petty theft, forging or writing bad checks, or receiving stolen property when the crime amounts to \$950 or less.
- * Mandates that persons serving a felony sentence for these offenses be resentenced unless the court deems the person to be a public safety risk.
- * Permits the state savings to be funnelled into the crime victims fund, mental health and drug treatment, and K-12 schools.
- * Reclassifies seven categories of nonviolent felonies as misdemeanors, currently known as wobblers.
- * Persons who are registered with a sex crime and persons with a prior conviction for murder are not eligible for any of the benefits provided under Proposition 47.

Note: The CA Legislative Analyst's Office has estimated that 40,000 incarcerated felons per year would be charged as a misdemeanor instead. However, this suggests that a much larger number of people would be incarcerated locally in the county jail, being that misdemeanors are always served in the local jail. It should also be noted that this would be yet another law that excludes those with a prior murder conviction for presumably purely prejudicial reasons.

social CHALLENGE, cont'd

tions of oneness. We have become so fragmented that individuation is the norm, and oneness is foreign. In our more recent past, the truly remarkable songwriting team of John Lennon and Paul McCartney reminded us many times that "Love is the answer" and "All you need is love." This idea takes two; the two in marriage, the male and the female, the yin and the yang, and blends them into one. It has been called "At-one-ment," the state of peace created by the union of two.

This motif is everywhere, in all cultures, in all ages. It is the Human Experience. It applies to our lives by way of our self-imposed exile from those around us. Many, if not all of us, feel like a "loner." It doesn't need to be this way, but to change what we feel, we need new ways of seeing things. We must stop trying to have it our way, or no way at all. That is why so many of us feel so disconnected, because that is the option we've chosen. "If I can't have it my way, I'll take my toys and go home!" is the basic sentiment. How utterly juvenile.

We've got to grow up. A good start would be by listening to others, especially when they feel strongly and need to get their feelings expressed. That is the seed of compassion, of knowing the pain and suffering of another. "I feel ya" isn't just a trite expression in popular culture, it can be a real goal for some of us, and an achievement that will stand the test of time. "Be slow to speak, slow to anger, and quick to forgive" are good words to live by, but the best is "listen, listen, love, love." That is far deeper and meaningful to those who need us to hear them. It is work to be the vessel that others need, but we can do it if we want to.

* PLATA STATUS REPORT *

On September 15, 2014, the state filed its September Status Report with regard to the CA prison population reduction. The first benchmark was met with a population of 116,269 (140.6%) prisoners. The next two benchmarks are as follows:

141.5% of design capacity by Feb. 28, 2015

137.5% of design capacity by Feb. 28, 2016

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MELVIN MACOMBER, Ph. D.

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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
- * Preview or download all previous editions of the Voices.Con newsletter ever published—Free
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