

The Andrea Mims Story: "Rape of an Angel"

Part 7

Over the years, many individuals had approached Andrea, hoping to write a book. Andrea refused most of them, although she did talk to a few. Even one of her trial psychologists, Dr. Morton Kurland, offered to write a book, but with no track record, and because of the psychological angle the book would take, Andrea wisely declined to grant Kurland permission for an authorized work.

In the late 1980's, she was approached by Colleen Todd, a student writer, who was writing a series of articles on women in prison. After talking to Andrea, she began investigation the background of her case. One day she approached Andrea, and told her she'd have to beg off. She thought her story deserved a book of its own, and it was really beyond her ability. She'd been quite shocked after talking to several of the jurors, who'd told her that Chuck Stafford's defense seemed like no defense at all, and had left them totally confused. Andrea agreed, in fact, the only thing that stood out in her mind from Stafford's closing arguments was when he said "she went into a vacuum." She never understood what he meant by this, and had always assumed he'd left the jurors equally confused.

Colleen's boss in "Writing, Inc.," Aram Saroyan, had told her she'd lost her objectivity. He was taking her off the project, but wanted to attempt the book himself.

Andrea became exited. She was familiar with William Saroyan, Aram's father, and was impressed from what she knew of Aram. In the early 1970's, long before the controversy surrounding the Maplethorpe exhibit, Aram had made the Guinness Book of Records by authoring the shortest poem ever published. It was called "Light," and this is how it went:

"Lightht"

For this literary masterpiece, the National Endowment for the Arts had paid Saroyan \$500.00 The resulting flap caused a movement in Congress to abolish the NEA. The movement died, awaiting the advent of Maplethorpe. In "Friends in the World," Saroyan proudly proclaimed it to be the most expensive word in history!

Aram had previously only written stories about his family and influences. His most successful book was Trio: Portrait of an Intimate Friendship, about his mother and two of her friends. The book was written in 1985, and resulted in his largest payday ever: Approximately \$30,000. He wanted to take a stab at something a little more commercially acceptable, and True Crime might just be the genre he was looking for. Andrea saw him as an iconoclast who could be the one to blow the lid off the corruption surrounding her case. When he presented her with a contract calling for her to be paid "a percentage of the profits," Andrea told him, "OK Aram, I'm going to trust you, and if you do right by me, you'll be famous. But, I need the money to hire a good attorney, so I'm depending on you."

Aram promised his wife, Gailyn, who had stood by him and starved with him for 25 years that if the new book was not successful, he'd never write again. The couple had two daughters, Strawberry, and Fields.

For a year, Andrea went to work, writing long essays on parts of her life, dredging up old memories, both happy and painful, and even developed the letterhead for her writings, "Drea, Inc." Saroyan continuously complemented her and thanked her for her openness, especially with regard to intimate sexual questions.

At the same time, Aram began to interview various subjects around Andrea's case, and other than prosecutor Bob Dunn, found a scant few willing to talk. Dunn turned over the entire case file to Saroyan on loan, and also introduced him to Sylvia, the daughter of Bob Sand. It turned out that several years earlier, Sylvia had taken control of the evidence file, and now had Andrea's album of nude photos her father had taken. She kept this in a dresser drawer with the knife that killed him. It was (is) a very dull 3 1/2" paring knife with a bent tip. This knife is certainly not a weapon you would choose if you were planning a killing, and definitely not a weapon-of-choice for a 5' 7" woman weighing 120 lbs., planning on going hand-to-hand with a 6' 2" 220 lb. ex-lumberman!

Stafford refused to be interviewed, and eventually he had to promise almost everyone that if they'd talk to him, he would not make them look bad.

In early 1992, Saroyan wrote to Andrea and said he'd completed the interview process, and was beginning the actual writing. He'd only been paid a small advance from Barricade Books, and would need to continue work while he wrote. More ominously, he stated that in order to keep his sense of objectivity, he'd need to cease communicating with her, and remove himself from her influence while he wrote.

Andrea was floored. Saroyan had promised her the book would be a partnership effort. Now, he was breaking his word. She told herself "Andrea, you've blown it again!" Still, she could not stop the book, and so remained hopeful.

I first made contact with Andrea on January 15th, 1992. I'd nine months earlier came through a rather ugly divorce from a woman originally from Thailand, and had decided to develop new relationships through snail-mail correspondence. I began joining a few correspondence clubs, and began getting letters from women all over the world.

On a list I'd purchased from a club out of Florida, I noticed Andrea's picture, with an interesting ad. I liked her picture, and she appeared to be around 35 years old. I could tell by her address that she was in prison, but I was curious to get to know her, so I sent her my picture and a nice letter. I got a reply in less than two weeks.

We continued to correspond for a few months, and after a few phone calls, I decided to drive down to Southern California to meet her.

Andrea and I met face to face for the first time on May 31st, 1992. As it turned out, it was her birthday, although I did not know it until I was there. And, she was 51, not 35! But, her smile lit me up inside. As I drove home that night, I felt she was in the car beside me. I had to go back.

In August, I spent 3 weeks on the Island of Kauai, leaving just before Hurricane Iniki struck. Jurassic Park was being filmed, but I never saw any dinosaurs running around.

Although I was traveling with an old girlfriend, I couldn't get Andrea off my mind. Upon returning home, I again drove south to visit her for two days, on a Saturday and Sunday. We told each other we were in love. Andrea had already trusted me with her trial transcripts, and I'd been reading in earnest, looking for something that could free her with my limited layman's knowledge. And, while some of the testimony was scary, I could easily see the flaws. Then, I came across that first "false rape" account. My God, it seemed real! What was going on here?

Andrea asked me if she could live with me if she could get out, and I said "yes." I had no idea how much time it would take. It was 1992, and I laugh now when I think I told her that she'd be free next year because 1993 rhymed with free!

Again I drove home all night, feeling she was beside me.

Andrea told me about the conjugal visits, known to them as "FLU" (Family Living Unit) visits. We decided that we ought not to talk about a prison wedding, since we expected we could free her in short order. But, as the reality began to sink in as to how long the actual process might take, we talked more seriously about marriage.

One day, while we were talking, Andrea called me her "Knight in Shining Armor," for the digging I was doing, trying to find something that would free her. I laughed, and told her that, no, I was no Knight in Shining Armor. The proverbial K.I.S.A. thinks nothing for himself, but works in a purely altruistic manner. The Knight in Shining Armor is the champion who rescues the Princess or the Damsel in Distress so that she may marry the handsome Prince and live happily ever after. He never for one moment thinks of himself, or that he will have the damsel as his own wife or lover.

Therefore, I told her, I should be thought of as the "Knight in Tarnished Armor." I was tainted, since I could not think in a totally altruistic manner. True, my motive was to rescue the damsel from the High Tower, but it was partly because I wanted the damsel for myself!

Andrea laughed at my allusion, and then said, that if I really felt this way, we ought to consider marriage so that we could at least enjoy the conjugal visits while we were awaiting her freedom! I thought about it, and said it might be a good idea. "Well, you'd better be sure that it's what you really want," she said. "Because if we're going to do this, the

paperwork and documentation you'll need will take months. It's a lot more involved and complicated than your last divorce!"

In November of 1992, I again visited Andrea over the Thanksgiving weekend. We talked more about marriage, and decided it was what we both wanted to do. Andrea laughed...she'd been thinking of a way to propose to me, and had been rehearsing what she wanted to say in her mind over and over. As it turned out, she never had a chance to propose formally...we both started talking about it, and it just seemed to be a natural progression of our relationship.

Andrea and I planned to be married in August, 1993. But, the immediate fight was to locate an attorney, or someone to help investigate and prepare a writ that could free her.

In October, 1992, I was contacted by Judy Bracamonte in Sacramento. She had a young attorney friend named Agnes Arvai who was willing to take Andrea's case for a minimal fee. She had no experience, but Judy was willing to guide her through it. The investigation began slowly, but gradually picked up as a much more experienced attorney, John Duree, began offering pro bono advice to Judy.

I located all the police reports in notebook binders in Doug Denike's (Andrea's younger son) when I went to pick up her clothes from his storage. I found the new Will that was never executed, and that seemed to belie the financial motive for the murder. Judy contacted Garthe Brown, the attorney in Portland, who confirmed that Sand never intended to divorce Andrea as Marvin Chesebro had alleged. In fact, Sand did not trust Chesebro, as he was too close to Florence Sand, his ex wife.

Garthe Brown's statement seemed to make automatic perjurers of at least 3 prosecution witnesses, yet he'd never been called as a defense witness. While he was not particularly sympathetic to Andrea's situation, the information he could have contributed toward the understanding of Bob & Andrea's relationship would have been invaluable. He confirmed Sand's sexual proclivities, and said that Sand began to change right around the time he'd turned age 40. Brown was very conservative, and said he became turned off by Sand's consistent urging that he partake in sado-masochistic orgies. Garthe had refused to participate, and their long-term friendship from boyhood thereafter became strictly a business relationship. By the time he had turned 50, Sand no longer took keen interest in his business, and began a long pattern of draining his business assets to pay for his sexual addiction. By the mid-70's, Sand's financial partners forced him to sell his interest in Sand Door & Plywood in exchange for a generous cash settlement and a share of the profits. He was granted a pension of \$10,000 per month. With him out of the day-to-day operations of the business, the company's health had improved. However, Sand's net worth at the time of his death, once in at least the 8-figure category, had dwindled to under \$1 million.

Laura, Stafford's former investigator, still with the Public Defender's Office in Indio, was invaluable in explaining Chuck's dislike of Andrea. While she never was able to say that Stafford was working against her, she did confirm that he despised her, and seemed to have no understanding of her mental state and the stress she was under in the county jail in Indio. She also confirmed the earlier insanity case that Chuck had won, but felt that this victory caused Stafford to focus entirely on the insanity issue, overlooking obviously exculpatory evidence that would have mitigated the guilt phase of the trial.

She located the defense file in the archives, and we were able to recover many of the letters Richard had written to Andrea, including the one where he stated he did not have her phone number. Unfortunately, Andrea's old phone bills were never found, but there was plenty of evidence that they had once been there. Bob Dunn told Judy that Stafford had gone into the file recently, right around the time he'd told Andrea he had no control over it in the one letter he'd sent her. There was even a recent newspaper article about Andrea in the file, indicating someone (probably Stafford) had been into it.

With a letter from John Duree, I personally picked up what was left of Andrea's defense file from the Riverside Public Defender's office. It wasn't easy, and a law clerk in the office would not release the file to me before pumping me for any information I might have about Andrea's pending habeas writ. I gave him somewhat nebulous answers, of course, and noticed the intercom speaker sitting on the clerk's desk, pointed directly at me. After a half-hour of useless answers, a phone rang on the clerk's desk. Apparently, it was a Riverside P.D. supervisor, giving him permission to release the file to me.

Now, the book was due out. It was to be called Rancho Mirage, An American Tragedy of Manners, Madness, and Murder. Andrea was in demand for media interviews, and with word having gotten out that she planned to re-marry, several media sources wanted to find out who I was.

In June, less than 2 months before we were to marry, we called off the wedding. With the pending publicity, we both felt that our relationship would be exploited in the most unfavorable way possible. Calling off the wedding was very painful for both of us, and in retrospect, it was the wrong thing to do. I would have loved to have been on the TV shows, especially on Maury Povich so that I could have debated Bob Dunn. Perhaps that opportunity may come again at some point in the future.

The book came out in September, 1993, and it was an atrocity. Saroyan had written in the front of the book that he based the book on many interviews, but where one person's account differed from another's, he'd chosen what he considered to be the most likely scenario. It seemed he'd totally disregarded any of Andrea's input. Sadly, he'd written nothing about Andrea's life previous to Sand, and began his narrative with Andrea's poisoning at the hands of Sand's maid. Even in that, his account was completely wrong and exaggerated for sensationalism.

He'd never even checked back with her when someone said something derisive about her. In one notorious passage, she is said to have dropped her towel when Mike Mottesheard, ex-husband of an old friend, Carmen, accidentally walked into a bathroom in the condo she shared with Sand after they'd all been out by the pool. It was untrue, and Andrea was incredibly hurt upon reading the account. It caused a rift in her friendship with her friend Carmen, which has never been healed.

Aram's account of the hammer attack on Joe Mims was especially frightening, since he'd used the version given him by the first prosecutor, Jim Hawkins. He totally ignored the fact that Mims had retracted his statement, and was going to refuse to testify. And, no mention was ever made of the evidence Joe claimed to have found.

It seems that one of Andrea's doctors, Michael Leitman, had convinced Saroyan that Andrea was a multiple personality who would appear normal in a "boot camp" type setting, but would become dangerous if freed.

But, what did Leitman really fear? He was one of the people who had convinced Joe to file charges against Andrea, insuring that she'd never get the help he said she needed. And Bob Dunn and Jim Hawkins were his golf partners. What did he really fear?

Andrea swallowed her pride, and agreed to appear on several TV shows to promote the book, beginning with American Journal, then Maury Povich, and Geraldo. Jenny Jones was next, but she cancelled because she'd done another battered women's show too recently.

Saroyan kept promising to finance Andrea's defense, but Barricade Books never promoted the book. They put it up for paperback options, but no paperback company deemed it worthy of printing. Rancho Mirage, having sold roughly 10,000 copies, mostly in the Palm Springs Area, died a quiet death. Andrea's case was forgotten and, Saroyan honored his commitment to Gailyn never to write again. At last contact, he was working as communications director for the Job Training Policy Council in Ventura, California.

Agnes Arvai was not doing us any good, and we needed a real lawyer. I contacted John Duree, who'd been offering pro bono advice, and asked him what it would take to get him involved. He said he'd read the transcripts and make an evaluation as to whether Andrea had grounds for reversal first, and I took a small loan from my retirement to get him started. He called me back two months later, and said that he could only recommend proceeding with a writ in one out of 10 cases, but he did feel that Andrea had grounds for reversal. I asked John if it would create a problem if Andrea and I married, and he said no, and that we should go for it.

Andrea and I once again planned a wedding for July 29, 1994. But, shortly before the wedding, Andrea began experiencing a loss of energy she could not explain, other than a sprain she'd experience in her neck and back lifting a table in Hobbycraft. As the wedding neared, she began to grow lethargic.

Still, July 29th was a happy, triumphant day for us. I stayed in town at a motel, and we were able to reserve one of the "FLU" visit units for our first conjugal visit, August 8, 1994. I remember joking with Andrea that she'd be able to get "Ate" on 8/8! It happened.

But, do you want to know what I remember most about our first conjugal visit? I was able to bring in lots of good food, far better than anything Andrea had had in years. When we were first alone together, we decided to have lunch. I broke out some bread and turkey pastrami, and Andrea began making us sandwiches. Suddenly, she looked down at herself and began to cry. Such a simple thing, making sandwiches, but something she hadn't done in 12 years. It's the little things we all take for granted that she misses the most. Andrea told me that what actually made

her cry was that I helped make the sandwiches. All the other men she'd known had felt that this was a job for the "little woman," and would never have helped with food preparation. And there was the relief in knowing that all our preparations had finally succeeded. She thought back on the crushing disappointment she and Joe had suffered, resulting in Joe's death.

Sex was not wild and crazy. It was slow and cautious. Andrea hadn't had sex in over 12 years, and that had been bad sex. We took our time, and I found that by letting her come to me, she was able to relax so that we could totally enjoy being with each other. She told me later that she feared she would not be able to relax and enjoy sex, but was pleasantly surprised.

In the early part of 1996, I made a major withdrawal from my retirement again. This time, the huge chunks coming out of my paycheck forced me into bankruptcy. But, Andrea's failing health, and the lack of outside help made it absolutely mandatory that something be done. John agreed to begin preparing the writ.

Judy continued her investigation. A year before, she'd located and visited Richard in Alabama. He admitted he made a mistake when he said he'd conversed with Andrea prior to Sand's death, but he wouldn't retract anything else. He kept asking her "What's in it for me to recant?" implying he expected a pay-off, which he would NEVER receive! Pay-offs and bribes are a prosecutor's tools for recruiting witnesses! He would only talk to her with a .38 by his side, and belted down vodka while he talked belligerently. Judy finally left in fear for her own life, while Richard screamed "It's not fair!"

Now, a new investigation revealed that Andrea had not been his first victim. In 1966, he'd testified in a murder trial, and later recanted his testimony. The New Jersey Supreme Court at the time branded him as an unreliable perjurer. If we could find this information in 1996, Stafford certainly could have found it in 1984!

It now seemed like we had a mandatory reversal. The writ was submitted to the Superior Court in Indio, which promptly recused itself. It seems that a year before, Stafford had been appointed a judge in that court! Later, the entire County of Riverside recused itself. Andrea's writ was assigned to San Diego Superior Court Judge Howatt, who summarily denied the writ based on time limits, or in legal terms, "laches."

The writ was taken to the 4th District Court of Appeals, who again denied the writ, this time based on the false finding that there was other evidence of pre-meditation. The California Supreme Court denied it on the same grounds, clearing our way to enter the writ in the Federal Court level, where we expect a fair hearing.

Unfortunately, a great deal of money has been expended getting the writ this far, and I did not have the funds to pay my attorney to take the writ to Federal Court. I wasn't sure he will do any more work without at least \$5,000 more, and I needed help.

Andrea's lethargy turned to loss of equilibrium. It was exacerbated when a roommate jumped on the top bunk, impacting Andrea on the head.

We have been fighting for 3 years to get her the medical help she needs, and, although Doctors at Riverside General Hospital have said she has 2 crushed discs in her neck requiring surgery, CIW is dragging it's feet. Just last month, Dr. Sarinas, who'd been seeing her for 2 years, told her surgery was "way off in the future." She then sent her back out to see a supposed neurologist at Riverside General Hospital who would not look at her, and told her she did not need surgery. When she asked about her intense pain, he told her she needed to get into pain management. (Keep in mind that this chapter was written toward the end of 1997. There are plenty of updates to follow in the addendum and continuing chapters.)

I wrote an angry letter to Sarinas, and Andrea was called in by an appeals clerk...Mr. Stone. Stone told Andrea that I may be charged with a felony for making threats against Sarinas, even though I only threatened to go to the press and the medical board. He also told her that if she had the surgery that she really WOULD be paralyzed!

I do have a new reporter with the Orange County Register who wants to re-open the investigation into CIW's medical staff, and I'll probably cooperate.

Andrea and I no longer get conjugal visits. We had a total of 9, for 27 glorious days and nights together, when, after several attempts year after year to outlaw them, all failing, the Dept. of Corrections banned conjugal visits for life

prisoners, including battered women. Also, in 1995, after several embarrassing reports, the Dept. of Corrections banned media interviews for all inmates. They are now held incommunicado with the outside world.

We have great hope that conjugal visits will be restored by a Federal Judge next month, but there's no guarantee. In addition, a new law, SB 434, just passed the California State Legislature with a 3/4 majority.

It was vetoed October 12th by Pete Wilson, but an override attempt is being mounted and should be assured. (Update: The press is still banned from the prisons, because the Legislative Republicans were too cowardly to oppose Governor Wilson on this issue.) (Update 5/98: Another Bill, AB 1440, has just passed the California Assembly unanimously. It should sail through the State Senate, and even if vetoed by new Governor, Gray Davis, who has been a total disappointment to inmate families, it should easily be overridden.)

Andrea's story is the story of the rape of an angel. She was the victim of violent rape many times in her life, but was always able to pull herself up by the bootstraps. But, finally, she was symbolically raped by the legal system in the personae of Dunn, Stafford, and Hawkins. She continues to be raped by the prison system. Someone has to care. She no longer has the ability to beat this thing alone.

Final Chapter: Rape of an Angel

The angel cried in protest

Often inward, unheard cries

Not listened to when she spoke

Seemed like hopeless tries.

The angel cried in protest

Again! Again! Again!

Pain, grief, anguish mounting

She knew not why or when.

There's tragedy and horror

When rendering appeals

Even more sadness and sorrow

To not know how one thinks or feels.

The angel cried in protest

No one to love, trust, or care.

Backs were turned, life was dark

Heart and soul, living in fear.

The angel cried in protest

Was she wasting all her cries,

Thoughts, and feelings? No place to go...

And all those powerless tries!

The angel cried in protest

Now only she could know

That she had to start living

And handle fear and woe.

Her time had come to stand alone

Heal confusion, shame, and pain.

Learning and understanding, she'd grown That's how she'd live again.

It was time for love and union

She well knew wrong from right.

The angel loved and respected herself

The future now looked bright.

The angel cried in protest

Does she protest too much?

The wiser angel will now be heard

She's had a loving touch!

by Andrea Mims

Do you believe in Angels? Did you know that every time someone says they don't believe in angels, somewhere an Angel dies? Every time you look into the night sky and see a shooting star, some believe you're looking at a dying angel.

But, there's hope.

Clap if you believe in Angels.

Addendum

I miss her kisses that transformed into laughter, a creation that only her lips could have conceived. Her laughter appeared, in waves like from a water fall, in the middle of the tender kiss, or the passionate.

It's now March, 1998. My neck is out a million miles financially, but I just received word that the Federal Writ of Habeas Corpus has been completed, and will be submitted to the Federal District Court on Monday, March 9th. This is a tremendous load off my mind, since we only had one month left before the time limit to submit our writ to Federal Jurisdiction would have expired, and Andrea would have been forever doomed. I will be able to pay a substantial amount of the legal fees from a new retirement loan, but it will not be enough. This, of course, is not to mention the cost of a new trial, should we be granted it. (Update: See the legal filings! A Federal Judge looked very favorably on our filing, and issued an Order to Show Cause. After a very shoddy response by the Attorney General, we filed our traverse, and expect a very favorable ruling. It is long overdue, but if you sign up for our announcement mailing list below, you'll be among the first to know when we have word!)

So much has happened since I completed post 24, about six months ago.

Andrea is now receiving regular physical therapy for her neck injury, and it seems to be having a very positive effect. She may not require surgery after all. But, it took months of letters to several layers of bureaucracy to get them to provide Andrea with the care she needs, and my stinging letters will no doubt be used to brand Andrea as "manipulative" at her upcoming parole hearing in May or June.

Andrea's initial parole hearing was last year, but she did not attend due to her medical condition, and pending litigation. Parole hearings are a mere formality...the current parole board has not released any lifers in several years, out of tens of thousands of hearings. They are currently under legislative investigation for their "no parole, no exceptions" policy. In addition, they have placed added burdens on those already on parole, so as to induce technical violations, and returns to prisons. With the current "3 Strikes" law in effect, and being abused by prosecutors to put rabid pizza thieves in prison for life, the prison system is bursting at the seams, and something has to give. The California Legislature has declared a moratorium on new prison construction, and the parole board is forcing people back to prison, so as to force the release of funds for new construction.

So, parole hearings are a mere formality. Victims' families may appear, but not the families of prospective parolees. Andrea could never live long enough to see a parole date. (Update: On July 2, 1998, Andrea was denied parole, and may not apply again for 4 years. The Wilson-Crony board based this outrageous decision on the fraudulent psychological report prepared by Dr. Robert McDaniel, and echoed enthusiastically by Bob Dunn. I may sue McDaniel soon.

Andrea's mother passed away in December, 1996. She very much wanted to see her daughter again before she died, but that was never to be. Her father, who abandoned her at age 13 is still alive in Los Angeles, but has never visited her, even though he's nearby. And, in December of 1998, Andrea's older sister Barbara died after a long bout with diabetes.

We are eagerly awaiting a judge's decision that will restore our conjugal visits, and it's overdue. Judge-Magistrate Moulds is finalizing plans for a trial in which our suit against the Dept. of Corrections will allege violation of the "ex post facto" preclusion of the U.S. Constitution.

The Federal Courts are backed up, due to the Republican Congress's refusal to confirm any of Bill Clinton's appointee's. They hope to hold out for 2 more years, then, if a Republican is elected president, right-wing judges who will never overturn the most outrageous conviction, will be appointed to the bench.

The good thing is that Federal Judges are immune to political considerations, in that once appointed, they serve for life. In recent years, Federal Courts have been very contemptuous of the politically-driven California Court system, especially the California Supreme Court, which at one time was one of the most respected courts in the country.

This being the last year of Pete Wilson's reign of terror, many new draconian regulations are being handed down by Cal Terhune, the new head of the department of corrections. These regulations include "emergency" provisions to force haircuts for men, ban most makeup for women, close prison law libraries, remove all weight lifting equipment, ban quarterly packages from families, and confiscate all personal clothing to be replaced by white jumpsuits. The purpose? To incite rioting in the men's' prisons so as to force the legislature to appropriate more money for new prison construction. (Update: Gray Davis was overwhelmingly elected Governor of California in November, 1998. And, while he seems determined to continue Wilson's abuses, and even to build on him, the overwhelming majority in the California Legislature, as well as the new Attorney General seem far more open to reforms, including allowing the press back into the prisons.)

Women only represent about 7% of the prison population in California. When released, they have a much lower rate of recidivism. They are typically non-violent, mostly behind bars for drug offenses, or for being involved with the wrong men. Their needs are often ignored, and appropriations of items such as toilet paper are made based on average inmate usage. Since women naturally use far more than men, they are often forced to do without. By the same token, their medical concerns have been ignored for years, and many women with short sentences will die from easily treated infections because of neglect. And, while class action lawsuits have sought to address the problem, medical neglect continues to be a problem for women not only in California, but all across the country. Dental needs are ignored even more. In fact, I recently discovered that several southern states have a policy forbidding any work on fillings, and the only dental service provided is extractions.

The question is bound to come up...do I feel that if Andrea is released, will I be in any danger? Do I fear for my own safety?

I can only say that I've known Andrea for over seven years now, and have never seen any sign mental trouble in her. Whatever she suffered from in the past, she was able to deal with herself, from reading, meditating, and from such group therapy is provided in the prison setting. Actually, I'm told that she's received far more help in prison than she ever could have received at Patton State Hospital, where patients are warehoused on Thorazine, locked away, and forgotten.

Andrea may experience the anxiety anyone would who's been locked away for so long, but I trust her with my life. I'd trust her with my child's life if I had one.

We just want a chance to live our lives in peace. We are a threat to no one.

I recently re-watched the tape I made of the Maury Povich Show that Andrea appeared on. Bob Dunn was also there, along with Guy Denike, Aram Saroyan, and Judy Bracamonte.

I watched Bob Dunn as he spoke about his belief that Andrea was a "cold-blooded gold-digger." He seemed relaxed, and comfortable speaking in front of a TV audience. I used a hand-held voice stress analyzer, and received a strong "stress" reading when he spoke of Bob Sand being confined to a wheelchair. Obviously, he knew Sand was not crippled.

But, most amazingly, after outlining the "financial" motive he believed Andrea had for the killing, Judy Bracamonte (our investigator) confronted him with the new Will that was unsigned, but would have greatly increased Andrea's inheritance had Sand survived. Dunn's eyes widened, and he jumped back in his seat. He nervously shifted from side to side before the show went into a commercial break.

Dundo's shocked reaction when investigator Judy Bracamonte confronts him with the suppressed new Will that would have increased Andrea's inheritance, drafted only a week before Sand's death. The Will had arrived in the mail from Oregon earlier in the day, and was to be executed the following week. This Will makes a total mockery of Dunn's theory of a financial motive...something his reaction shows he'd hoped would never come out publicly.

So, he understands that Andrea's conviction is built on his own house of cards.

Andrea will be returned to the Riverside County Jail in Indio when her conviction is overturned. And, while she can never walk out the prison gates on parole, one day she will walk out the courthouse door, where she will walk to my car, and ride back to Reno with me. And, while Dunn would have the option of re-trying her, and seeking a new murder conviction, the evidence would not support a new trial after 17 years. Andrea should be freed with time served, and recent developments in Riverside County may make things too sticky to justify a new trial. I'll have a great deal to say in a new chapter I'm writing on my beliefs that will include a stark comparison with a recent case in which Dunn's boss, Grover Trask dropped charges in the Tyisha Miller overkill case. If 4 big burly police officers can be excused for irrational fear of a semi-conscious teenage girl, how does a 118-lb. woman end up convicted of murder for irrational fear in the overkill of a 220-lb. ex-lumberjack bent on killing her?

In closing, I have some thoughts about some legal reforms that might in the future help prevent tragedies from occurring in the courtroom similar to what my wife experienced.

Andrea's conviction on 1st Degree Murder is largely based on the testimony of one perjured jailhouse witness. He testified to a hearsay confession in a conversation that could never have taken place, and was rewarded for his lies by the prosecution.

Across the country, more and more convictions based on jailhouse testimony are being overturned. Two famous, or infamous cases I can think of are those of Geronimo Pratt and Rolando Cruz. Hearsay testimony from jailhouse witnesses should be barred from the courtroom unless they are corroborated through the discovery of physical evidence that could not have been produced through other means.

While I'm not prepared to say my wife's public defender deliberately botched her case, I do believe he had some conflict of interest, in that he had been seeking employment with the District Attorney's Office...a job that would

have doubled his salary. I have a 4-point plan that can eliminate future conflicts of interest, and help level the playing field for indigent defendants who must rely on court-appointed attorneys.

1.) In cases where a defendant is represented by a public defender, or outside attorney contracted by the court to represent the indigent, all expenses involved in investigation by the district attorney's office, and the police shall be strictly accounted for. An equal amount shall be allocated to the defense attorney for investigation expenses, regardless of the cost.

2.) The Office of the Public Defender and the District Attorney shall be considered equal in stature, and pay scales shall be kept equal, so as to provide no financial incentive for a change of positions. In areas where outside attorneys are contracted, they shall be paid an hourly rate equal to that which is paid to the prosecuting attorney.

3.) There shall be a five-year moratorium between employment with the Public Defender's Office and the District Attorney's office for those wishing to switch employment, during which time the attorney must be employed in the private sector. Any social contact between public defenders and prosecutors shall be deemed conflict of interest, and shall be grounds for disbarment of both.

4.) In cases where private representation is employed, all reasonable attorney's fees shall be paid by the state in the event of an acquittal.

This practice has been in place successfully for many years in some European Countries, and provides incentive for many high-priced attorneys to come forward to defend the indigent wrongfully accused. It also would prevent an innocent person of means from being drained of all their resources through no fault of their own.

Recently, I have noted some interesting legal reform plans in countries like Brazil and Italy. In Brazil in particular, they have established separate schools and licensing for prosecutors, defense attorneys, and judges. Judges are appointed and promoted based on excellence, and are totally removed from the political process. None can aspire to the other's jobs, and so there is no incentive to over-prosecute, or to botch cases as Stafford did.

Americans like to say that we have the world's greatest judicial system, and while it may not be perfect, it's better than anything else. This is no longer true, and with America being the world's 2nd leading incarcerator, and one of only a handful of nations willing to execute minors, we are rapidly degenerating into a prison/police state. I think our system can still be reformed, but I'd prefer to see it totally eliminated and to live by the law of the jungle, rather than to see it continue the way it is now.

With the election of Gray Davis as Governor, and Bill Lockyer as Attorney General, the prison-building Republicans have been routed from office in California, in part because of the backlash against Republican impeachment efforts against Bill Clinton. But, partly, I believe people are beginning to wake up to the corruption in our justice system. In truth, we don't really have a justice system, but an adversarial system. We trust that justice will emerge as a matter of osmosis in a legal battle of Titans, but that can only happen if the playing field can be leveled.

(Update, January 2000) Gray Davis has been in office one year, and has shown himself to be firmly in the pocket of the guards' union, CCPOA. While there are well-intentioned reformists in the legislature who would reform parole, amend the "3 Strikes" law so as to make it apply only to violent offenders, and restore media access to prisoners, Davis has stood firmly in the way of anything but retributive justice. There is currently a recall movement, but it will probably go nowhere.

Fully-informed juries, among other things, would be told what the potential sentence would be for the crime the defendant is being tried for. They would be instructed that if they considered the penalty too harsh for the particular circumstance they are deliberating, they would have the option of voting "not guilty," even if they felt the defendant was guilty. This is the time-honored, but often maligned concept of "jury nullification."

Thank you for taking the time to read my long diatribe. I invite your comments and questions.

Tragedy!

After a 2-year wait, on April 1st, 2000, I received word from John Duree, our attorney, that Judge-Magistrate Nakazato has filed a recommendation for denial of Andrea's writ. His reasoning is that there was other evidence of

premeditation, and that the jury would have most likely come to the same conclusion without his perjurious testimony. We now have until April 14th to file an objection to the court and try to get Judge Lourdes Baird to overrule the recommendation. I'm told it's very rare.

Should we fail, our last chance will be an appeal to the US 9th Circuit Court of Appeals. If they even agree to consider our writ, we may be looking at a 5 to 7 year wait. Neither of us are sure we could survive it.

Money can't help us now. Only your prayers for a miracle can help. Andrea could be home by the end of summer in the event of a reversal of fortune. Otherwise, she will most likely die in prison. There is no parole in the State of California.

With the arrest and subsequent retirement of Bob Dunn, it is highly likely that if we could win a reversal, Andrea could be freed with time served, and without the necessity of a trial. The documents will be posted soon. Thank you for your support over the past two years.

Bye! Thanks for caring!

The End of it All

Andrea's writ was denied by the Federal Judge in May of 2000. I could no longer go on while her case was appealed to the US 9th Circuit Court of Appeals, and so we have divorced. Andrea will continue to receive meaningless parole hearings, but her best chances lie with the 9th. Unfortunately, that court is so backlogged that they may take 5 to 7 years to rule.

2nd Addendum: Andrea's Spin on Things

by Andrea Mims

My Darling, follow the Sand Path

Around our cozy dream cottage

Follow...I'm on the beach.

Waiting for you, my darling!

There's barely a sole around for miles

On this tropical island.

My Darling, Follow the Sand Path to me!

Feel the warm breeze; Listen to the Sea.

Can you hear our music coming from within our cozy dream cottage?

I'm out there on the sand by the water waiting for you.

Can't miss me!

I'm in a beautiful flowered wrap-around dress

With a large wide-brimmed hat...

Bare-footed, with a smile, special for you!

Experience me!

My Darling...did you spot the champagne that is being chilled?

It's there on the table

See it, through the shining glass doors for us?

Along with your birthday present

And freshly-cut veggies and shrimp

Awaiting a Wok and our cooking expertise!

Also, lots of fresh tropical fruits.

And then, there's me.

All this waiting for you...

Waiting to be devoured!

My Darling, I see you. You look so fine!

Over the sound of waves I can hear you calling my name.

You slip off your shoes.

Walking together hand in hand Enjoying the sand under our feet.

We kick and splash, laughing, kissing, like a dream.

A lovely long waiting dream.

We embrace warmly, then a lingering passionate kiss

...and later...

My Darling, we make long beautiful love.

Days go into weeks, then months.

Our vacation is only waiting...for now.

The Sand Path will be waiting for us, my beloved...my darling...

My Darling, our dream cottage is waiting

For us.

The Sand Path is not far away.

I love you!

Why wasn't I saved from all my friends, relatives, or amateurs? Somewhere along the line, I didn't see myself as a mature woman. I accepted being a toy, and I only took responsibility for myself and my sons. I did my best to keep us fed, clothed, and housed. In this, I probably did a pretty fair job.

I've come to realize that I'm a real live woman. Even though I'm "out of sight and out of mind," I still have my own real feelings. I eat, breathe, and work very hard at getting through each day. I am not a fictional character, although if I could, I'd like to change the plot to my story. I could certainly make better choices than I did. After what I've been through and still am going through, I'm sure my decisions could have been wiser.

My childhood was OK, even though I often wished I came from a different family. It seemed as if I was never allowed to make my own choices. My mother insisted on making them for me as anything I wanted was wrong. I can't recall the number of times I said I need to start over, knowing what I know now! I probably would have never known enough. Just when I thought I had wized up, I continued to make more mistakes. But, there actually was a time I did know everything. I believe I was about 15 years old.

Sometimes it was hard just working at keeping both my feet on the ground. I'd still somehow get one caught in my mouth. After almost six decades, three sons, seven husbands, many accidents & careers, I'm still learning, but finally growing spiritually, emotionally, and psychologically. I'm maturing and I've earned every gray hair to prove it.

I didn't do very much with my life, but did make a lot of mistakes. It's important for children to be allowed to make choices even when they are wrong so they can learn from their mistakes. But, they need guidance and support from their parents.

I do thank God that I did not like drugs or cigarettes. I did enjoy a little social drinking and a glass of good hearty red wine with a special meal. I probably got too much sun, but still look alright for my age. Well, maybe I could use a nip or tuck here or there!

I sure must have gotten up too early every morning to have made so many mistakes. I had a hard time saying "NO" as I didn't want to hurt anyone's feelings and wanted to be accepted. I've learned how to say "no," and I don't care if I'm accepted or liked. I like me, and that's what counts, I've stopped bruising my butt!!

I never cared much about being rich. There are bigger things in life than having money. I had bills, so I did work. I actually would have preferred being a professional student, going dancing, painting pictures, writing, and being a good mom to my kids.

Since my mom called me stupid, and then at the ripe old age of 11 she called me a whore, I already had a poor image of myself, especially after looking up the word "whore" in the dictionary. I already knew what "stupid" meant.

I did have a chance to let my mother know what I thought about what she did. It took her to lie at my trial to get me to write a 14-page "Dearest Mommy" letter. She wanted the jury to like her. Just like she was more concerned about what the neighbors thought. "Why did she cut my hair off in my sleep?" was one of my many thoughts. Why did she call me a "whore" when I was 11? Was it the way men smiled at me? I was 11 years old, mom! I was skinny and innocent. Anyway, the letter and time did heal our relationship and she sent me \$10 a month to live on while incarcerated until she passed away. I never did take the opportunity to let my older sister know what I thought about all the games she played right up until she died. I think she knew, but she would never have apologized anyway.

Money! Money! Money! Money isn't everything and I never thought differently about it. There are cars, homes, furs, jewels, stocks, bonds, traveler's checks, drafts, money orders, credit cards...I could go on, but all kidding aside, money can make life easier. Not necessarily better or happier, though. The man worth \$16 million is not any happier than the man with \$6 million. I just wanted to be comfortable and not have to be concerned as to how I was going to pay my bills. I was personally the happiest when I had a goal to work toward. Working toward goals is how dreams come true.

I wanted to love, too. I wanted to love and I wanted to be loved. But, I didn't even know what love was. Marriage had always been a three-ring circus for me. The engagement ring, the wedding ring, and the suffer-ring! But, I kept doing it until I got it right. I've gotten it right now, and here I am incarcerated for life!

My first sexual experience was being violently raped at the age of 15. This abuser and rapist was more than obliging to marry me when my mother informed his parents I was pregnant. Since I refused an abortion, as to me it was murder (I no longer feel this way), and illegal at the time, it didn't matter to my mother that I was raped. In the minds of everyone I knew, I must have done something wrong for that to have happened. "You made your bed, now sleep in it," my mother told me when I protested being forced to marry a rapist.

That was how things were done in the 1950's. When this rapist beat me until I had a miscarriage with my second pregnancy I still stayed with him. It took him kicking me in the stomach while carrying my son Douglas and then punching Guy who was a baby for me to realize as I laid on the floor after being pushed down a flight of stairs that if I could get up and live through that night I was leaving him forever. And, I never went back to him. There was nothing he could say that would or could change my mind. It took him to hit our baby for me to realize it wasn't me, it was him and he was going to kill one or all of us if I stayed. I was gone. He stalked, harassed and beat and raped me. He also pleaded and promised he'd be good. The courts awarded me \$25 per week to raise two sons. He couldn't or wouldn't pay even that. It was not worth staying around New Jersey so I packed two suitcases and my two beautiful young sons and flew to sunny Southern California, eager to start a new life.

I learned quickly to adjust how I spoke as I soon tired of being asked, "Are you from New Yalk[York]?" I'd say, "No, foity-foist [41st] and fig street!"