

Cruel and Unusual Punishment

By Joe A'Jene Valentine



"Imprisonment has become the response of first resort to far too many social problems that burden people who are ensconced in POVERTY. Those problems often are VEILED by being conveniently grouped together under the category 'crime' and by the automatic attribute of criminal behavior to people of color. Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to CAGES... the practice of disappearing vast numbers of people from POOR, ~~IMMIGRANT~~ ^{IMMIGRANTS}, and RACIALLY MARGINALIZED ~~COMMUNITIES~~ ^{COMMUNITIES} has literally become Big Business."

Angela Y. Davis

(Masked Racism: Reflections, on the Prison Industrial Complex, Sept. 10, 1998)



"No, sincerely perfect I'm not,
but perfectly sincere I am..."
-Okera

To begin with, the facts shared here aren't by any means aimed towards convincing anyone of how I've actually been deeply scarred and nor to win anyone's sympathetic identification and embrace. I express this, as I sincerely see and grasp reality for what it is: *my life is all but ruined and basically over*. No, I don't convey these sentiments as some sort of fatalistic personality as in truth, I'm a man who is very optimistic and replete with a sense of self-value, a strong sense of purpose and spiritual meaning as I've long ago learned that life is truly a relative matter. So no, pessimism doesn't "runneth over" in this radical's heart, however bruised the sad realities and confusing experiences that I've had to `persevere through so as not to succumb to total rage or insanity.

So, I really don't share these words seeking to lament since what's paramount here is that a lesson in fairness, rationality and indeed moral responsibility, as rightly requested of myself via society and that of my community, is imparted so that perhaps what has transpired with regard to what shall be the focus here, isn't suffered by those *youth* whom have or shall surely fall victim to the socio-economic, political, and yes, racist *traps* which as a misguided adolescent I managed to get caught in, with considerable help from my own ignorance and anger, I might add.

TRUE STORY

Since the immature and extremely susceptible age of Twelve, I've been intimately connected to and absorbed with a neighborhood Blood Gang infamously known as the "Watts Nickerson Gardens Bounty Hunters," even as I've long since repudiated and today sternly oppose "gang activity," for which I've now been imprisoned for nearly thirty six *long, arduous* and yet quite constructive years, in my opinion. To this day, there are closely related "Homeboys" who are still part of my world, even as they've moved on to involve themselves in the "normal" things in life such as raising a family, working to pay bills, marrying, etc.

I say this, so as to point out that for many in the Gang-World or for those whom like myself have experienced that World, there indeed does exist a depth of love and concern which is enduring, even as it's often expressed via the adherence of destructive, non-productive and indifferent paths as regards our (i.e., particularly and especially in relation to wayward New Afrikan youth) not finding merit in any ethical reasoning and nor conduct since in the wretched environments that many of us survive(d) in, "ethical reasoning" and "intelligent behavior", at least as far as the irrational and impulsive gang-world, wouldn't and/or won't *save yo' llfe*, prevent you from receiving a serious beat-down and nor feed your belly due to the hopelessness and deprivation which ghetto-hells, by logical definition, are mired.

"During the late eighties, before terrorism eclipsed communism as official enemy number one, the media and political class became almost delusionally obsessed with gangs. The moral panic had some basis in truth; after all, *deindustrialization, increased economic inequality* and the ready money of new and *chaotic crack trade* did create an explosion of *gang warfare*..."

Christian Parenti (The Soft Cage)

"It would be difficult to find any documentary evidence that this War on Drugs had anything other than a deleterious effect. By 1990 Black youth unemployment in the greater Los Angeles area was 45 percent. Nearly half of all black males under the age of twenty-five had been in the *criminal justice system*. Life expectancy for blacks was *falling* for the first time in this century, and Infant Mortality in the city was rising. Some 40% of black children were born into poverty."

Alexander Cockburn (Whiteout, p. 78)

This must or has to ever be the appropriate context as regards any sincere examination and due consideration as to my life--and that of many more currently imprisoned/incarcerated and whom are sure to wind up incarcerated in the future since the *amerikan system of capitalism* is actually *designed* to produce and foster the socio-economic and political conditions that shall assure such occurs--if those related factors which influenced and impacted my "choices" are to be genuinely measured and more importantly, appreciated. I'm the product of a "broken home," as my once secure and quite loving happy family-life collapsed upon my beautiful and dear mother rapidly succumbing to "demons" which pounced on her without mercy.

When I was but the impressionable age of twelve or so, my mother attempted to commit suicide by the method of running onto the Harbor Freeway due to suffering unbearable emotional and psychological anguish, which, of course, I didn't quite grasp, although I could definitely discern her sharp physical and mental decline upon having been Court Ordered (yeah, that damn impersonal and arbitrary body of pure procedures) to surrender her two youngest children of five months and six years old over to their father after having lost a hard fought "Child Custody Battle." As a consequence of our mother's attempt--she was placed in a Mental Hospital--I and two younger brothers and an older sister, were separated after having been initially held in Juvenile Hall in El Monte, California for runaways and those to be placed in Foster Care.

As the mere idea of my being abruptly forced to reside with total strangers in an unfamiliar world hardly set well with my already desperate and lonely heart, I inclined almost immediately to instead make my "great escape" just as soon as I figured out "how to get back to that place of familiarity" that I'd grown to deeply care for, as the people there were/are a special surrogate family to my heart ~~and~~... the community of Watts Nickerson Gardens Housing Projects. Now, having laid the necessary foundation, let me move on to share with you *why*, since 1981 of January 12, I've been imprisoned for *all* my twenties, thirties, forties and now bearing down on my fifties as well. I've been "State Property" for reasons that my quite rational mind cannot fathom there being any valid arguments provided that would justify my over-extended incarceration as I certainly don't represent any type of "unreasonable risk or danger to society or a threat to public safety" by the stretch of anyone's imagination.

To my community -- this equally includes our ancestors who sacrificed so much towards improving the plight of New Afrikan people -- I am sincerely/sorry for the pain and destruction that I caused in my adolescent days. Today, I hardly ^{am} a person who "poses an unreasonable risk" or "threat," as I am actually viewed and respected as representing a positive and inspiring asset to the New Afrikan or Black community. So no, there simply isn't any moral basis and in my estimation neither that of any realistic legal reasons to have held me so long and to continue to do so.

*The youth of our communities most vibrant and
Potentially productive years are being stolen
By a society that doesn't truly care for our
Youth, in which they're robbed of*

" You saw in '92, '93, some horrific policies introduced in California: Three Strikes, Proposition 27; Anti-immigration policies. Some of the most horrific policies came after the *peace truces* even the Federal government came in and said "*We cannot let these people be empowered*" to stop the violence. They started infiltrating some of these organizations; they started using organized crime laws such as the Rico Act to go after organizations in our communities, basically funnelling millions of dollars to targetting gangs and "Paying to start turning *against their own people*. And this is *why* those agreements from '92 and '93 were not thoroughly sustained."

(Author: Unknown)

"Paying to start turning *against their own people*." Now why doesn't this make any group or individual that collaborates with the popos, et al rats or a rat? Not just in the sense of working with and for the police, but also in the sense of *feeding off our communities/people like rats feed off garbage since all the damn ghettos are waste dumps, i.e. new afrikans / black people were deliberately engineered into ghettos as society's throwaways since, as in the case of the jews forced into the ghettoes of nazi germany, our humanity and potentials aren't valued*.

"Our *blindnes* also prevents us from seeing the racial and structural divisions that persist in society: the segregated, unequal schools, the segregated, jobless ghettos. .."

-Michelle Alexander (The New Jim Crow, p. 241)

"...As noted in Christian Parenti's Lockdown America (1999), Jesse Jackson long ago called for the appointment of a '*drug czar*' and more funding for local police, ranting that '*drug pushers are terrorists*.' He got what he wanted, today bragging on his web site that he advocated the drug war way before it '*became accepted public policy*' ."

Spartacist League (Mass Incarceration and
Black Oppression in America, p. 23, Pamphlet No. 24)

No, we're far from being "saints"-- who are but innocent children? -- yet, by virtue of our low level of maturity, deficiency of intellectual or critical aptitude, not to mention our largely fatherless homes which deprived many of us of stern discipline, positive examples and healthy direction; in which our thoughts and conduct were governed and predominated by prior to incarceration, there really isn't any logical reason nor morally correct answer that could possibly ever find that the long years we spend in prisons somehow benefits our communities and neither us as well. I mean,(and I need to stress that, what's about to be said isn't hardly aimed towards overlooking and nor diminishing the severity of my actions with regards to my participation in the gang-world, since I certainly am deeply remorseful and assume full responsibility for my negative actions in which I had absolutely *no right* to inflict on my community), I've never actually held a "job," "paid bills," held my daughter, wasn't present when my mother and my brother passed--he succeeded in taking his own life--I've not resided in my own Apartment or home, never owned a car or truck, etc.

However, what's truly more important from my perspective is the fact that we (*our youth*) are in effect being irresponsibly discarded and denied on a vindictive basis the fair and indeed due opportunity to show or prove our/ their redemptive value towards the benefit of our/their communities nor to aid in establishing those requisite conditions which can operate to foster more positive and stable environments. This is due, quite naturally, to the vicious and racist and

opportunistic policies and harsh laws pursued and implemented -- along with the collaboration of the Jesse Jacksons of the Black communities -- by career politicians, prosecutors, police, prison staff, judges, et al, just as were done during Jim Crow's and "Tricky Dick's" era.

"With 75,000 unemployed youth in Watts -- Willowbrook area, it is not surprising that there are now 145 branches of the rival Crips and Bloods gangs in south LA, or that the jobless resort to the opportunities of the burgeoning 'crack economy'."

The New Left Review, Vol. 164 (1987), p. 75

"The problem is not just that the government spends too much money on prisons or puts too many people in jail. It is that the current system thrives on poverty, unemployment, national oppression, racism, militarism and stark inequality -- crimes in and of themselves -- while imprisoning the victims of these phenomena. . ."

-Eugene Puryear (Shackled and Chained, p. 129)

"As modes of social control and national oppression, slavery and jim crow were designed around black people actually laboring. Mass incarceration, by contrast is a political and state response to the masses of people thrown out of the productive process altogether."

Ibid. P. 46

As an adolescent misadventure and indeed quite severe judgment errors in terms of our involvement in the gang-world, for an inordinate amount of years now this has been used *against us* by District Attorneys, Prison Officials, Politicians, & Parole Board, Psychologists--i.e. , primarily *white men*--and society alike. Why isn't this, the non-restorative and punishment-regime approach, powerful evidence that those whom come from the type of dire and quite challenging circumstances in which we endure, aren't genuinely viewed and hence hardly treated as human beings worthy of another chance and that of societal/institutional concern ~~unless~~ unless a State's "budget" is in crisis?

Now, as far as my own progress, intellectually and spiritually, as I've alluded to I've definitely come a long way relative to that deeply lost and fractured adolescent who was convicted in 1982. For many years, with great fortitude and reflective ethical maturity along a very difficult path due to those impediments in this insane place, I've managed to transform and redeem myself, as those who truly *know* "A'Jene", are able to attest. Here's some more relevant information I wish to share. In 1978, I went to the California Youth Authority(CYA) for Possession of a Sawed-Off Shotgun and Assault and Battery, which I picked up while in Los Padrinos Juvenile Hall that was gang-motivated. I was by this time what can accurately be described as a "hardcore" or "fullfleged" gangbanger, even as during my trips in-and-out of Juvenile Halls, County Camps and Boys Homes/Placements, I had already "earned my bones" as far as prior confrontations with those groups I'd been *wrongly brainwashed* to perceive and treat as so-called "rivals" in which so many refuse to *free their minds of these destructive shackles*.

In other words, by the time I went to Norwalk Youth Authority I was actually already deeply entrenched in the gang subculture. For me, the "gangbanger" (i.e. the G-Mentality) had become my violent outlet and an image in which I was thoroughly consumed by with great pleasure and indeed deep pride. Since, unbeknownst to my adolescent mind, it was this distorted image and

the violence which entails and guides the gangster life style, that served as a means of deflection from and compensation for my anger, confusion, pain and low sense of self-worth.

Yes, in a pathetic and today what I recognize as a "shameful" way, I actually came to desire and relish being a gangbanger, for the sense of escape, pseudo-power, twisted prestige and "peace" it brought my life in total apathy toward the personal problems which beset the world I knew. In 1980 of May, I was released from Oak Glenn Fire Camp in San Bernadino County and soon thereafter, I absconded from parole and returned to "that place of familiarity" and immediately resumed engaging in negative activities, which "I knew Best" or had "learned how to survive" by doing--i.e., drug pushin', armed robberies, assaults and shootings. No, I had absolutely no sense of positive direction, hell, in truth most of the older dudes I knew or whom were around, were themselves deeply immersed in criminal and violent activities, as they were those older folks whom had preceded my group and began engaging in the "*thug-life*:" upon being confronted with the stark reality that their ambitions and dreams, overall, didn't stand a chance at being realized in this society, no more than a person descending deeper and deeper into quicksand would stand a chance at escaping certain demise without the compassionate rescue of others.

I had no real sound or constructive ambitions that I had resolved to devote my life towards pursuing so as to improve my circumstances and to generally prepare a future for myself, which of course was the "logical" thing to do. Yet, that's just it! In the gang-world, "the future" is nothing more than wishful thinking or a mere abstraction of no real value since one's priority, living the types of desperate and precarious life that gangbangers live, is "just to survive another damn day!" as proven by the loved ones who've been slain or shot.

Again, all around me were my beautiful, strong and vibrant homeboys and homegirls of older ages whom also had desires and inspirational dreams to be successful and contributing factors in this society, only to arrive at the terrible conclusion that they have been truly dealt a "bad hand" by a nation which disregards their ambitions and denies the cultivation of their potentials. At any rate, in the Summer of 1980 I had three close friends/homeboys get shot and months later an older homeboy literally had his *face blown off by a shotgun blast*. On Halloween night of 1980, I and three other homeboys were arrested by South-West L.A.P.D. for Attempted Murder, for firing guns at so-called "rival" gangbangers, which a stray bullet ended up hitting a police car. I was released five days later due to a "D.A. Reject" based on a lack of evidence.

In January of 1981, a young friend was shot to death while riding his Moped one afternoon. Both he and the older homeboy were greatly liked and loved by many in "that place of familiarity," just as is the case for others whom lose a homeboy/homegirl to gang violence and are deeply impacted by such. So, realizing this--the profound sense of love in which many of us held or hold for each other--*what do you realistically think the reaction to their deaths are going to be?* Remember now, we're dealing with males, here and there females, who are either of adolescent age or adolescent minds in the case of primarily young adults. What "choice" do we really believe shall be made by individuals of an unevolved intellect and without an ethical compass to guide them to not allow their legitimate *pain* to cause them to strike back in vengeance?

"Over 40 years ago, Black Panther militant George Jackson wrote in a letter from a California prison: 'Blackmen born in the U.S. and fortunate enough to live past the age of eighteen are *conditioned* to accept the inevitability of prison. For most of us, it simply looms as the next phase in a sequence of humiliation.' (Soledad Brothers: The Prison Letters of George Jackson, 1970). Since then, incarceration on a scale unexampled in the annals of American history has taken root, with black men by far the

largest group in the prisons and jails, which hold some 2.3 million people. Many are victims of the bipartisan 'war on drugs,' which has fueled a vast expansion of both police powers and the prison population.. ."

Worker's Vanguard, No. 1008, Sept. 1st, 2012, "Mass Incarceration and Black Oppression in America," p.20

Adolescents and young adults who've been taught, shown and to some extent "*peer pressured*" to think that the *best and only correct* way to confront the violence inflicted on a loved one, be that person family or not, or that violence directed at themselves, is by *brutal, callous* and *hate-filled ...retaliation*. Now, with this reality or psycho-emotional factor taken into sincere consideration, I ask the question: *is it really difficult to anticipate just what the probable and inevitable response will be as regards those whom are conditioned and deeply absorbed in the gang subculture?*

Just as it is quite logical to in fact predict that some form of *retaliation--we suffer from or witness it all of the time from the ghettos to amerlka's incarceration facilities, foreign wars, et al.--* by police, prison officials, prison guards, prosecutors, judges, FBI, CIA, U.S. military, etc., etc. shall surely be pursued and engaged in upon one of "their own" being harmed or killed, this is so whether the individual or group responsible is right or wrong, the same is true of those involved in the gang-world.

Having established this basic fact of what is actually no more than what may be perceived and understood as a "natural" emotional and psychological reaction, I ask is it thus necessary and realistic to assume, then, that for those immersed as I once was in the gang-world, a world which operates based upon its "own" codes and which everyone involved generally conforms to the prevailing thought-patterns of the gang, that participation in a "Conspiracy to Commit Murder" said to have been directed at rival gangbangers for retaliatorial purposes related to a loved one having been killed, is hardly logical and needed? I mean, as the very nature of the gang-world actually involves an automatic and indeed predictable *reaction* as far as rival gangs, is not it, then, quite easy to conclude that an act of *retaliation* shall transpire?

If you accept that in the gang-world--based on the psycho-emotional and cultural factors which prevail--"revenge" is an inevitable result of this type of life style, and that no such "Conspiracy to Commit Murder" is hardly necessary under the circumstances where the murder of a gang's loved one has transpired, then, ask yourself *why* am "I" in prison now for nearly *four decades* for this exact offense? Even more important, *why* have "I" been incarcerated for so long *when, in fact, no one was harmed nor killed, i.e. , the individuals said to have been conspired upon from a rival gang who supposedly took the life of our loved one were not ever touched or murdered.*

Yes, I've been imprisoned now nearly *four decades* for allegedly "agreeing and planning" to kill rival gangbangers based upon retaliatorial motives, even as those said to have been the *target* of the "Conspiracy," were *not* harmed or murdered and/or I nor anyone else of the gang I once belonged was *ever* convicted of any homicide offense in relation to this case. Furthermore, something that is of a very crucial nature that I wish here to share is, *i did not ever take part in and nor have any type of knowledge of an agreement and plan to kill rival gangbangers in retaliation for the death of our loved one.*

That's absolutely and verifiably correct. *I was not involved in or present at any conspiracy for the motive of committing murder*, even as the "People" claimed it was "I" who directed and influenced others in relation to this offense. ~~A~~ As one who was deeply involved and absorbed in the

gang-world, did I have the "retaliation" in my mind and desire in my heart, indeed that I did! Yet, as that was obviously the nature of psychology and emotional-world in which I, as with many others, then and today, involved in *gang life*; was profoundly influenced by as an adolescent or young adult--I was nineteen when arrested--what is to be logically expected would be my, and as with others similarly situated, reaction to the death or loss of a loved one at the hand of those I was *brainwashed* to perceive and engage violently as my supposed "rivals?"

"In 1994, University of California regent and black republican Ward Connerly began pushing to overturn affirmative action in the nine-campus system. the university, a recurring right-wing target, was one of the most diverse elite 'public systems in the country. On July 20, 1995, Connerly and governor Pete Wilson combined to force a proposal through the board of regents to end affirmative action in hiring and admissions. The following year, connerly's proposition 209, ending affirmative action throughout california state government, was passed by the electorate, nineteen ninety-six marked the first year in the state's history that spending on prisons and corrections exceeded spending on higher education. When the ban took effect in 1998, the number of black and latino freshmen admitted to the system dropped 10 percent. at U.C. Berkeley alone, the numbers plunged by over 50 percent. By the end of the decade, the justice policy institute estimated that nearly 50, 000 black males were in a california prison, while 60,000 were in a california university. across the country, 800 000 black males were in prison, while 6%, in college."

Jeff Chang - (Excerpts from the book "Can't Stop Won't Stop," p. 35)

So, as is certainly here discerned not only does logic inform us that its hardly necessary for rival gangbangers to engage in a "Conspiracy to Commit Murder" for the motive of retaliation as regards the killing of a loved one, since by the very psychology and emotional response of the group or those involved in the gang-world, it is already established that they or someone shall surely react in a violent way since the codes and outlook of the subculture *demands* this result, but, so too, what's crucial to consider in relation to particularly and especially my case factors and in fact anyone similarly situated, is *why* did the "People" resort to a "Conspiracy to Commit Murder" charge or allegation when obviously gangbangers are "naturally induced" to strike back for revenge once harmed or one of their loved ones having been killed by a rival gang?

Why? It was/is motivated entirely by purposeful Prosecutorial tactful ^{active} ~~deceitful~~ conduct and employed so as to secure a conviction or "quotas," i.e., it was/is simply a shrewd tactic pursued and devised by the "People" as a *stepping-stone* enhancing their own careers, prestige and status just as is regularly done across the country via other quite opportunistic and ambitious--deeply devious--prosecutors, judges, police, prison officials / prison guards and the lot ever at ... *our expense*.

Yes, these "mercenaries" of law enforcement who've taken an "oath" of "honorable duty" largely view and treat *us--our communities--*as "pieces on their Chessboards" or pawns in their games which revolves around pursuing goals and agendas that are motivated by that of greater salaries, privileges, promotions and the like, i.e., their "jobs" = *theft*, truly rest upon and are ultimately about taking immoral advantage of the *poor* and *racially and nationally oppressed* of this country of *injustice* in the guise of "caring for the safety and security" of our exploited and neglected communities in which their livelihoods are totally dependent and system are the actual *cause* of our communities being unsafe and insecure.

Now, here's another relevant matter which just might cause you deep confusion and that is the fact that, the person or rival gang member I and others were said to have "conspired" to kill in retaliation was actually not only in the same County Jail while fighting our cases, but also he and I were in San Quentin in 1982-1989 and later at Corcoran State Prison in 1998. Thus, the logical question one is obliged to pose is: Why was he and I together in Jail/Prisons, if in fact there was a "conspiracy" to kill him in retaliation for the death of a loved one? While in the County Jail/Prisons together this person and I actually interacted and never engaged in any type of conflicts between each other.

"Jeff Guo writes that during Democratic and Republican administrations over the last four decades, 'the prison population has quintupled. [Due to] disparities in arrests and sentencing, the eruption has disproportionately affected black communities. Black men are imprisoned at six times the rate of white men. For some high-risk groups, the economic consequences have been staggering. According to Census data from 2014, there are more *young black* high school dropouts in prison than have jobs.' (Washington Post, Feb. 25). ... Law enforcement's brutality and terrorism, imprisonment and judicial supervision serve the capitalist ruling class' interests. Demonization and criminalization of the nationally oppressed provide a rationale for their disparate treatment by the legal system. Moreover, the *underdevelopment* of the African-American community is impacted by the *absence* of a large segment of its population and the fact that former prisoners face tremendous obstacles to their reintegration into community and family life.... Guo's article notes that 'mass incarceration's ill effects are concentrated in places already in distress. In some inner-city neighborhoods, up to one-fifth of the *young black men are behind bars*. [I]n their absence, their communities start to fracture. So when they get out. . .there are *no jobs and no support networks* ."

Now tell me, what *real* sense does this make? Why, if as said, I "conspired" to kill a rival gang member for which no such "conspiracy" is even actually necessary to induce retaliation for the death of a friend, were he and i held together in the county jail and two different prisons if his life was truly in danger or which the "people" and police were genuinely "concerned" about?

To my mind, it's quite clear to discern just what the police and prosecutor's--and indeed the judges as well since they permitted the "People" to utilize this fabricated tactical deception--*real motive* was: To secure another "notch on his belt" so as to elevate his (their) career(s) and receive greater prestige and status(es) amongst their own competitive peers, whom are equally engaged in what *they* perceive and approach as a "*hunt*" for "*trophies*," i.e., they are literally involved in a form of *hunting game for our "heads!"* In other words, they manage(d) to "kill two birds with one stone" while not sincerely giving--most--a damn about our community.

This is so, equally as regards those whom now stubbornly refuse to allow us another chance at "freedom" so as to show our redemptive value towards our families, communities and that of society. Here's an additional perplexing aspect I wish to share. Now, even as there was/is truly no logical and realistic need for gangbangers to engage in "conspiring" against a rival gang upon having lost a friend to gang violence, since retaliation is quite probable and inevitable under such circumstances, and although I never took part in and nor had knowledge of any such "conspiracy," upon my conviction for this offense, fabricated as it certainly was, although the jury failed to *specify a degree* and *deadlocked* as to such, by Statutory Law this mandated I only be sentenced to

a *lesser offense*, i.e., I was to be punished by the term of *15 years to life* which is the sentence designated for the crime of *second degree conspiracy to commit murder*.

However, although I was/am entitled to this particular sentence I still remain imprisoned for the offense of *first degree conspiracy to commit murder*,

This serious Statutory violation has yet to be corrected, even as I've repeatedly attempted to compel the State/Federal Courts and CDCR to abide by the law so as to modify what is an excessive sentence which is plainly outside of Trial Court's jurisdiction to have imposed. In fact, in 2006 upon the filing of a Writ of Habeas Corpus--I've filed others subsequent this one and that of a Writ of Mandate to no avail--the Superior Court Judge of Los Angeles County actually ruled against the relief I sought finding that ,

2. "Minute order dated May 17, 1982 shows defendant was given 16 years to life in prison."

(This Superior Court Ruling can be found at: In re Joe Louis Valentine, Petitioner, On Habeas Corpus, Sup. Ct. No. A366030, filed May 10, 2006, by Judge Sam Ohta of Dept. 120)

To reemphasize, the reason I was/am entitled to the sentence of "*16 years to life*"--I currently stand illegally and unconstitutionally sentenced to "*26 years to life*"--is based on the fact that the jury upon finding a guilt verdict for the "Conspiracy to Commit Murder;" failed to indicate in their verdict form a requisite finding of *specific degree* as to the offense of Conspiracy and because of their failure is not tracable to a "*dead lock*;" that thus entitled I could only be sentenced to the *lesser term*. Trial court was authorized to only impose the punishment designated for *second degree and/or 16 years to life*; and not the unauthorized and excessive punishment of *26 years to life* which it imposed pursuant to Penal code Section 182.

(See penal code section 1157 as to statutory law which mandates that the lesser term is to be imposed under circumstances where a jury fails to indicate a specific degree in the verdict form and there is no evidence of a deadlock as to the matter. Also see, People v. Horn (1974) 12 cal.3d 290, 298 and footnote 5; People v. Bonillas (1989) 48 cal.3d 752, 257 cal. rptr. 895, 771 p.2d: 844; People v. Swain, court no. 140954, court of appeal first district appellate, division five, filed November 24, 1993).

At any rate, also important is the fact that in 1982 I and many other *young adults* --as is the case TODAY!--were thrust into extremely negative prison environments (San Quentin 1982-1989, Corcoran SHU 1989, Pelican Bay State Prison 1989-1997, etc.) where the "order of the day" was/is... "*survival of the fittest*," i.e., I was thrown in an irrational and inordinately violent world that inevitably led to my being *forced* to engage in violence and other related activities aimed towards not *falling victim* to those of a racist and/or gang mentality as is certainly well known is pervasive in the California Prison System.

Even as the law of life is '*self-preservation*;' the fact that one engages in acts towards this logical end, as Black men were forced by circumstances to do in the '50s, '60s and '70s in CDC and indeed across this racist country, it is later held against us upon going before the Board of Parole Hearing and being evaluated via a Psychologist, each of which inevitably deem us to be an "unreasonable risk and potential danger to society," even as on an ultimate level, of course those in charge shall never concede to this basic fact, as it actually speaks to their deficient level of professionalism (i.e., incompetency) as regards assuming their responsibilities, the nature of the prison environment rest with State Officials since they're the decisive factors with regards to HOW people shall adjust and coexist.

In other words, had CDC/CDCr and politicians adopt(ed) and sincerely practice(d) those type of effective methods which are proven to be conducive towards fostering and sustaining positive prison environments – *we all know that those of the "green wall gang" don't ever want that* – it is quite likely that the majority would be inclined to alter their negative behavior since an appreciation for our *humanity* via restorative investments and constructive programs are being provided for the benefit of all parties involved. Instead, CDC/CDCr, Judges, police, district attorneys, prosecutors, politicians and prison guards – “*the old boys club*” of primarily white men – pursue(d) and implement(ed) more racist and quite draconian procedures and policies, i.e. , *knowingly* engage(d) in *cruel and unusual punishment* via subjecting *thousands*, especially Blacks/New Afrikans and Mexicans, to torturous SHU isolation for inordinate amounts of time aimed towards a calculated strategy to *break human beings*: physically, mentally and spiritually, just as continues to be their fascist agenda and program with regards to “enemy combatants” at “Gitmo.”

(See Todd Ashker, et al. versus Governor California, et al., Case No. 4: 09-cv-05796-CW).

In fact, I was held in Pelican Bay State Prison's SHU (i.e., “Short Corridor”); from 2008-2013 for merely being alleged to be a member of ~~the~~ a so-called Black “prison gang.” For the simple fact of possessing an innocuous “letter” from a tight friend, Motope Duguma, who has been a friend since our adolescent days, his “CDC Number,” which I had long before he was validated, a “picture” of him taken many years before his validation, a “Black August” document produced by the New Afrikan People's Organization (NAPO), my own manuscript which, incorporated some of the political-historical and our cultural figure George Jackson’s political writings, etc., I was targetted for gang validation that plainly did not involve “gang activity,” i.e. unrelated to “behavioral-based” Rules Violation/Criminality.

Today, 2016, and only after the historic and dynamic 2011~2013 Peaceful Protest/Hunger Strike the draconian and inhumane policy and practice of holding us in SHU for years, no longer exist. Yet, I and many others held in SHU for non-behavioral related reasons – *punitive motives* – were and continue to be negatively impacted since due to our having been *illegally* held there, the Parole Board, of course, inevitably held/holds this against us. So, what we observe in regards to CDCr's general penological policies and approach are programs that are primarily geared towards the total disregard of our humanity and that of subjecting us to a *sadist-like punishment-regime*, even as last time I checked it was/is the “*sentence*” imposed that actually constitutes the sole “punishment” in which we're “Constitutionally” or “lawfully” to be subjected.

Prior to being validated for what is “now” deemed and treated as “Status-Based” factors, I was to receive for the very first time a visit while on Kern Valley State Prison's mainline but didn't get to hug and kiss my beautiful daughter since I was placed in Ad-Seg pending gang validation. *That hurt deeply!* So much for their professed concern for “family-ties,” huh? The cycle of purposeful abuse and misuse of the *law* as an *instrument of repression* and *social control*, of especially and particularly New Afrikans and Latino(a)s, is without mercy and indeed immorally applied across the board. We all know very well, that *their interests* (e.g, paychecks, homes, vacations, education for their children, cars/trucks, healthcare/medical insurance, life insurance, overtime pay, et al) are ever paramount and thus shall supercede any genuine consideration of those efforts geared towards redemptive goals and programs designed for cultivating human beings who are able to think critically and behave, in the main, ethically on behalf of family, community, society and self.

Thus, the unavoidable net effect is "you get what you dishout" by those who experience and feel profound societal neglect and rejection while being subjected to killing--*literally*--poverty, police brutality, racism, inordinate rates of perpetual unemployment, judicial disregard, et al. Now, with these basic and irrefutable facts in mind, is it not logical and necessary to wisely conclude, in terms of being politically perceptive, that the approved Bills (Senate Bill No. 260 and Senate Bill No. 261), which many shall "benefit" from – after having served virtually or indeed all of their *young adult life* in prison or the *most productive years* a person has and as needed to build a future – in terms of "potentially" serving lesser time, in the final analysis are patently nothing more than a "*bill of goods*" and a "*bill of sells*?"

I emphasize this, 'since the reality is that even as a good percentage shall "benefit" from the Bills due to a recognition of their/our having not been sufficiently developed on the cognitive, intellectual and ethical or moral planes, that thus their/our culpability is "now" considered to be necessarily (i.e., as a matter of "recent" scientific facts) of a diminished nature as far as their/our inability to genuinely psychologically and emotionally grasp the seriousness of our/their crimes, nevertheless, I'm of the reasoned perspective that these scientific facts were and have been for many years previously *known* to psychologists, specialists, politicians, prison officials, Commissioners, the Board Member and what have you. To be clear, I'm asserting that *our youth/young adult years* were/are being *purposely robbed* as a *conscious strategy* rooted in and motivated by a *diabolical racist policy* towards *our political control* and *repressive containment*, i.e., Cruel and Unusual Punishment via methods and programs calculated towards exacting *excessive sentences*.

Just "ask" Bill and Hillary Clinton as well as Jesse Jackson, Sr. and Rev. Al Sharpton, all of whom espoused and aided in some of the most draconian Crime Bills that this country has ever seen, well, we must of course never forget and nor forgive how our folks were subjected to "Crowing Jim's" brutally fascist-based repressive measures. Yes, this was/is a *genocidal-based* and inevitably-gearred program from whatever angle one looks at it. This, to my way of perceiving and grasping the *real motives* of specific *targeted policies*, colored and guided by both the Democratic and Republican Parties--"*two sides of the same sword*"--ideological outlooks, is all but acknowledged by the remarks of one of the Right-Wing's favorite reactionaries:

"... so once juveniles have served many years of a long sentence-- between 15 and 25 depending on the offense--it was entirely appropriate to give them the opportunity to demonstrate personal growth and rehabilitation to the parole board. ... SB 261 builds on the same principles to give similar consideration to people serving long sentences for crimes committed as young adults (18 to 23). The latest scientific research shows that young adults brains, like those of juveniles, are not yet fully matured. Young adults' capacities for judgment, decision-making, and appreciating the consequences of their actions are not fully developed until their early twenties..."

-Newt Gingrich, April 2, 2015

Gingrich went on to ensure that he emphasized that "SB261" is compassionate, fair, and backed by the latest scientific understanding of brain development. I would *stress that it is by no means lenient*. ... "In other words, those *youth/young adults* whom "benefit" from Bills 260 and 261, will have still spent the prime of their/our lives in prison regardless of the fact that "scientific research" has shown that our/ their crimes were/are the result of "unevolved brains," i.e., our/ their general inability to make mature and rational decisions and thus to appreciate the consequences of our/their actions be damned, since they *still demand their "pound of flesh,"* just as they demand, in

the case of *mainly black men* whom they execute on "Nigger's Row", who suffer from – a condition known *prior* to conviction – clear psychological problems and/or are totally *innocent*.

This, while the Newt Gingriches and Bill Clintons of this country never spend a day in jail or prison for their *world plunder, war-crimes, political assassinations and overthrows* of foreign governments. Well, I guess this is one of the many "perks" this class of murderous and devious *thieves* are assured via those they've placed in the U.S. Federal Courts, CIA, FBI, Attorney General's Office, United Nations and beyond, huh? Think about this fundamental historical and contemporary fact: is it a fact that, the tradition of militaries invariably and matter of purposeful calculation seek out for *recruitment* the most immature or unevolved (i.e. *vulnerable*) males to train so as to *use as cannon fodder* in ruling class wars? I mean, isn't it primarily the *youth/young adults* whom are targeted for selection in militaries since it is a *known reality* that, youth/young adults have an inherent tendency or are inclined especially towards engaging in the type of thinking and behavior patterns which involve risk taking, lack of empathy and moral insight, irrationality, etc., etc.?

Don't the militaries (i.e., governments) around the world *know quite well* (aka assume) that male youth/adolescent males and young adult men respond impulsively and are very susceptible to the "orders," right or wrong, of those in superior positions ...*without question*? In other words, regardless of the fraudulent claim and basis behind State Officials (e.g. politicians, the Dept. of Corrections and related entities across the penological spectrum) implementation of Bills such as California's SB260 and 261, due to "recent" scientific research finding the lack of development of *youths' and young adults'* mental and cognitive abilities, I trust, profoundly, that these *facts* have long been *known* as shown by the fact that militaries/governments have been exploiting and relying on this *state of unevolved mind and emotional-make-up* for many, many years. Indeed, this also applies to the NFL, Boxing, et al.

So, no, we ought not "*buy*" into their "*bill of goods*" which they in deep political duplicity desire that we accept their "*bill of sells*," i.e, their engaged in, subterfuge aimed towards our communities and progressive forces alike "buying what is sold" to us as something which is being done on a "compassionate" level, when in truth, such shall have been shown to be far from the case upon reactionary forces throughout this nation reverting to policies and methods of racist repression ever rooted in...*grave miscarriages of justice*. To my mind, the prevailing facts with regards to the inability of Amerika's automated dominated economy (i.e., the *loss of jobs on a permanent basis*), dictates that our deprived and nationally oppressed element be targetted for *mass incarceration = genocide is the order of the day*.

Finally, I direct anyone who is interested in Case Laws which demonstrate that YES the powers That be have long ago KNOWN that the imprisonment of YOUTH is tantamount to Cruel and Unusual Punishment, i.e. that the "scientific facts" have long since existed that *youth/young adults* aren't intellectually and morally evolved and thus appreciative of their/our negative actions and thoughts--"*go figure*." (See United States National Bank of Ore. v. Independent Ins, Agents of America, Inc., 508 U.S. 439, 463 n. 11 (1993); Graham vs. Florida, 560 U.S. 48,130 S.Ct 2011, 176 L.Ed 2d 825 (2010); May V. Anderson, 345 U.S. 528, 536 (1953)).

Joe A'Jene Valentine, C47779
PO. Box 7500 (B6-108)
Crescent City, CA 95532