

Reply ID:
nqti

Monday
April 20, 2020

Dear Shea,

I received your response in the mail this afternoon. First of all, as always, I sincerely appreciate the fact that you took time out of your day to respond, especially right now. Serving time behind bars is always difficult, but serving time behind bars during a crisis like this takes difficulty to a whole new level, but more on that later...

As far as people out there caring enough for people in here to fight for them, it's always nice to hear that someone cares, that we're not forgotten about. Sadly, these are stories that mainstream media rarely reports on, and never follows up on, which only leads to a further feeling of isolation in an already isolated environment. What we do see and hear about is usually second or third hand, which means that it's often misinterpreted, or just plain made up by people with nothing better to do. The last I heard, the Prison Law Office filed something in Federal Court, seeking an emergency order to further reduce the already overcrowded prison population, but not only was this motion denied, it actually had the unintended consequence of making things in here much, much worse as, the moment the motion was denied, this prison immediately reopened the gym and then moved inmates out of their cells and into the gym to live. Once the cells were vacated, they began filling them up with suspected cases of Covid-19.

On that note, they're supposed to post a daily order anytime the prison's program is modified or locked down. The order describes the nature of the modification, and why the modification is needed, allowing everyone to better understand what's expected from them, inmates and staff, and why it's expected. The last order I seen was from the 15th of April, meaning that the numbers were already a day old, and it stated that there were 35 confirmed cases of Covid-19 in this facility, although none originating from my yard. I'm told that, on Saturday, that number jumped to 75, and yesterday, the news mentioned (as briefly as possible), that an inmate here had died from Covid-19.

I should probably point out that it's IMPOSSIBLE, AND I can't stress that enough, to practice "social distancing" when you're behind bars. Part of this is because there are simply so many reasons that social distancing is impossible. I mention just a few of these reasons, not only in an attempt to enlighten one of my oldest friends, but also to enlighten a paralegal and anyone else who may happen to read this post. (Speaking of which, congratulations!! ;)

of message does this send? For the last 17+ years, all I've heard is lectures on the importance of empathy, compassion, sensitivity, etc., all of which are important, yet, when it comes time to demonstrate these qualities, people routinely come up with reasons as to why they shouldn't be demonstrated to people in my position. There's a lot of resentment in here from those convicted of violent offenses, or who aren't eligible for any additional time off of their sentence because their crimes, collectively, included a violent offense in addition to their nonviolent offenses, and the resentment stems from the fact that, for the most part, it's actually the people with the violent convictions who are working the hardest to improve their lives, and it's always the ones with the violent convictions who get the short end of the stick when it comes to things like early releases, additional credits for positive behavior, etc.

On that note, it should be pointed out that there's an unintended consequence of the Covid-19 pandemic, at least in the CDCR. In addition to the credits we can earn for working and staying out of trouble, there are also "Milestone" credits, which are credits awarded for successfully completing a rehabilitative program. One of the first things the CDCR did when they moved to "prevent" the introduction of the Coronavirus into the prison system was to put an immediate stop to any and all rehabilitative groups, which in turn means that a lot of the people in here are actually seeing an **increase** in the amount of time they expected to serve, as they can no longer earn their Milestone and RAC credits. Take my neighbor, for example. He's spent months preparing to take his G.E.D. test, and was actually scheduled to take the test a couple of weeks ago, on a Monday. Unfortunately for him, on Monday, everything was canceled until further notice, including his G.E.D. test. This, despite the fact that he'd just taken, and passed, all of the G.E.D. pretests. As a result, he won't receive his 6-month Milestone credit for passing his G.E.D. test, which would have put him out of here a week ago. This is just one of many, many examples in here.

I can certainly understand society's apprehension when it comes to the thought of a massive, early, release of criminals from a prison system. In their minds, we're all just waiting for an opportunity to seek revenge on those who put us behind bars, whether deserved or not, or we're frothing at the idea of committing another crime, but the truth is anything but. With the exception of those who haven't been able to escape their drug addiction, or their ties to gang activity, the overwhelming majority of us desperately want to get out and lead a productive life. We want to get married and start a family, or raise the children we already have. We want to have, not just a job, but a career, together with a place we can call our home. We want to be a part of something bigger than ourselves, but all society can see is the 70% recidivism rate, and not the reason for this excessively high rate. They don't see that, in an overwhelming majority of cases, inmates are released from prison, woefully prepared. They're not permitted an opportunity to have any money and, in most cases, they're forced to return to a criminal environment. The funds given by the system to those departing, a paltry \$200, are by no means enough to live off of, particularly when you take into account that you've got to use those funds to cover your clothing to wear out of the prison and bus fare to get home. I don't know of anyone who has enough left over to get a motel room for the night, let alone until they can get their first job, and as far as housing assistance is concerned, you can forget about it. Many convictions automatically disqualify, for life, any assistance from

Naturally, practicing social distancing techniques is all but impossible because of the crowded nature of a prison. The inmates are crammed into dormitories, where they're forced to sleep approximately 2' away from each other, far closer than the 6' minimum distance recommended by the CDC, and far closer than the 27' that we've learned the virus can spread, albeit under controlled conditions. And don't be fooled into thinking that you're safer in a cell, either, because you aren't. In fact, while the virus might not spread as rapidly in a celled environment, if you happen to have a cellmate who is infected, with anything from Norovirus to Covid-19, your chances of getting it are 100%, and this is because it's just been learned that, when you speak, droplets drift out with your breath, where they float along the air, landing on anything and everything in its path. With that said, if your cellmate is on the top bunk, and you're on the bottom bunk, you think you're safe, but the air currents will eventually carry the droplets that exit his mouth onto you, and eventually, into your lungs as you breathe in.

The CDCR recently took the rather unusual step of cancelling all "nonessential" medical appointments in an attempt to prevent the spread of Covid-19. At the same time, they instituted a policy that attempted to isolate inmates from different buildings from having contact with each other, followed by issuing masks. On paper, it sounded like an excellent idea, until you realized how it was implemented. We can't come out of our cells for yard with anyone who's not in our building, and when we do, we have to wear a mask, but the guys who work in the dining hall work with guys from other buildings, and they're interacting with officers who REFUSE to wear masks. When pressed on this issue, they expressed a complete lack of interest in anything we had to say, and when we pressed the issue, pointing out that, without live bodies to look after, they'd be out of a job, their response was that they couldn't care less, as there were, literally, thousands of people waiting for an opportunity to fill our beds. Perhaps just as bad is the fact that the prison has acknowledged the fact that social distancing is needed to stop the spread of Covid-19, by only allowing a few of us out of our cells at-a-time and requiring us to wear a mask, but then they completely defeat the purpose of mandatory social distancing by requiring us to eat in a cramped dining hall, 100 people at-a-time, where we're seated at a table barely big enough for preschoolers, and where we have to remove our masks to eat.

The Governor recently recognized that, not only are prisons overcrowded, they're breeding grounds for viruses like the Coronavirus, but so far, his only attempt to reduce our prison population was to order anyone with less than 60-days to serve to be released, provided, of course, that they're not in here for a violent offense. In other words, he made a statement that gave the impression of caring, but which didn't actually do anything at all, particularly when it's going to take 60-days to implement the order. What I want to know is why only those with less than 60-days to serve? Why did this only apply to nonviolent offenders? I now have more than 17-years in the system, and have 6½ months left before being released. I suffer from a compromised immune system, asthma, bronchitis, emphysema, COPD and obstructive sleep apnea, yet I'm not eligible for this early release because, even though this last, consecutive 8-month prison sentence is for a nonviolent misdemeanor conviction, a couple of my initial convictions in this case were for violent felony convictions, making my entire sentence "violent" for all purposes, from credit enhancements to parole, from early releases to housing, and what kind

government, be it local, State or Federal, no matter how long and hard they work to redeem themselves. As if this wasn't bad enough, they're saddled with a parole officer who's often required to make a personal visit to their home and place of employment, a visit which is **never** discreet, and often results in a loss of one, the other or both.

And yes, I believe that proper preparation increases a person's chances for success, which is probably why the system has been created in such a way to ensure you **can't** prepare for your release until it's too late. For example, we all know that you need an identification to establish your identity, so the State of California recently created a program to provide parolees with an actual State ID upon their release, as opposed to a prison ID. Unfortunately, this only applies to those who've been incarcerated for less than 10-years. Anyone else has to visit the DMV office, in person, to have an updated photo taken. How do you get there? Who pays for this? Not their problem.

Things like birth certificates and social security cards are also needed to help establish identity, but, until recently, those items were viewed as contraband. Fortunately, and after years of struggle, the CDCR finally relaxed their position, for all the good it did. While I was able to get a certified copy of my birth certificate, the Social Security Administration absolutely **REFUSES** to provide me with my social security card, this, despite the fact that I've sent them a certified copy of my birth certificate, a certified copy of my G.E.D., a certified copy of my booking statement, my W2, my medical records, bills from the U.S. Dept. of Education, bills from the Humboldt County Health and Human Services Dept. (Welfare), bills from Child Support, and much, much more.

The point I'm trying to make here is that people always want to point to the high rate of recidivism, without first attempting to understand why those rates are so high, or what they actually mean. "Recidivism" doesn't necessarily mean the commission of a new offense, it just means you ended up back in prison, which can happen for the most trivial of things. I was once put in jail for showing up 10-minutes late to my parole appointment. A recent study was conducted in which prosecutors were asked to portray parolees returning to society. They were taken to a gym and given a list of tasks to perform, from getting their drivers license to showing up for parole. In the gym were a number of tables, which contained the information needed to complete the tasks, and by the end, not a single prosecutor had been able to accomplish the tasks set before them. In other words, their recidivism rate was a whopping 100%.

I suspect that, at the end of the day, it doesn't really matter how well prepared I am for parole, as I won't live that long. Each passing day means even more cases of Covid-19, thereby exponentially increasing my chances of becoming infected, and given my underlying health conditions, combined with the incompetence of the prison's medical staff, translate into an almost certainty that I won't survive the infection, which is why I write this letter now. It's my hope that, by doing so, I might be able to shed a little bit of light on what we're going through in here, and create an opportunity to shed even more light as the days pass. I might not be able to make a difference in what happens to me, but perhaps I can alter what happens to those who follow because, whether society believes it or not, there are some genuinely decent people in here, regardless of the nature of their committing offense(s).

As far as getting an early release is concerned, our law library is closed, which means there's no way to get the forms we need, no way to get them copied, no way to do any research. All I can do is continue to write letters to lawyers who've filed briefs on behalf of others and ask them to send me a copy of what they filed, so I can rewrite several copies to use for myself. I suspect it may end up being too late, however, because, as I mentioned earlier, I only have 6½ months remaining on my sentence, and even if the judge is convinced to take a second look, the opposition will insist on several months to prepare a response, followed by several additional months to prepare oral arguments. Still, I've never been the kind to give up, so I don't intend to start now, which is why I've already written a letter to the District Attorney, asking to be resentenced until Penal Code section 1170(d)(1), or anything else that might apply. So far, no response, and to be perfectly honest, I expected no less. You and I both know the nature of my conviction, and while you're one of the only people who knew this was a fabricated allegation in an attempt to get attention, the current prosecutor doesn't, and couldn't care less, particularly because she's an elected official, but again, I see no reason to give up.

As far as what's going on in your personal life, like you, I find it difficult to believe that it's now been 17-years, even more difficult to believe you have a child who's about to graduate from high school. It's further proof that life continues, no matter what. And you've made the decision to become a criminal paralegal. Somehow, I can't say that I'm surprised, given some of the injustices you've seen firsthand. As you properly point out, it's fascinating to see behind the scenes, to realize that every side has a story. How you managed to become a criminal paralegal with such obvious disabilities (empathy and compassion), is a mystery to me, but hopefully, you don't allow them to beat it out of you. They're qualities that are in short supply.

On that note, one of the things I planned on doing upon my release was becoming an activist for people behind bars. No only do I want to educate the public on what's going on behind bars, I also wanted to speak up on their behalf to the courts, and while I don't have the authority to practice law, I nevertheless possess enough experience to provide the assistance needed. First, however, I need to get out, and that's probably going to be much easier said than done, especially in light of everything going on right now.

Before I wrap this up, please know that, while my e-Mail address has been compromised, you're more than welcome to write to me at the address listed below. In fact, this applies to anyone who's looking for someone to write, and trust me when I tell you, I could really, really use the letters right about now, particularly in light of the fact that we're spending most of our days locked in our cells, though no fault of our own.

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