

Coalition For Prisoners' Rights Newsletter

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SHORT TAKES FROM DIFFERENT LOCATIONS

WHAT IS MORE IMPORTANT

The federal courts, having ruled that the health care in California prisons is so poor that it violates the civil rights of those imprisoned there, have threatened to take money directly from the state treasury to fix the system. But in June, the state's current corrections secretary wrote the court-appointed receiver that the state "cannot afford" the \$1.9 billion he himself had agreed to the month before. The tentative plan had called for building two prison hospitals to house 3,400 prisoners. California has a \$24.3 billion budget shortfall. It is supposed to have \$1 billion for prison hospital construction from the 2007 budget.

JLWOP DEVELOPMENTS

In re Antonio De Jesus Nuñez, CA(3)No.C040377 (April 30, 2009) 2009 WL 1154200, a decision of the California Court of Appeals, found Nuñez' JLWOP (life without the possibility of parole) sentence violated the Eighth Amendment. He had been convicted of committing a kidnaping for ransom when he was 14. Similar offenses and sentences were compared and the *Lynch* criteria applied.

A proposed new law in California would allow LWOP sentenced people whose convictions concern events that occurred when they were minors, to petition for resentencing under certain conditions. SB 399, passed by the Senate, would amend Penal Code sec. 1170 to permit such people, who have completed at least 10 years of their sentences, to submit a petition for recall and resentencing on or after January 1, 2011. If passed, this bill would apply retroactively. To qualify under the proposed law, applicants must satisfy three or more of seven listed criteria including a conviction pursuant to a felony murder or violent juvenile felony adjudications

FEDERAL AMICUS BRIEF

This was filed in the U.S. Supreme Court requesting certiorari on behalf of Families Against Mandatory Minimums and others in the case of *Sabil Mujahid v. Charles A. Daniels, Warden, FCI Sheridan OR*, No. 05-8678. The case affects about 95% of federal prisoners sentenced since 1987. The Brief concludes: "The BOP's calculating good time credits based on time served, rather than following the clear statutory language determining good time credits based on the sentence imposed, creates a significant loss of human freedom and a great unnecessary monetary cost. This Court should grant review to decide this issue of great national importance and determine whether the BOP approach is consistent with the federal statute's mandate." The current BOP regulation means that every eligible federal prisoner is imprisoned seven days more per year than Congress intended.

NEW PRISON PHONE SYSTEM

The Texas Department of Corrections, under contract with *Embarq*, is finally installing a system wide phone system. *Embarq* employees reported that very few family members have signed up for the phone system which "makes it difficult" for *Embarq* to finance the installation of the phones. Each prisoner allowed to call 10 phone numbers. In order to be approved on a prisoner's calling list, your phone number, landline only, along with your name as it appears on your driver's license, must be sent to the person whose calling list you want to be on. Everyone on a prisoner's calling list must register with the phone vendor, using the prisoner's TDCJ ID number, either at: www.texasprisonphone.com or at 1-866-806-7804. Everyone on a prisoner's calling list must be at least 18, have the name on the phone bill match their driver's license and NOT be using a cell phone.

CRIME OF THE MONTH aka Crimetoppers

From 1961 to 1971, the US carried on a bloody invasion of Vietnam. One part of this invasion included spraying the rural areas of this verdant country with a chemical weapon called Agent Orange. The goal of this weapon was to destroy the broad leaf plants of the there, both trees and vegetables.

Agent Orange contains a chemical, dioxin, one of the most dangerous chemical to humans, as well as to plants.

Tons of this stuff were sprayed over the jungles and fields of Vietnam, and the Vietnamese who were exposed to the chemical have suffered from cancer, liver damage, pulmonary and heart diseases, defects to reproductive, and skin and nervous disorders. Children and grandchildren of those exposed have severe physical deformities, mental and physical disabilities, diseases and shortened life spans.

The forests and jungles in large parts of southern Vietnam have been devastated and denuded. They may never grow back; to the extent they do, they will take 50 to 200 years to regenerate. Animals that inhabited the forests and jungles have become extinct, disrupting the communities that depended on them. The rivers and underground water in some areas have also been contaminated. Erosion and desertification are changing the environment, contributing to their warming of the planet and dislocation of crop and animal life.

Recently the Bureau of the International Association of Democratic Lawyers found the US government and the chemical companies guilty of war crimes, crimes against humanity, and ecocide during the illegal US war of aggression in Vietnam. Genocide by herbicide is the crime this month. The chemical companies like Monsanto and Dow and their servant, the US government, are the perps.

This 2 page version of the CPR monthly newsletter will be included in all correspondence we send out. Others who would like to receive it must send us a stamped, self-addressed envelope (up to 12 at one time) for every issue they would like to receive. Our debt has not yet been significantly further reduced this month below the \$16,000 we reported in July. We do have some small grant applications in.

We are currently planning to send out our yearly holiday card/calendar to our updated, but not expanded, mailing list.

Keep your letters of support to Oprah (Harpo Productions, 1058 W Washington Blvd Chicago IL 60607), and to us, coming!

VOICES FROM INSIDE

Beaumont TX April 7, 2009

I've filed a grievance on uniform access to courts because our law library has not received any new advance sheets or hard bound books with current case law both federal and state since September 2008. If you are experiencing this same deficiency, please file on this also, and write the U.S. Justice Department apprising them of this constitutional violation.

Grady AR April 30, 2009

I am writing to request assistance to help Arkansas Lifers change the law from clemency only to granting the Parole board the authority to release an individual with a life sentence after 20- and 25 years for a person serving life without parole (LWOP). I would not be an automatic release. Contact: Governor's Office, General Assembly, AR-DOC, Democratic Party of AR, Republican Party of AR. For more information: James H. Guss, 97327A, Cummins Unit, PO Box 500, Grady AR 71644.

Angola LA May 3, 2009

Louisiana is one of four states that don't provide parole eligibility for any sentence of Life imposed. How unbelievable could it be that out of a total of 3,822 men, women and children sentence to Life in Louisiana, not one could possibly be released? This denies the reality that people do change and supports a system that is both inconsistent and consumes resources that would otherwise be used in the interests of public safety.

Waynesburg PA May 20, 2009

This institution decided to turn on the lights in our cells, the Capital cases, 24 hours a day. We lack concentration, focus, and speaking articulately. We need your assistance in writing, faxing, calling or e-mailing the Secretary of Corrections, Jeffrey A. Beard, PO Box 598, 2520 Lisburn Road, Camp Hill PA 17001. The lights should remain off just like they are in population.

Estill SC May 26, 2009

The warden at this FCI has just ruled stating that no inmates are allowed to have any photos taken with other inmates. Any such found are to be confiscated. My understanding is that there have been no problems with group pictures; inmates must sign a release before being allowed to be in a group photo. Is this going on at other federal facilities? No direct inmate mail allowed. Write: William R Jones, 18055-075, PO Box 699, Estill SC 29918.