

# GRATERFRIENDS

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Promoting a humane, just and constructive correctional system and a rational approach to criminal justice since 1787

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September/October 2014

## A Dad's Honor; a Daughter's Dream

by Bryant Arroyo, CU-1126, SCI Frackville

Today is a very important day to my child, but more important to me; today my child moves onward in life to make her own decisions, as a married woman. For the first time in my life as a father, I am forced to reconcile two forces: happiness and sadness. I admit that it is quite difficult, and I find myself wrestling with bitter-sweet thoughts because it is every father's dream to be present on this momentous occasion, to have the right of honor and privilege to walk his daughter down the aisle. Though this cannot happen in the physical sense, please know that my love, hopes and all my dreams go down the aisle in my daughter's divine walk of life.

When my daughter asked me if I would like to share some thoughts at her wedding, of course I said, "Yes." Then I began to wonder what I should say. This came as a surprise to me because I've never been nervous about speaking in any fight; I've spoken before lawyers and judges in the high court, etc. Then it hit me that I didn't need some elaborate speech to say what my heart can say better.

My daughter means everything to me. She is the reason that I wake up every morning and why I fight the fight. I believe that my daughter is one of the most special people I've ever known from the time she was a little girl. She seems to have a unique ability make the difficult seem easy and understand things, like the fact that I couldn't be with her all the time. Yet, I never got any recrimination from my little girl. She would always say that one day we will be together. I have never forgotten those words. Those words spoken to me when she was just a child has been my greatest source of strength.

To my daughter: You are my entire world and I am so proud of you. You didn't allow the fact that I couldn't be with you stop you from giving me all of your love. You never once stopped supporting me and believing in me, and for this I knew that you were crowned with an amazing destiny. Every man should be so lucky to have a daughter like you. I often feel so blessed, that, though I've been able to give you so little you've managed to give

(See Dad's Honor, continued on page 9)

## The Mind is Where it All Begins

by Algis Miguel Diaz, KJ-7228, SCI Huntingdon

Change in my life began once I understood where and how I had picked up antisocial ways of thinking. I made the conscious decision to explore the study of the mind in hopes of learning more about why I had made the choices that led me into a life of crime. What I uncovered has helped me grow tremendously. And, after a great deal of personal and often painful reflection of my history, I recognized that my troubles began in my adolescent years.

According to psychologists, early childhood development plays a crucial role in the shaping of a child's future. I believe that every incarcerated individual seeking to grow as a person should dig deep into his past to effectively analyze exactly why he thinks criminally. By learning about the psychological makeup of our past, we may be able to initiate the dismantling of destructive traits.

There is not a man locked away in prison who has not encountered his fair share of trials and tribulations. The enduring of these self-induced hardships, however, is not what makes a repeat offender a man. On the contrary, the recidivist criminal lifestyle is what makes an individual selfish, undisciplined, irresponsible, and ignorant — traits that an honorable man does not possess. The time for me had come to stop embracing the outcast culture, and to recognize the underlying issues that had impaired my ability to make good choices. I realized that just as I

(See Mind, continued on page 16)

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## From the Editors

We are happy to bring you this latest issue of *Graterfriends*. We appreciate your understanding and patience over the past year, and we are implementing a plan to help us create our publications in a more timely manner.

You have probably already seen our cover story on [page 20](#), about a man in Philadelphia whose conviction was recently overturned. Anthony Wright spent 23 years in prison for a crime he did not commit, which was proven when DNA testing proved that the murder was committed by another person.

Defense Attorney Nicole Sloane, Esq., has sent us two articles ([page 7](#)). The first deals with recent decisions regarding the Sex Offender Registration and Notification Act (SORNA); the other is about a prisoner's fight to be compensated for stolen merchandise.

We have several articles in the "Our Voices" section (starting on [page 8](#)), including an inspiring "conversation" between writer Shuja Moore and Philmingo Jamison, both from SCI Mahanoy. In the article, Phil discusses how he has changed since first coming to prison, and how he plans to spend his time once released. Padge-Victoria Windslowe has written an article where she envisions a place where transgender children can grow up without judgment and learn to be successful citizens of today's society.

Finally, we have three very different submissions in the Literary Corner section on [page 12](#): one is from an "outside the walls" prison activist; one is from a woman at SCI Muncy; and a third is from a man at SCI Somerset. All have shared poetry or prose we hope you find interesting.



## News

### US COURT OF APPEALS FOR THE THIRD CIRCUIT DECLARES ACT 84 UNCONSTITUTIONAL

from *The Pennsylvania Institutional Law Project*

Timothy Hale, an inmate at SCI Rockview, has successfully challenged Act 84, which deducts 20 percent of wages and gifts from home. He began his challenge in 2004 after receiving an assessment of his fines and costs that he believed was incorrect. He sought relief through the grievance system after the deductions began, but received no relief. He and Domingo Montanez then filed a legal challenge.

The Pennsylvania Institutional Law Project assumed representation of Mr. Hale in 2010, at the court's request. Ernie Preate had unsuccessfully challenged Act 84 in the state courts [see *Buck v Beard* 879 A.2d 157], and agreed to represent Mr. Montanez. Montanez's claim was rejected by the court due to statute of limitations issues.

The court ruled that there must be some due process that allows an individual to challenge the assessment prior to the taking of fines. Ohio and Iowa have such pre-deprivation opportunities. It ordered the matter remanded back to the lower court for further proceedings consistent with the opinion. Su Ming Yeh and Ernie Preate argued the case last fall. Circuit Judge Roth authored the 28-page opinion.

For more information, see: *Montanez and Hale v. Secretary Pa DOC, Rockview Accounting Office, Super. Tennis, Dougherty, Walker, Cingel, Pa DOC, Oppman,, Detweiler and Harry Wilson* No. 13-1380 and 13-1478 US Ct of Appeals for the 3rd Circuit. A citation is *Montanez v. Sec'y Pa. Dep't of Corr.*, 2014 U.S. App. LEXIS 15602 (3d Cir. Aug. 14, 2014)

# GRATERFRIENDS

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We reserve the right to edit submissions. Original submissions **will not** be returned. We **will not** print anonymous letters. Allegations of misconduct **must** be documented and statistics should be supported by sources.

Letters more than a page in length (200 words) **will not** be published in their entirety in Mailroom or Legal Chat Room, and may be considered for another column. All columns should be no more than 500 words, or two double-spaced pages.

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## Spotlight

### WHAT ARE THE FACTS ABOUT SCI PHOENIX?

by Maureen Bellwoar, Contributing Writer

We have received several requests for more information on the construction occurring at SCI Graterford to create two new prisons called SCI Phoenix East and West; one housing men and one housing women. In May 2013, the Pennsylvania DOC requested an overall 2013-2014 budget of about \$2 billion; this is a 3.24 percent increase of \$60,587,000. The increased budget was proposed for several transformation initiatives implemented by Governor Corbett, as well as the closure of SCI Graterford and the construction of SCI Phoenix. The construction project is estimated to cost \$400 million and is scheduled to be completed in 2015-2016. The purpose of this institution is to be more efficient than the state's existing, outdated, largest maximum security prison, SCI Graterford. The new facility will hold approximately 4,100 beds, which is a slight improvement on SCI Graterford's current capacity of approximately 3,500. When SCI Graterford was built in 1929 as a replacement for Eastern State Penitentiary, it was not intended to house so many inmates. In order to increase SCI Graterford's capacity capabilities, the DOC has expanded the prison. However, these expansions created other issues.

The building at SCI Phoenix has been a controversial decision. Groups like DecarceratePA have been actively protesting the building of SCI Phoenix. In the media, there has been criticism made of the DOC surrounding the increased budget because many Philadelphians believe that money should be going to education. Philadelphia has been closing schools and many people want to know why \$400 million is being spent on new prisons when the education budget is creating so many problems.

It is undoubtedly important for a prison to exist in close proximity to Philadelphia, as about 40 percent of Pennsylvania's state inmates offended in Philadelphia County. It is important to have a prison close to Philadelphia — particularly for women, as there is no local women's state facility — due to transportation expenses for the state and families of inmates. But the question remains, is \$400 million a justifiable amount to spend while the children of Philadelphia struggle to get an education? DecarceratePA claims, "The men at Graterford have made it clear: they do not want these new prisons built." I do not know whether DecarceratePA has support for this claim, so I pose this question to the readers of *Graterfriends*: "Do you want these new prisons to be built?" I want to hear your voices.

### THE START OF SOMETHING BIGGER, PERHAPS?

by Steve Bloom

How many prisoners are there who write poetry? How many are there who might start writing poetry, or who might learn to improve their literary skills, with a little help and encouragement? How much of a difference would that make in their lives? How much of a difference would it make in the lives of those on the outside who will read the poems these prisoners compose?

This article will not try to answer these questions. It is just posing them for you to consider, whether you might be such a prisoner or someone on the outside. If you are a part of that concerned prison-activist community, can you think of ways in which you would be able to assist an effort of this kind, or suggest pathways that might help us to expand it? If you are a prisoner who feels s/he could benefit from starting to write poetry, or from mentoring by a more experienced writer with regard to poetry you have already composed (assuming we are able to expand the project), please tell us.

Send your ideas to us at the Pennsylvania Prison Society ([see address on page 2](#)).

## The 2014-2015 Inmate Family Transportation Schedule is now available.

You may find this bus schedule at  
[www.prisonersociety.org](http://www.prisonersociety.org)

Please keep in mind that, during the winter months, we may have to cancel bus trips due to bad road conditions. This is for the safety of our passengers. If the forecast calls for inclement weather, please check before leaving for the bus to see if your trip has been cancelled. If a trip is cancelled, it will be re-scheduled as soon as possible. If your trip is cancelled, there will be a message on the voicemail on 215-564-4775, x103.



## Mailroom

### DON'T JUDGE

My name is Juicy. Most everyone calls me that except a few who call me by my real name. This article is the truth, and I'm owning up to my mistakes. Some people told me my judge couldn't give me a sentence of 11.5 to 23 months. I found out that under the new law, a technical violation can get you the same as a direct violation, but I got what I deserve because I made mistakes in life. I took advantage of the things I had and now I realize that I messed up. I didn't have to steal and I didn't have to trick people out of their money. God blessed me and I took advantage of him, but he forgave me. Now I must forgive myself. For so long I ran the streets making money the best way I knew how, trying to help my family. Now I'm sitting in prison with nothing. My family doesn't write me much, but I blame no one but myself because it was me who messed up my life. Now, I must start to realize my own mistakes, and that no one made them but me. Also, everybody's life is different, and you shouldn't judge people until you've walked a mile in their shoes.

William "Juicy" Coward  
#1023849, 8001 State Road

### PRISONERS CAN TAKE THE DOC TO COURT FOR CAMERAS AT BLIND SPOTS

I was at SCI Dallas for 10 years and I tried to have cameras put on H-block there. I was beat up by two guards on that block, and other prisoners witnessed it. Eight prisoners at Central Prison in Raleigh, NC, filed a lawsuit to have cameras installed at blind spots and are winning. Good luck.

Thomas "Lawsuit" Barndt  
CT-7510, SCI Graterford

*Editorial note: According to newsobserver.com, U.S. District Judge Terrence Boyle asked for the state's plan for installing new security cameras at Central Prison in the wake of the mentioned lawsuit. This was in August, 2013. However, as in January 2014, experts say that blind spots still persist at Central Prison, though many now have cameras (Charlotteobserver.com).*

### A "FAMILY MAN" HAS GONE AWAY

Recently, one of our own has crossed over to his reward. He was Paul Ash, President of Sam Ash Music Company. He took his leave after suffering a fatal heart attack.

Paul is survived by his family, and by ours. This man, though president of over 45 stores, chose to semi-retire and devote his expertise exclusively to the thousands of musicians in state prisons. In a world of online shopping, real-time browsing, and the like, he put together correctional catalogs, gear guides, and would personally answer every question and query of any inmate who was in the market for an instrument — without reservation or delay. He would trim prices, so we could stay under the DOC "price cap," match any price, and go above and beyond to ensure that we—as incarcerated men and women—got a fair shake. That was just his way. He will be sadly and sorely missed by his family and by ours. How can such shoes be filled? May we, as musicians of all instruments and calibers, take a moment to remember this humble man, not with a moment of silence, but with a "moment of music." A song of gratitude, if you will. Be it in your cells, or in the yard in shared honor.

He would like this: "All Hail & Farewell Paul Ash." In the "Key of Life," you were a "Perfect Chord." Music has pulled me through some dark tunnels in here, and you helped hold the light. I bow my head, and raise my "Axe" to you.

Blessed Be, and Rest in Peace, Family Man.

Richard "Chainsaw" McCullough  
GQ-1162, SCI Fayette

### INNOCENT AND DYING FOR JUSTICE

I was paroled from the United States penitentiary in Florence, Colorado on June 14, 2000. I was given a \$45 gate check and a bust ticket to Aiken, SC, where my mother was living at the time. I got out and was living a good honest life. Then I met my daughter's mother and a few days later I moved to North Carolina with her, her mother, and her younger brother. We were living in Randle, NC. I was introduced to a 32-year-old blonde and started having an affair. One day she asked me to give her money that I didn't have. I then found out that she and her brother were addicted to crack, one thing led to another, and the next thing you know I'm turning myself in at the Belmont, NC police department because she lied and said that I broke into her trailer and sexually assaulted her on November 27, 2000. I was taken to trial on November 30, 2001 and sentenced to 29 years and seven months for first degree sexual assault with a deadly weapon and communicating threats. They found me not guilty of first degree burglary. There was no investigation or evidence in my case to prove that I did or did not commit the crime, and the alleged victim refused to be taken to the hospital. The officer did not call for an ambulance. You can go to [www.prisonfoundation.org](http://www.prisonfoundation.org) and look for my story, called "Georgia Style – My Pain."

Joel M. Cliett  
#0211864, Maury Correctional Institution  
Hockerton, NC

### STILL WAITING

The new budget has been in place since July, yet we at SCI Huntingdon are still waiting. The date you arrive is when you are supposed to receive a yearly issue of t-shirts, boxers, socks, wash rags, etc. Well everybody is still waiting for them to be delivered. Where are they? Is the institution claiming they need more money and not going to use it for what it's supposed to — once again?

We correctional institution workers were also affected as some June orders (June is the last month of the old budget) were held until July, until the new budget passed. We produced enough work to make a 70 cent bonus, yet only got 25 cents for June. It was verified by SCI Camp Hill, that orders were held as unreadable. Perhaps the Attorney General should look into practices done here.

Also we are waiting all year to have a glass pane replace a piece of cardboard in the door we go through to go upstairs to work. With all the millions that CI generates, they can't afford to get a door fixed? Things that make you go Hmmmmmm!

Elwood Ferguson Gladney, Jr.  
FA-0254, SCI Huntingdon

### MENU CONCERNS

I am writing *Graterfriends* as I have been incarcerated for 11 years and I have seen it all. Recently, I was really dazed and disappointed — madness running through my veins — to see our breakfast meals — our French toast and waffles — have been taken off our menu and replaced with toast. I sat and observed 90 percent of the population get their trays and a few walking and talking. When I brought these concerns to their attention — how cruel the Pennsylvania justice system is — not one person said that they had put in paperwork. Several just answered with the usual, “Ah, it's okay,” “I didn't eat those anyway,” or “I'm going home in five years, anyway.” Brothers, take the blindfolds off. We are one piece of bread away from them giving us bread and water. They already took our rolls, roast beef, beef stew, and lasagna. I want to say that I'm no lifer, nor am I going home in a week, but I am still a convict. I give my all and have changed many things with what little we get. From the time that they jacked up our commissary prices and began charging us so much for food and snacks, it has been clear that the DOC sees us as easy prey. We have lost something almost weekly for way too long. I'm from New Jersey, where even sweats are still \$6.99 (Fruit of the Loom). New Jersey would never do what Pennsylvania does. Stand up, my brothers, not just for count. This affects us all, not just me. A convict, I stand.

Have any of your menus changed at all? Let me know.

Carl Gosizk  
FP-7759, SCI Smithfield



### **PRISON HEALTH CARE NEEDS TO CHANGE**

by *Vernon Maulsby, AY-4429, SCI Graterford*

Folks, while I will be as happy as anyone else when Wexford runs off. I also am well aware of the sorry state this will leave us and our health care in, especially if Pennsylvania chooses to not mend its ways.

Those of you who have been following the “ballet” that has been danced by health care providers here, you will notice that there were only three of them, Wexford, Prison Health Services (PHS), and another one whose name escapes me at the moment. Now, PHS and the unnamed medical culprits have merged, and become Corizon. Does that name sound familiar? They ran out on their last contract with the DOC, claiming that they were not making money. So think folks, where does that leave us? Wexford turning tail and running, which pretty much leaves Corizon a free shot to again bleed the DOC and screw us over, just as they did the last time they had the contract. So, celebrate, but not too much.

So, what do we do now? I suggest that all of the research and “ammunition” we have compiled on Wexford will be discovered to be just as potent, when in its turn Corizon repeats Wexford's misdeeds. What has been learned will come in handy. Just add to it any investigation you can do about Corizon's murky past actions, not just in this prison, but any prison that has contracted them.

Next, get an un-redacted copy of the contract between the DOC and Corizon. Slug it out via the office of Open Records if need be. There are on-file legal precedents that will ease this effort, but be aware the DOC will pretend to not be aware of this, and will make you go through the whole slow process anyway. Once you can prove what the contract spells out regarding what the medical vendor has contracted to do, you can not only grieve this issue about the medical vendor, but also against the prison CHCA, who is tasked by DOC policy to ensure that the contacted vendor does what it has agreed to do. If you want to research this, just get a copy of DC ADM 13.1.1 and read it yourself.

So, there it is, the ball is now in your court. Either educate yourself, empower yourself, or else uselessly submit to another round of “business as usual” by the DOC and its medical vendor.



## Legal Chat

### JUSTICE IN PENNSYLVANIA

The Post Conviction Relieve Act (PCRA) petition was created to correct a miscarriage of justice, a corrective process for the wrongfully convicted, a process available to correct mistakes resulting from the breakdown in court operations. Then came the law enacted by the legislature on January 16, 1996, placing a timeframe on justice in a discriminating manner against the poor, uneducated prisoners. This law requires that an individual has 60 days upon discovery of new evidence to be filed within the court. If you can afford an attorney, lucky you. If not, you have 60 days to learn the laws, rules, and procedures of the court and how to file the PCRA with case law or you are denied justice. (The law library allows a prisoner four hours a week.)

This law, in my opinion, was created to cover up the injustice being done. State representatives realized there was no corrective process available to the innocent prisoners, so on June 17, 2011, State senators Greenleaf, Ferlo, Alloway, Baker, Solobay, and Mensch introduced SB 1153 to remove the timeframe on justice for innocent prisoners. But what is truly a miscarriage of justice is that SB 1153 remains tabled (not passed). Even today, three years later. Power without justice is brutal. So, the innocent remain in prison with no corrective process available to us. Admission of guilt in parole release decision has some deleterious consequences, not the least of which is to penalize innocent prisoners (deny parole) for failing to accept responsibility for crimes they did not commit. It's the Pennsylvania justice system in action.

Francis O'Neill  
AM-4959, SCI Huntingdon

### FALSE MISCONDUCT WRITTEN AGAINST ME

I was approved for an incentive-based transfer in August. About that time, I began to be threatened by another inmate that I worked with in the food service line. This happened in the presence of the corrections food service instructor (CFSI). I reported this to the superiors, but the threats continued. I informed staff that my mother was ill, and failure to act was a violation of the code of ethics. Instead of correcting the situation, staff allowed the CFSI to write a false misconduct on me. At the hearing, the hearing examiner refused to call any of my witnesses to allow me to present any documented evidence, in violation of 37 PA. Code 93.10. This misconduct resulted in the loss of my transfer.

On December 13, 2013, my mother died without me being able to see her for over 2.5 years. I am sure I am not the only one who has experienced retaliation for trying to do the right thing. According to *Bush v. Veach*, 1 A.3d 981, an inmate has a right under 37 Pa. code 93.10 to an impartial hearing examiner, to present evidence and witnesses, and for determination based on that evidence at misconduct hearings. Also, under the DOC's V Unemployment Comp. Bd. of Review, 943 a.2d 2011, the court held that the code of ethics places a primary duty of staff to protect prisoners and that there is no excuse for failing to do so. This case is interesting, because it was the DOC's lawyers who fought to keep an employee fired for failing to adhere to this standard.

Patrick Horan  
HF-2541, SCI Benner

### FORMER PHILADELPHIA JUDGE FACES CORRUPTION CHARGES AT TRIAL: IMPORTANT PCRA INFORMATION

Willis W. Berry, Jr., a former Philadelphia Judge, was arrested May 22, 2014, in regard to theft of services: he ran a real estate business out of his judicial chambers for 12 years; See IN RE BERRY, 979 A.2d 991 (CJD, 06/25/2009). Berry is liable for this conduct because he has admitted to it. Id.

Berry is expected to be in court on October 30, 2014 in Philadelphia. If Willis W. Berry, Jr was your trial judge you need to act within 60 days of his expected guilty plea, in order to allege that his criminal conduct "influenced" his biases against you (i.e. his "pro-prosecution bias" in violation of your constitutional right to a "fair trial judge").

Berry avoided prosecution under then District Attorney Lynne Abraham, who refused to prosecute him for these crimes that he has admitted to committing (thus, the "pro-prosecution" bias that can be alleged).

Any defendant who had Judge Berry as the trial judge on a case that went to trial should file a PCRA as soon as possible and should contact his or her counsel, whether it is a public defender or private counsel. Remember that in order to invoke an exception to the "time-bar" you have to act within 60 days of his guilty plea in open court. Otherwise, you will lose your rights to litigate this claim.

Michael McLaughlin  
Philadelphia, PA



## Reports from Nicole Sloane, Esq. Criminal Defense Attorney

### CHALLENGING SORNA (ARTICLE 1 - CORRUPTION OF MINORS)

The Sex Offender Registration and Notification Act (better known as SORNA) has had dismal personal consequences for many Pennsylvanians since it was implemented in December 2012. SORNA brought increased requirements for sex offender registration for many individuals. For others, SORNA brought requirements to provide their photographs and personal information for publication on the Megan's Law website — even for individuals who had not previously been required to register under the previous Megan's Law.

This article intends to provide the latest decisional law pertaining to successful challenges to one of the many problems associated with the implementation of SORNA: the registration of individuals convicted of misdemeanor corruption of minors. In a future article, I will discuss another successful challenge to the commonwealth's interpretation of the requirements of SORNA. As to the matter involving the registration of individuals convicted of misdemeanor corruption, it is first important to know that the reporting requirements are administered by the Pennsylvania State Police (PSP). The PSP has attempted to be a gatekeeper to the extent that it has filed 73 separate appeals challenging orders entered in agreement with the commonwealth that certain defendants would not be required to register as sexual offenders in Pennsylvania pursuant to SORNA. In those cases, collectively reviewed by the Superior Court as *Commonwealth v. Cheeseboro*, 2014 PA Super 95 (Pa. Super. Ct. 2014), the Pennsylvania Superior Court granted the defendants' motions to quash PSP's appeals. The Superior Court held that the PSP lacked standing to appeal the orders, it did not have a substantial interest in the cases, and (despite its argument to the contrary) the PSP's role under SORNA was more "ministerial in nature than adjudicative."

The PSP continues to require individuals who were previously convicted of misdemeanor corruption of minors to register pursuant to PSP's interpretation of the new requirements under SORNA. Since the implementation of SORNA, several defense attorneys, including me, have successfully obtained court orders stating that clients who were previously convicted of misdemeanor corruption of minors were not required to register as sexual offenders in Pennsylvania pursuant to SORNA. Unfortunately, there are many other individuals who are still required to register based upon convictions for misdemeanor corruption of minors.

The defendant in *Commonwealth v. Sampolski*, 2014

[\(see SORNA, continued on page 15\)](#)

### INMATE'S LAWSUIT AGAINST DOC FOR THEFT MOVES FORWARD

John Scott filed a civil complaint against the Pennsylvania DOC, claiming a correctional officer had stolen his radio. It all began when Scott was incarcerated in Michigan in March 2010, and he discovered his radio had been removed from his cell. Staff in the Michigan prison provided Scott with a radio to use until his radio was recovered. During the process of his returning to SCI Somerset, he received his own radio back and returned the borrowed radio to Michigan prison staff. According to court papers, when Scott finally moved back to SCI Somerset, DOC staff temporarily took Scott's radio, examined it and then returned it to Scott.

Scott claims that, after his radio had been examined by DOC staff, a correctional officer (CO) at SCI Somerset entered his cell to search it, removed Scott's radio, and then opened and inspected the radio without Scott's presence. When the CO returned to Scott's cell, he allegedly told Scott that Scott had a choice: Scott could allow the CO to keep the radio, or he would give Scott a written misconduct. According to Scott, the CO then filed a misconduct charge against Scott for the purpose of preventing Scott from filing a grievance about the theft of the radio.

Scott filed a complaint in the Court of Common Pleas of Somerset, stating that the CO's conduct — including confiscating Scott's radio — amounted to "conversion," (otherwise known as a theft). The DOC objected to Scott's complaint using a court filing known as preliminary objections.

The Trial Court granted the DOC's preliminary objections after finding persuasive the DOC's argument that the radio was contraband. Scott tried to amend his original complaint but the trial court denied the request and dismissed Scott's civil complaint.

Within the trial court's analysis, it relied on the Prison Litigation Reform Act (PLRA), which provides for the dismissal of prisoner litigation concerning prison conditions if an inmate fails to first attempt to resolve the issue through administrative remedies. The trial court relied upon the PLRA to support its dismissal of Scott's claims, even though PLRA had not been referenced by the DOC in its filed documents.

Scott successfully appealed the trial court's dismissal of his complaint to the commonwealth court. In a decision entered March 7, 2014, the Commonwealth Court held

[\(see Inmate Lawsuit, continued on page 19\)](#)



# Our Voices

## DARE TO CARE

by David Lee, AS-3041, SCI Coal Township

Recently, some of the prisoners within the Lifers Committee here at SCI Coal Township initiated a pilot program called Dare to Care. The purpose of the program is to assist in the growth and development of any of the younger prisoners interested in challenging themselves to mature to new levels. However, it is much more profound than that because it is a growth process for all involved. Our first meeting took place on Wednesday, April 30, and the dialogue started out talking about self-respect. Ultimately, we ended up talking about many important but related issues. Drug use and abuse even entered into the conversation. Issues such as honor, integrity, loyalty, and love were also discussed. We talked for about an hour and a half, and all the men were very respectful of each other. Due to the open atmosphere, there were some moments in which the men shared some very personal and moving stories. There were about 25 men in attendance, and many more want to come since hearing about it.

Unfortunately, you will probably not be able to find such a conversation in any other area of the prison. It is sad, because we need to have such discussions on a regular basis as we search for solutions to the many problems we're confronted with as prisoners. As far as this particular program is concerned, we've submitted a proposal to the administration in order to have the program be conducted on a regular basis because we surely need to begin having honest dialogues with one another as we continue to grow as men in a very difficult situation. There are about 12 men in the prison who have stepped up to the challenge of working with each other to ensure that the program runs in a smooth fashion. Although we facilitate the program, we're not caught up on titles. All have been very willing to assist in whatever ways they can, and in the process I have witnessed some serious bonds and connections being developed. Open and honest communication always give us the opportunity to expand as men, especially when the men understand the importance of maintaining a respectful environment.

It is important for men in prison to understand that they have more in common than they think, and that the differences they have are not as bad as they appear. Through our dialogue, we can learn to respect and work

*(See Dare, continued on page 15)*

## WALKING THE YARD II: CONVERSATIONS BETWEEN CONVICTS WITH SHUJA MOORE AND PHILMINGO JAMISON

by Shuja Moore, GU-4039, SCI Mahanoy

In 2001, Philmingo Jamison was charged with third-degree murder and subsequently sentenced to 20 to 40 years in prison. In 2011, he was successful in reversing that conviction and accepted a plea for 10 to 20 years, making him immediately eligible for parole. Three years later, Philmingo still seeks parole, redemption, and to serve as an example of what self-rehabilitation looks like.

### Who is Philmingo?

I'm a social person who does my best to understand people and stand for what's right. I deal with honest and objective outlooks on things, which leads me to first apologize to the victim's family and the community at large. To date, I have served 13 years following three parole denials, although no amount of time served in prison can equate to the loss of life. My purpose is to gain my freedom so that I can guide my daughter as she enters her teenage years.

### Three denials! Why does the Parole Board continue to deny you?

Yeah, three times. It's been very disappointing because of all the effort I put forth to change. I am simply not the same man I once was. The board stated "risk to community" as its reason for denial. Taking into account my prior criminal history, I understand that. But, I believe my prison adjustment and accomplishments are factors the board should also take into consideration. The board has an outside-looking-in approach to parole interviews. I feel that institutional staff (work supervisors, teachers) should have an input on who an individual reflects to be on a day-to-day basis.

### Phil, you were arrested for murder as a teen, convicted of a murder as an adult and even caught an assault charge during this sentence. The Board must protect society and your history shows a violent nature.

I agree that my criminal past could lead the board to conclude I pose a risk if released. My past reflects the mentality I had while engulfed in the streets. But, I've grown and educated myself as a man. I no longer look at life and the world in the narrow manner I once did. There comes a point when an individual has to be afforded the opportunity to solidify the work and accomplishments they've done while in prison. The accomplishments a person attains and the development of who they've grown to be should be used to rebut their past. I'm done hurting people, I only want to help and heal.

### What are your plans after release?

I have created a company called Concrete Dreams, Inc., in which I hope to establish transitional/supportive liv-

*(See Walking the Yard, continued on page 16)*

## "TRANSNATION" SOCIETY

by Padge-Victoria Windslowe  
#842933, Riverside Correctional Facility (Philadelphia)

It all started with my unauthorized practice of medicine three years ago, when my world came crashing down. For now, the world tells me that I've killed a fellow human being by what I did. It's sad...so painfully sad. How can this be? Me, a murderer. I've never even felt comfortable killing a pesky old bug.

It was the silicone injection that caused an embolism and ended that too beautiful, sweet Claudia's life. I don't know how it could have happened. My friends and I have had this same procedure done time after time over the last 22 years with no ill effect.

You see, I was born a transgender person. That's when a person is born one sex but feels with every fiber in them that they are the other sex.

Ironically, my first 22 years of life was like a prison cell itself. A prison of the mind I would say. That is why transgender male-to-females started the practice of silicone injections in order to re-sculpt the body in hopes of trying to camouflage the secondary male features and characteristics in order to feel more comfortable in one's own skin.

[\(See Transnation, continued on page 17\)](#)

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## ANYONE ELSE SHARE MY STORY?

Zachary Spada, KF-6782, SCI Houtzdale

I recognize and fall victim to the manifest injustice of our legal system. Although my case is not to the extreme magnitude of a life without parole case, for my family it may feel as much as that. On September 29, 2010, I had an argument with a 16-year-old female neighbor. I was 19 and had recently been released from Cresson Secure Treatment Unit Juvenile Placement. I made no physical contact with her and thought nothing of the verbal altercation. However, about 30 minutes later, the Erie Police were at my house and Cpl. Matthew Williams was charging me with indecent assault. I was not arrested and was released on my own recognizance, on bond. Even though only she and her friend were present, her mother and her friend's mother both testified that I attacked her in a sexual manner. I am also in prison for two unrelated dockets and am serving a 22 to 84 month sentence. This was my first time in trouble as an adult. I applied for a public defender and received what many refer to as a "public pretender." I had a few brief conversations with him, but during my preliminary hearing — which he waived — he advised me to get an assessment from a sex offender specialist. I never did get that. He negotiated my plea to be a M3 Harassment by Communication. On October 13, 2011, I was sentenced *in absentia* due to my father having car problems. I was only about 10 minutes

[\(See Anyone Else?, continued on page 15\)](#)

## GOODBYE FOR NOW

by Robert M. Miller, KS-7065, SCI Frackville

Mr. Torrey Real (EL-1916) was happily paroled this past May. Many of us have read his submissions, filled with wisdom and empathy, to *Graterfriends* and other publications. He has touched the lives of many readers through his words of inspiration. Two of those inspired include me and a friend, particularly his September 2013 article called "Poetry in Motion" (page 10). If it were not for Mr. Real showing me his name in a newsletter, I would still be writing not much more than a few letters and inmate request slips to staff — quite badly, I might add.

I was once told of an old proverb: "When the student is ready, the teacher will appear." Mr. Real knew I was searching for a way to develop my mind and skills after I asked about the education department in the prison. And from a simple conversation in the prison barber shop, we began a student/teacher relationship, which turned into a friendship. I'm certainly glad we talked, because my willingness to accept his help has changed my life. So, don't judge others too soon, as I did Real, wondering why he was so willing to help. You may pass up the opportunity you're looking for. When I asked him why he decided to help me with my re-education, he said, "I have the sword of omens, sight beyond sight, and you got potential."

I was fortunate to have had the opportunity to build a friendship with Mr. Real, based on respect and intellectual nurturing, albeit the place and situation were not ideal. I can still hear him saying, "That's all you got done today? I know you can do better."

The two greatest things Real has taught me are: 1. How to truly think for myself, have my own opinion, and a sound reasoning backing my position with the ability to argue my opinion; and 2. How to follow the bread crumbs to the answer I seek.

He is certainly deserving of the opportunity of parole, and there is no need to wish him luck, but I want to thank him again for the mental adjustment and intellectual path he started me on.

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## Dad's Honor, continued from page 1

me so much, which makes you an outstanding child, and a new wife.

I am in awe and filled with wonder at what you've become and are becoming. My heart melts at your beauty set before us on this spectacular day. I'm truly humbled and honored to celebrate every minute of this eventful day with both you and your betrothed, and all of our *familia*, on this day of days.



# Legislative Highlights

by Katy Morton, Intern and Ann Schwartzman, Executive Director

The Pennsylvania General Assembly is in session for a limited schedule this fall. Below are criminal justice bills that may be moving through the legislative process. Please check for more details on the [Prisoner Reentry Network](#). Please note that these bills are current as of October 7, 2014.

BILL NO. PRINTER NO.	DESCRIPTION	CHIEF SPONSOR	PPS POSITION
HB 1091 PN 3193	New mandatory minimum sentence of two years for any person who possesses a firearm and is not the lawful owner of that firearm. The offense will be graded as a 3rd degree felony, and a person convicted will not be eligible for parole, probation, work release or furlough. <b>(In House: First Consideration 10/6/14 [Vote 171 to 26.] Also, see SB301 below.</b>	Rep. J. Taylor R-Philadelphia Cty.	Oppose
HB 1498 PN 3690	Creates a five-year mandatory minimum sentence for felons who illegally possess firearms. Designates this crime as a "crime of violence," triggering a second strike (10-year mandatory) and third strike (25-year mandatory). <b>(Passed House on 6/9/14 by 184-1; Referred to Senate Judiciary on 6/20/14)</b>	Rep. T. Stephens R-Montgomery Cty.	Oppose
HB 2134 PN 3268	Amends the Crime Victims Act, further providing for costs. Would significantly increase the minimum penalty cost from \$60 to \$110 for a person who is convicted of a crime or is placed in a diversionary program. Incarcerated individuals are required to pay this penalty before eligible for parole. <b>(Referred to Senate Judiciary 9/30/14)</b>	Rep. K. Masser R-Columbia, Montour, and Northumberland counties	Oppose
HB 2383 PN 3825	Amends Title 42 of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for personal earnings exempt from process; and, in sentencing, further providing for payment of court costs, restitution and fines. Would allow for the sentencing judge to order a wage attachment of up to 25 percent of the defendant's earnings to be used for restitution, fines, or court costs. <b>(Third consideration and final passage, 10/6/14 (197-0) [House])</b>	Rep. M. Toepel R- Montgomery Cty.	Oppose
HB 2385 PN 3827	Amends Title 42 of the Pennsylvania Consolidated Statutes, in bonds and recognizances, further providing for bail to be governed by general rules. Would allow for cash bail paid by — or on behalf of — a defendant that would normally be returned, to be diverted to pay any outstanding fines or fees owed by the defendant. <b>(Referred to Senate Judiciary 9/30/14)</b>	Rep. S. M. Delozier R-Cumberland Cty.	Oppose
HB 2413 PN 3914	An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, prohibiting eligibility for individuals convicted of drug distribution. <b>(Referred to Health 7/22/14)</b>	Rep. M. Regan R-Cumberland and York counties	Oppose
SB 801 PN 841	Amends Title 18 of the Pennsylvania Consolidated Statutes, further providing for the offense of carrying firearms on public streets or public property in Philadelphia. This legislation would impose mandatory minimums for this offense and increase the offense from a misdemeanor to a third-degree felony). <b>(Remarks: see Senate Journal Page 325), April 8, 2013 [Senate]. Also, see HB 1091 above.</b>	Sen. L. M. Farnese D-Philadelphia Cty.	Oppose

## IN MEMORIAM: PRISON REFORM ADVOCATES

**MARIE JEANETTE DEWALT WILSON (1932-2014) AND FLOYD LEE WILSON, SR. (1930-2014)**

*Tribute by Dianna Hollis, President of the Lobbyist Coalition, Inc.*

Several months ago I was informed that Floyd Lee and Marie Jeanette Dewalt Wilson had passed away, just a few weeks apart. I was shocked and deeply saddened to receive this news. I had spoken to Marie several months prior and was aware of Floyd's declining physical health, but had no idea that her own health was waning.

My heart remained heavy with this news so I contacted their son, Floyd Wilson, Jr., (AM-1890, SCI Graterford), who my husband Douglas and I have known for many years, to express our sympathies. At my request, Floyd Jr. provided me with some personal information to include in this memorial.

Floyd Sr., a native of Alabama, was born December 7, 1930, and passed away February 9, 2014, in their home in Philadelphia. He was a veteran of the U.S. Marine Corp. and served in the Korean War.

Marie was born November 28, 1932, and passed away March 6, 2014, in their home in Philadelphia. She was a native of Lebanon, Pennsylvania. The couple met and married in 1956, and were together for over 57 years.

As a result of their son's incarceration as a life-sentenced inmate, the couple was one of the earliest supporters of Parole Eligibility for Lifers. In the 1980s, they became involved with the organization Pennsylvania Citizens for the Rehabilitation of Errants (PA CURE), meeting Lois Williamson, PA CURE's President, at her annual rallies at the Harrisburg Capitol. Lois and Marie soon became a "team," traveling to prisons throughout the state, meeting with inmates and staff to address concerns. They also lobbied legislators regarding the Parole Eligibility for Lifers issue.

Pennsylvania Prison Society Executive Director Ann Schwartzman said, "I remember back in the late 1980s when they helped launch work on lifers with families. They were wonderful and a great force. They will be greatly missed!"

Angus Love, Esq., Executive Director of the Pennsylvania Institutional Law Project, who attended the rallies, said, "No one worked longer or harder to improve the plight of our most vulnerable citizens. I was very fortunate to know and work with them. They will be missed."

In the 1980s, as a result of my husband, Douglas' incarceration, I started to attend PA CURE's annual rallies. It is there that I met Lois, a dynamic, passion-

ate prison reform advocate, and the Wilsons. Marie, a petite, "feisty" woman; Floyd, Sr., a quiet, handsome man, who videotaped the event. After Lois' untimely death, I was elected President, serving for eight years, continuing to hold annual rallies that were televised on PCN-TV.

The Wilsons continued to attend my rallies, traveling from Philadelphia, spending the night before in Harrisburg. I presented the first Lois Williamson Memorial Award to Marie. Charles and Pauline Sullivan, the founders of National CURE, traveled from Washington, D.C., to attend the rallies. In hearing about the Wilsons' death, the Sullivans stated, "Floyd would be taping the rally and he would later mail us a copy. They were very close and we felt close to them."

After resigning from PA CURE, I became involved in, and was elected President of the Lobbyist Coalition, Inc. (LCF). Marie and Floyd did continue to attend our LCF meetings and LCF rallies in Harrisburg for as long as they could. Our lobbyist Ernest D. Preate, Jr., Esq., stated, "They were wonderful people, compassionate people, dedicated to the cause of justice."

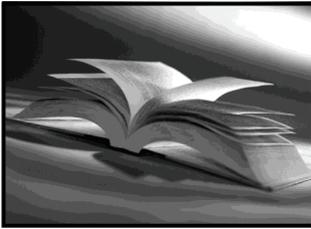
In Floyd Jr.'s own words: "As lifers, we prepare ourselves for the reality of losing family and loved ones. Miller shined a bright Light of hope, so I did have the blessing of them believing I would get out of prison."

Marie and Floyd, rest in peace, knowing that we have not given up on your battle.

### Update on CFCF incident

You may have heard that representatives from local advocacy groups allegedly witnessed a CO beating a prisoner at Curran-Fromhold Correctional Center (CFCF) in Philadelphia.

We are aware of this incident and a local legal organization is investigating it further. We will publish more information once we have it.



## Literary Corner

### THERE IS A DIFFERENCE...

by Steve Bloom

. . . between being opposed to war  
and being a soldier in a war. This,  
allow me to suggest, is not hard even  
for those of us who have never been soldiers  
to imagine.

There is also a difference  
between being opposed to prisons  
and being an inmate in a prison,  
something most of us who have never  
been inmates can, it seems likely,  
imagine too  
without much difficulty.

What I had never imagined  
until today, however, is the difference  
between being opposed to prisons and  
simply paying a visit to one.

Walk through the razor wire for yourself,  
however, as I did, this morning (for the first time),  
feel what it is like to observe just a fraction  
of the regulations, for only a few hours,  
that residents of this edifice are expected  
to abide by strictly, twenty-four hours each  
and every day, some  
for the rest of their lives.

And I believe that you, too, will find yourself  
searching for words that might, somehow,  
help us to comprehend.

### LADY LIFERS

by Diane Hamill Metzger, OO-5634, SCI Muncy

Lady lifers, we sometimes meet out in the yard,  
Just to share all the things on our minds,  
For the time is so lonely, the road is so long,  
And the mountain is so hard to climb.

So we look back at decades, just waiting to live,  
And we wonder if now it's too late,  
For our spirits are weary, our bodies grow old,  
And the world makes us feel out of date.

When we first got this sentence, our outlook was skewed,  
Our young minds were still so immature,  
And not one of us knew that one grievous mistake  
Would decree we'd be free nevermore.

Let the sweet bells of freedom ring out loud and clear,  
Let us all come and join in the dance.  
We're your mothers, your daughters, your sisters,  
your friends;  
Don't you think we deserve one more chance?

Let us lead by example, let us share with the world,  
All the wisdom we've gained through the years.  
We're PA's lady lifers, near 200 strong,  
Stand and help us to dry all our tears.

### TRIBULATIONS OF AN IMPOSTER

by Gordon Puba Davis, JE-3620, SCI Somerset

An interception of perfection without purity of the taker cannot enhance its' intended use. A struggle will commence within the properties of the holder, because without the proper guidance or the common sense to know how it performs, the taker will eventually break down its own barriers due to the lack of commitment to understand. To be able to perceive this, one must not be frail to the hideous acts of ignorance, and must instead be willing to marry intelligence with morale. A glorified intellect cannot preclude wisdom without judgment, for knowledge means nothing without understanding. The mere threat of contamination to the core of the body can deteriorate and cause the diamond to lose its shine, therefore causing the blade of the Katana Sword to become dull. One must surround himself with great minds of his like to become greater and expand into a far deeper realm imaginable. Otherwise, he will remain in the pits and be damned to the blackness of the blind. I vow to take control of my inner pupil and to allow the eye of knowledge to flow throughout my veins, filling my heart and brain with healthy injections of philosophical purpose.



## Bookcase

### LOVE AND LOYALTY PUBLICATIONS

by Norman C. Manuel, GH-5013, SCI Fayette

I am currently incarcerated at SCI Fayette, where I am serving an 11 to 22 year sentence. I began writing as a way to take my mind away from the everyday boring routine of prison life. Instead of going the traditional publishing route, I, along with my wife, started Love and Loyalty Publications. The goal of our company is to show love and loyalty to our customers by consistently releasing exciting and fresh urban fiction novels for readers to enjoy.

*My Brother's Keeper* by N.C. Manuel is the first book in a six-book series. It was officially released at the National Black Book Festival in Houston, Texas alongside authors, Walter Mosley, Eric Jerome Dickey, Wahuda Clark, and many other amazing black authors. *My Brother's Keeper* is a story about two young males raised as brothers until one moves across town with his grandmother to a rival neighborhood. It is then their brotherhood is tested. This book will take you on a journey through the slums of Pittsburgh, PA and show you there's more to the Steel City than just the Steelers, Penguins, and Pirates.

*Destiny's Intertwined* is the second book in the My Brothers series. It is the prequel to *My Brother's Revenge* and is a compelling tale about a young lady name Tiffany growing up in the ghetto. She and her older sister are faced with extreme adversity and are forced to do whatever it takes to survive. While on the other side of town a young man name Quincy, aka H, is going on a similar journey, and in the end you will discover if or how their destinies intertwined.

*My Brother's Keeper* and *Destiny's Intertwined* are both available through Love and Loyalty Publications for \$15.00 a book and free shipping and handling for inmates. Orders can be placed through [www.loveandloyaltypublications.net](http://www.loveandloyaltypublications.net) or by mail at:

Love and Loyalty Publications  
P.O. Box 27024  
Pittsburgh, PA 15235

Both books may also be purchased at Amazon.com; *My Brother's Keeper* is only available on Kindle, and *Destiny's Intertwined* is available on Kindle and in paperback. We can also be contacted at [loveandloyaltypublications@yahoo.com](mailto:loveandloyaltypublications@yahoo.com), and [facebook.com/loveandloyaltypublications](https://www.facebook.com/loveandloyaltypublications).

### A REVIEW OF PIEFACE PHOENIX RISING

by Jamal B. Johnson JP-4736, SCI Smithfield

After years of reading urban novels, it has been a while since I've been completely captivated by one. However, after reading *Pieface Phoenix Rising*, the only thing I wanted to do was read it again.

I can't introduce all the details, I can only say that if you want an excellent urban novel, order yourself a copy of *Pieface Phoenix Rising* at the address below, or ask a loved one to order online at [DYOBInternational.com](http://DYOBInternational.com)

Dy'OB International Publishing  
PO Box 4202  
Cedar Hill, TX 75106-4202

Get it and prepare to strap in for a hair-raising ride through the city of Pittsburgh, full of twists, turns and mind-blowing plots. You won't be disappointed!

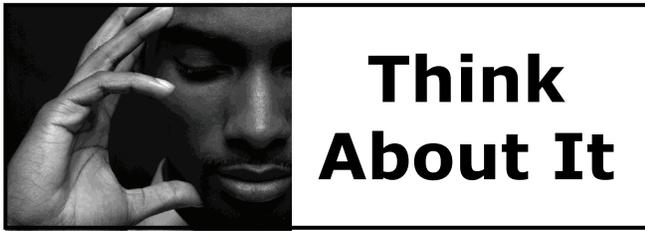
### NEW BOOK FROM JOHN GRIFFIN: SEQUENCE OF PROTOCOL

from book promotional items

In the mid-1960s and early 1970s, some of the most dangerous and ruthless young black men from the brutal streets of Philadelphia formed an alliance within the Nation of Islam's Mosque Number 12. Believing wholeheartedly in the teachings of Elijah Muhammed and his vision of self-sufficiency, they saw themselves as pioneers of a new black nation. Committed to do whatever was necessary including becoming involved in organized crime, they put themselves and others at risk to advance what they believed was in the best interest of such a nation. Although the police referred to them as the "Black Mafia," and the FBI called them a hate group and black revolutionaries in suits, to each other, they were simply "The Brothers."

To place an order for *Sequence of Protocol*, please write to:

Black & Nobel Book Store  
1409 W. Erie Ave.  
Philadelphia, PA 19140  
215-965-1559  
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## Think About It

### WE NEED TO WORK TOGETHER

by Michael Heberlig, GB-3167, SCI Somerset

Is it really that hard for people to get along and love others as you would yourself? On the streets and in prison, we treat each other with such a lack of respect. It's extremely sad, and most times it is because of the color of our skin. From the founding of this country it has been that way. We look at each other with such contempt, but often we share the same problems.

White, black, brown — they are only skin colors, they do not make a person. So, why is it such an issue? In a book by Ted Allen called *Slavery and the Origins of Racism*, Allen writes, "Up to the 1680s, little distinction was made in the status of blacks and English and other Europeans held in involuntary solitude. Contrary to common belief, the status of blacks in the first seven years of the Virginia colony was not that of racial, lifelong hereditary slavery, and the majority of the whites who came were not free. Black and white servants intermarried, escaped together, and rebelled together."

Like-minded people in the same plight coming together regardless of skin color — why can't this happen in prison? I have white skin, yet my family tree has African-American, French-Canadian, German, Irish, and Czechoslovakian blood running through it.

What is racism? I say it is ignorance, stupidity, fear, jealousy, hatred — all of these — trying to keep one down because of the color of their skin. What are we going to do to stop it? Or, are we the ones adding fuel to the fire?

In the book *No Surrender*, David Gilbert wrote, "It's time to recognize that the situation in our prisons is a significant piece in the whole picture and an important place to raise the challenge; who are the real criminals, and what are the humane terms for successfully responding to the crisis and dislocation in this society?" Prison life won't ever change if the authority won't set an example by acting according to moral principles, or humane conduct of abiding the law.

The pettiness and arbitrariness of prisons can drive you crazy. With such varied conduct from the guards, the incessant message to the inmate is that you have no control over even the most minute aspect of your life; rather, everything you do must be dependent upon the decision of those in authority.

Are prisoners today less socially conscious? We are witnessing a serious erosion in the old convict codes of mutual support and against snitching. There is less con-

sciousness of the need to deal with racism and racial divisions. Where is our solidarity? There was a time when inmates would look out for each other in a way that the guards would not dare take advantage of someone for fear of the whole population. This respect could be shown without violence.

Snitching has always been an issue, and today it has reached a new level. Anything discussed by two or more inmates will immediately be known to the administration. Some snitches are so bold as to tell you what they are for no fear of retaliation toward them.

The perception among prison activists is that any efforts to develop effective and positive programs will be broken up before they get started. While positive organizing seems impossible, the spontaneous response of inmates (given the changes in values) in any crisis are very unpredictable and likely to be negative. How can we change the values of prisoners that will offer less fruitless violence and the prospect for positive change? Enough is enough! Let's stand together! Is it too much to ask for a better way of life while incarcerated?

Brothers and sisters, it is that time. All we have now is our word and dignity. What can we accomplish if we try as a unified group? We need change.

## Please Remember our Submission Guidelines

Because *Graterfriends* is published less often but with more pages than in the past, we ask that you please follow the guidelines ([see Page Two](#)) regarding submissions. This will allow us to be more efficient while including as many articles as possible. Thank you.

These guidelines include:

- Letters more than one page in length (200 words) **will not** be published in their entirety in Mailroom or Legal Chat Room, and may be considered for another column. All columns should be no more than 500 words, or two double-spaced pages.
- To protect *Graterfriends* from copyright infringement, please attach a letter stating, or note on your submission, that you are the original author of the work submitted for publication; date and sign the declaration. **If we do not receive permission to print your submission, it will not be published.**

**SORNA, continued from page 7**

Pa. Super. 74 (Pa. Super. Ct. 2014) had been notified that he was required to register as a result of his 2010 guilty plea to the charge of corruption of a minor graded as a first-degree misdemeanor. The commonwealth appealed a trial court's order granting the defendant's petition to enjoin (prevent) Sampolski from being required to register pursuant to SORNA. The Commonwealth argued on appeal that, because Sampolski plead guilty to corruption of minors for a sexual offense, his crime was equivalent to one of the offenses specifically listed in SORNA, specifically the crime of corruption of minors now graded as a third-degree felony. The Pennsylvania Superior Court agreed with the trial court that Sampolski was not required to register. The court held that contrary to the argument advanced by the commonwealth, the former and current corruption of minors offenses are not equivalent crimes and Sampolski should not be required to register under SORNA.

What steps do you take if you were notified that you must register pursuant to SORNA based upon a conviction for corruption of minors that was graded as a first-degree misdemeanor? Contact your attorney or the public defender of your committing county to help you. If you must act without assistance of counsel, file a petition with your sentencing judge seeking to enjoin further requirements to register, attach a copy of this article and ask for appointment of counsel to help you advance your argument. I have personally had success filing for clients what I titled "Motion to Confirm Defendant is not Required to Register under SORNA". Regardless of the title of the petition or motion, the order signed by the court enjoining registration must be distributed to the Megan's Law section of the PSP.

Using the Post Conviction Relief Act (PCRA) for this argument has had mixed results. There are a growing number of appellate court decisions that have held that attempting to challenge reporting requirements pursuant to SORNA is not a cognizable claim for PCRA relief. See *Commonwealth v. Partee*, 86 A.3d 245 (Pa. Super. Ct. 2014) and *Commonwealth v. Jones*, 204 PA Super 109 (Pa. Super. Ct. 2014).

**Dare, continued from page 8**

with one another as we reach out to the outside world for assistance in our many struggles as prisoners. In the process we are trying to show the community our true humanity as men, and our ultimate worth. We want the world to know that the prison experience has not stunted our growth, and that many of us have taken the time to grow into true communal assets. However, without eventual support from the community, our efforts will not be able to reach intended goals. We really are attempting to transform the men around us out of the street mentality toward a communal mentality. We want to transform our residential spaces back into communities. Communities possess spiritual connections, love, concern, institutions that cater to our needs, organized leadership, political direction, and a cultural sense of identity. We need to bring all of this back to our neighborhoods because things are truly out of hand. Thus, it is important that we use all the resources at our disposal to correct what is taking place.

Programs like this are vital at this time because cities throughout the country are cutting funding for education and recreation on a daily basis. We need to tap into all available resources to save ourselves from destruction. We are family men who care very much about our communities, so we feel as though it is a part of our responsibility to do what is necessary to save our families and other loved ones from destruction. The American government and her corporate allies have not been able to give us the tools needed to prevent destruction, so what do we do? It is time for "we the people" to come together and save ourselves. Although we are prisoners, we're still connected to the world through spirit and our humanity, so help us help you! Many of us have spent several years studying and preparing for the opportunity to contribute to the struggle for justice and freedom, so come see what we have to offer. You might be surprised by the level of commitment, love, and devotion that we devote to this cause. Through working together to save our youth, we're really saving our future!

**Anyone Else?, continued from page 9**

late, but counsel had already vacated the courtroom. Then, as I was in county, the lawyer filed a Notice of Appeal and failed to file a brief in my appeal. The DOC deemed me in need of High Intensity Sex Offender Treatment. I saw the Hearing Examiner for Parole and am due to receive my hit soon. I've done research on possible claims to raise in Commonwealth Court to contest the Parole Board. One case of interest is *Renchenski v. Williams*, 622 F. 3d 315, 326 C3d Cir. 2010 ("We agree that only after a prisoner has received due process may sex offender conditions be imposed on an inmate who has not been convicted of a sex offense."). Another argument is that statutorily, under 42 PA C.S. A. S. 9718.1ca, *et sea*, I am not mandated treatment.

Has anyone had any luck with these claims? I will keep fighting for what is truly just and believe that nearly half of this department has been a victim of some injustice and that injustice resulted in an excessive sentence.

### Walking the Yard, continued from page 8

ing centers. Through these centers we intend to assist ex-cons and those in need of gaining employment. We will also have a youth-based program called Freedom to Dream, where we occupy youth with challenging tasks in business related projects, informative discussion on college, career choices, and character-developing workshops. It's my opinion that an ex-con's experiences are the best credentials to provide the youth with a realistic and valid outlook on what the street culture entails.

#### **What do you believe is wrong with the criminal justice system? What needs to change?**

Prisons across the U.S. are filled with dysfunctional people who are ingrained with the street mentality and criminal thinking. Incarceration alone does not push a person to change the thinking that led them to prison. The criminal justice system must emphasize education and provide effective programs that give people a realistic alternative to surviving lawfully in society. Programs that teach self-responsibility, problem-solving, critical-thinking, and social skills are very much needed.

#### **It's been reported that Pennsylvania's Justice Reinvestment Initiative legislation, which was supposed to reduce prison costs, has failed. Your thoughts?**

It was designed to redirect money saved from the decrease in the prison population. The key component — how to decrease the population — wasn't thought out and put into action. The most important aspect of the process — reentry — was listed to receive the least amount of the projected savings (four percent for reentry v. 43 percent for local police grants). The focus is in reverse: lock-up first and successful release last.

#### **Any advice for people just coming to prison and/or their supporters?**

Seek to pinpoint what you want out of life first, then devise a realistic plan to attain all the tools to help you do so. Utilize your time to learn, grow, and adapt healthy habits. For anyone in support of a person in prison, strive to keep a valid line of communication and encourage them to take advantage of the opportunities available to them.

*Shuja Moore is a writer and aspiring community organizer/activist. He committed the terrible crime of murder 9.5 years ago, and now he is committed to stopping youth from making the same choices and mistakes.*

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**Page 18.**

### Mind, continued from page 1

had learned bad habits, I could also learn to avoid destructive behavior, leaving behind my troublesome qualities.

It takes experience in order to grow into a man; and a man is a good father, and a good son. What good are we to our children if we continue to ignore the consequences of our offenses? During our incarceration, sometimes for years at a time, we are unable to support multiple children that we father irresponsibly with various women. We would rather our child-bearers support not only our children, but us while we are in prison. We demand that our parents and families burden themselves financially in order for us to live more comfortably in prison.

Yet, we claim to be good men, because we're as tough as they come, our pride is large, and for respect some would die. We risk even the restricted freedoms and privileges inside the institution out of sheer ignorance, selfishness, and for a cause of absolutely no meaning. The truth is that we lack self-discipline, self-control, and respect for others. We should be asking ourselves if we are truly prepared to fit in with society.

We have a duty to better and further educate ourselves in order to rise out of the dark existence that has plagued the minds of the past and present generations that have influenced us. The criminal opportunistic mentality in so many communities has given rise to the acceptance of the gang and thug life ideology, as if coming to prison were a normal part of life. What's more surprising is that many of us fail to realize that if we cannot help but better ourselves, we cannot by any means help those, like our children, who need us most.

So many of us under imprisonment lack the understanding of delaying gratification, a concept requiring self-discipline. Several contributing factors weigh heavily on the decision-making of the criminal mind. For starters is the lack of an education, but most important are the elements surrounding the parenting one receives as a child. Without self-discipline, we have become reckless. With no structure to follow, we live life carelessly.

Self-discipline is what most successful people in life practice, because they were taught at an early stage in life and it carried over into adulthood. For the majority of us who were raised in dysfunctional atmospheres, the teachings of self-discipline and delaying gratification were probably missed. I personally know that it is a rough road for the adult male to teach himself the ideals of self-discipline. It is extremely difficult, but not impossible.

For the sake of our children and our families, we must take responsibility for our destructive behavior and our flaws that lead us down the path of destruction. We should reflect upon our past in order to find our strengths, and work on our weaknesses. We must teach our young ones what we weren't taught. We must set an example of what not to be, and show who we have the potential to become. But first we must understand that in the mind and in our way of thinking is where change can begin.

**Transnation, continued from page 9**

Silicone injections started in the early 1960s with a physician named Dr. Westler in New York City. It was a godsend to the transgender community. Contrary to many thoughts, however, it's not nearly about just appearances, beauty, and vanity. It is also a means of protection. To be a boy who feels and wants to be perceived as a girl, means to undertake living the life of a girl 24/7.

So, if you want to be successful in this endeavor, you better look like a girl or you could live a life of ridicule and hate as a man in women's clothes. Take the tragic death of a transgender in Philadelphia, Miss Nzia Morris, who was found brutally murdered at 15<sup>th</sup> and Walnut streets in December 2002.

Perhaps some day there will be no need for such a barbaric, dangerous, and deadly practice. In a world where parents can better identify this condition in their children and direct them on the right path for success in life.

But it will take proper health care to make proper transitioning into the desired body image. Thus, my vision for an established society for the transchild is born today on this three-year anniversary of the late Claudia Seye Aderotomi of London, England.

Let me tell you about my vision and goal of the Transnation Society. It's a place where rules and regulations are instilled in a proper road map for success in life as this somewhat third gender on Earth; A proper environment where the young transgender can come and grow from with all the proper care and guidance to lead him or her into mainstream society.

It would be a place to live and be educated in a first-class environment of comfort, which would give a person a level playing field to build a productive and healthy life for entry into mainstream society. A life without having to resort to the vices that today's transchild usually faces when left to find his or her own way in a world where

there is no road map to success as a transgender being other than the underworld of prostitution, drug addiction, and the many other illegal enterprises waiting for such an easily influenced mind.

This place I speak of can and will be a place where parents send their child to be nurtured, mentored in ways that only others born with such a uniqueness could share life's experiences and pains, so as to avoid yet another generation of transgender to repeat our mistakes. This institution will usher forth a new society of future transgender politicians, scientists, lawyers, judges, artists, and more. It will be a society where there is no shame to have been born a transgendered child.

My parents were young and just as confused as I was, but didn't have a clue as how to handle a situation such as mine. What a blessing it would have been to have had placement like this in order to help give me guidance into the world into which I was born.

This institution shall be the birthright of all transgender children of the world to come, play, grow, learn, live, and be groomed into some of the world's finest citizens. A place where they could receive the proper medical care — physical and mental.

Europe has these very places, but they are for the wealthy. Boarding schools such as Eaton Hall and Cambridge. Why can there not be a place like this for people like the transgender children of the world?

I see so many missed opportunities in the transgender community, untapped potential that has fallen by the wayside to the prison system here in Philadelphia. All the beautiful boys and girls lost with no real guidance or direction. All because they were born into a world that sees them as nothing more than freaks of nature. But I see an end to the transchild falling through the cracks of society. If only you would lend a helping hand to help me and my people through the creation of such a venture here in Philadelphia.

**We thank you, our members, donors, and subscribers, for your patience and understanding over the past year. Thanks to your dedication, we continue to offer services to incarcerated individuals, returning citizens, and their families. We are enacting a plan that we hope will help us publish our newsletters in a more timely fashion.**

**Overtured Conviction, continued from page 20**

only did the witnesses provide conflicting details, but most importantly, none of them mentioned anything about the real perpetrator: Ronnie Byrd, a then 39 year old convicted felon whose DNA was identified as that collected from the victim at autopsy.

Wright testified in his own defense, telling the jury that he worked at his full-time construction job on the day of the crime and later went to a night club. His mother also testified that the clothes the police claimed that Wright wore were not her son's and were not seized from her home. Wright was convicted of rape and murder, narrowly escaping the death penalty by a 7 to 5 vote of the jury.

Wright obtained the help of the Innocence Project, which sought to conduct DNA testing of the crime scene evidence. The former Philadelphia District Attorney objected to the testing for more than five years, and the case eventually went to the Pennsylvania Supreme Court, which sent the case back to the lower court for a new hearing on DNA testing in 2011. At that point, new District Attorney Seth Williams agreed to permit testing. The testing of the rape kit identified DNA that excluded Wright as the source, and was then identified as Byrd's. Byrd was twice the age of Wright and almost half the age of the victim at the time of the crime and had a long criminal record, which included crimes in and around Philadelphia. Byrd died in South Carolina in early 2013 and was never able to be questioned about the crime or prosecuted for it.

What's more, DNA testing of the clothes police claimed were worn by Wright to the victim's home the night of the murder demonstrate that the clothing did not belong to Wright but in fact had been worn by the victim.

"We are pleased District Attorney Seth Williams has agreed that Mr. Wright is, at a minimum, entitled to a new trial," said Samuel Silver of Schnader Harrison Segal & Lewis LLP, co-counsel for Wright and Pennsylvania Innocence Project board member. "Given the proof of innocence that the DNA testing has provided, we're hopeful that that the District Attorney's office will quickly decide that no retrial is necessary and finally put an end to this miscarriage of justice."

Wright was surrounded by his relatives when he received the news in court today that his conviction was reversed. The case was adjourned to give the district attorney's office time to conduct further investigation and decide whether it intends to retry Wright for the crime.

In addition to Neufeld and Silver, Wright is represented by Nina Morrison of the Innocence Project and Rebecca Lacher of Schnader.

*From a press release posted on The Innocence Project website. For more information, go to [www.innocenceproject.org](http://www.innocenceproject.org).*

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## How to File a Complaint at the FCC for Prison Phone Call Charges that are Too High

If you have been charged too much for a phone call to a prison, jail, or detention center, you may want to file a complaint. If your call was between two states, you can complain to the Federal Communications Commission. How high is “too high”? In federal prisons, over 25 cents for collect calls or 21 cents for debit or prepaid calls

If you have a complaint about in-state calls, you need to contact your state regulators. In Pennsylvania, please contact:

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PO Box 3265  
Harrisburg, PA 17105  
717-787-4301

To file a complaint at the Federal Communications Commission about prison phone rates, you can either telephone the FCC or you can file a complaint online. To telephone the FCC, call 1-888-225-5322. The complaint form can be completed online or on paper. You can obtain copies of the form by calling the FCC.

To file your complaint, you will need:

- your telephone number
- the name of the phone company
- your account number
- the amount you believe you were overcharged.

### **Inmate Lawsuit, *continued from page 7***

that the trial court erred when it failed to allow Scott to amend the complaint after the DOC filed preliminary objections. Writing for the commonwealth court, Judge Brobson found in the trial court’s decision to deny Scott the opportunity to amend his complaint a “degree of unfairness” and a disregard of Scott’s rights. The commonwealth court further recognized that the trial court had erroneously accepted the DOC’s statements as fact, even though the trial court was required to accept the facts in Scott’s complaint when considering whether to dismiss a complaint based upon preliminary objections.

The commonwealth court acknowledged the accuracy of the trial court’s observation that state employees acting within the scope of their employment enjoy sovereign immunity protecting Pennsylvania officials and employees from civil liability. However, if a plaintiff such as Scott can show that the Pennsylvania employee was not acting within his scope of employment, that employee will not be protected by sovereign immunity, and the employee is subject to individual liability.

In Scott’s case, the commonwealth court found that the trial court further erred when it accepted as true the DOC’s allegations both that the radio had been contraband and that the CO did not steal the radio. The commonwealth court reminded the trial court that the issue as to whether the CO had stolen the radio was a question for a jury. The commonwealth court further held that the trial court erred in granting the DOC’s preliminary objections because Scott had alleged that the CO did not take the radio for the purpose of serving his employer, but for personal reasons. If determined by the jury to be true, this fact would take the CO’s actions outside the umbrella protections of sovereign immunity.

The commonwealth court remanded the case to the trial court to allow Scott to file an amended complaint.

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## **COURT OVERTURNS THE CONVICTION OF A PHILADELPHIA MAN WHO HAS SERVED 23 YEARS FOR A MURDER DNA TESTING REVEALS WAS COMMITTED BY ANOTHER**

(PHILADELPHIA – September 22, 2014) With the consent of the Philadelphia District Attorney, a Court of Common Pleas judge today granted Anthony Wright’s motion to overturn his conviction. Wright served 23 years for a rape and murder that new DNA testing reveals was committed by another man with a long criminal history. In addition, DNA testing of clothing alleged by police to have been worn by Wright to commit the crime now shows that the clothes were not, in fact, his.

“The DNA evidence conclusively excludes Tony Wright as the source of all of the critical evidence from the scene, including sperm found inside this elderly victim,” said Peter Neufeld, Co-Director of the Innocence Project, which is affiliated with Cardozo School of Law. “By identifying another man as the real perpetrator — someone with no connection to Tony, and whom none of the prosecution’s witnesses ever mentioned in their statements— the DNA proves that the entire case against Tony was based on false evidence.”

Wright was convicted of the 1991 rape and murder of the 77-year-old North Philadelphia resident Louise Talley on June 8, 1993. Police claimed that after merely 14 minutes in custody, Wright voluntarily gave a full and complete signed confession to the crime. Wright, however, who was just 20 when he was arrested, has always maintained his innocence and testified that he only signed the alleged confession, which the police wrote out, after the interrogating detectives threatened him with bodily harm. Subsequent to securing the confession, police also claimed that they recovered from Wright’s home the bloody clothes Wright wore on the night of the crime. However, recent DNA testing reveals that the clothes were not worn by Wright and instead were the victim’s, which raises serious questions about where the police actually recovered the clothing.

All of the prosecution’s trial witnesses, two of whom were admitted crack dealers, claimed that Wright committed the crime alone, saying either that they saw him enter the victim’s home alone or that he described his actions to them. Not

[\(see Overturned Conviction, continued on page 18\)](#)