

Turning Point : The Newsletter of



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Rehabilitation of Errants
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From the Chair

by Hedy Harden

A Different Kind of Life

I wake up in the morning in my little cubbyhole, part of a room I share with another woman, and wonder how long I'll be here. Will I ever leave? Or will I die in this place? Many of us here ask these questions. After 37 years in my apartment and 4 hospitalizations this past year (2021), I find myself in this nursing home. I can't help comparing it to prison in some ways and find myself calling our room a cell.

My roommate is 95 years old and almost totally deaf. Not long ago she fell out of bed. I was sitting here in our room and heard her holler and then heard her fall. I took a look behind the curtain and then wheeled myself out to get help. She later said someone had been pointing a gun at her, and she "rolled out of bed like James Bond." It took me awhile to convince her it had to be a nightmare. Weeks later, her face is still hideously bruised. This morning she demanded that the aide "Get this purple off of my face!" She gets confused more often lately. Another time she said, "Tell my daughter to come get me. I want to go dancing!" Like most of us, she's in a wheelchair.

I have been diagnosed with bladder cancer and the pain is at its worst when I awake. It takes me a while to drag myself out of bed, get fresh clothes out of my closet, and make it to the bathroom. I've advanced to where I can go from the bed to the wheelchair, from the wheelchair to the toilet and back to the wheelchair (with help from a raised toilet seat).

I'm now able to dress myself most of the time despite an injured left shoulder.

(In March 2021) when I got my first COVID vaccination they shot me on the top of my left shoulder. I haven't been able to lift my left arm since...and I'm left-handed). I thought for a while it was

improving, but now it's getting worse—extremely painful throughout the entire area.

It seems practically all the black women here (and most of the white women) are mentally impaired, whether from dementia, mental

illness, or from just being here. I won't let myself brood about the possibility of that happening to me. I do and will continue to keep my mind active. I've dined with many of the women, at least, and they're mostly friendly. While unable to communicate well, a friendly smile goes a long way. But it's also important that I spend time with people I can communicate with, although I've become friendly with others of both races.

I try to get up by around 7:15 am. Breakfast is at 8 and people arrive early. Often it's hard to find a seat at my favorite table. Most meals are interrupted by loud arguing of residents, and often even louder yelling by staff. When George arrives in his wheelchair, he always makes a noisy and invasive entrance. He and a female aide can't seem to be in the same room without going at it, stealing all the peace out of the atmosphere.

Today when I reached the dining room they were taking a woman out who loudly insisted she hadn't peed in her pants, that someone else did it.

Rhoda is a black woman. One minute



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she'll be friendly, and the next time I see her she'll be evil. She rolls into other people's rooms, and seems to favor mine (I'm told it was her room two years ago). She lies and likes to steal things. There's almost no privacy here anyway, and I soon became traumatized by her presence and started to holler as soon as I'd see her coming into my space. But I've finally conquered that weakness and now do my best to be friendly. Since then she has mostly stopped coming into my room, or at least she'll leave if I ask her to. She's told me she is lonely and I'm sure she is, because nobody wants her to sit at their table.

The other day she rolled into my room. She was miserable. She asked me if I would help her to look like me

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*CURE is **NOT** a service organization. We are an all-volunteer non-profit criminal justice advocacy organization. **CURE has NO legal services -- please do NOT send legal papers.** If legal papers are sent, they will **not** be returned **nor** forwarded. **Any stamps or money (checks or money orders) sent will be processed as membership dues or donations.** We advocate for criminal justice reform, but we cannot take on individual cases.*

Mission Statement

CURE believes that prisons should be only for those who MUST be incarcerated and that prisons should only exist for the purposes of education and rehabilitation.

CURE is a membership organization. We work hard to provide our members with the information and tools necessary to help them understand the criminal justice system and to advocate for positive change.

DIFFERENT LIFE from page 1

(she always tells me I'm beautiful and that she loves me, except when she's having a really bad day). I looked at her and asked, "How old are you," figuring she was probably in her 60s. She said she is 36, and I knew she was confused. I told her I am 77 and she looked shocked. Right then an aide saw her and wheeled her out of here.

Yesterday her wheelchair broke, and she fell flat on her back in the dining room, hitting her head on the floor. I was there at the time but couldn't see her. I'm told everyone who did see started laughing. When they finally got her seated in another wheelchair, I was the only one who approached her to see how she was doing.

When I first came to this building on 6/28/21 I was on the first floor for rehab/therapy. On July 15 I was moved here to the second floor. My therapy stopped right around that time. I've been hospitalized once since I've been here, making a total of 4 times this year. On September 25 I was admitted to St. Mary's Hospital because of trouble breathing. They found fluid on my lungs due to my heart not working efficiently enough to get the fluid out. I was treated with IV diuretics, mainly, then brought back here on September 29.

I've been trying to conduct CURE business from here, but it's been difficult. I need my computer, and sometimes it's hard to access or get it to work. Or my condition interferes. But I keep trying.

Almost everyone wants to get out of here, but for most of us inmates it's highly unlikely. Some of the workers here are really great. One day Johnny, the lead man in the dining room, noticed I wasn't feeling well and asked me if I wanted to go to the hospital. When I said yes, he was able to convince the

staff to send me there. He knows what I'm going through and is always checking on me. He seems to know everyone up here, what they do and do not eat, and looks after us.

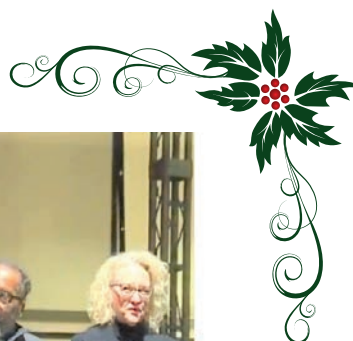
I started chemo and radiation on 12/5/21: Radiation is Monday through Friday for 4 weeks. Chemo is Monday and Thursday along with the radiation. I won't tell you it's painless, but the worst is the terrible weakness. I had a port installed in my chest, and before chemo they take blood through the port. Then they check my blood counts to make sure I can tolerate the chemo that day. The chemo doctor and the radiation doctor both will examine me at least once a week during the treatment period. I guess when this period is over (12/29) they'll do another CT scan and reassess. I'm also getting both physical and occupational therapy again here 3 times a week. Besides the radiating pain throughout my left shoulder area from the COVID shot, I'm now having extreme pain in my right shoulder and upper arm from overuse. The OT here says I need further diagnostics (either MRI or CT) of both shoulders and upper arms to see if anything else is going on, such as a tear. I wish I could have them do an MRI of my entire body so everyone would know what's going on. My knees are a real problem too. Besides the pervasive overall arthritis, my left knee/leg is misshapen. It's what has caused all the falls I've had in the past year or so. And now my right knee is even worse, giving me the blues. Standing just to pivot between the wheelchair and the bed or toilet causes excruciating pain in the knees.

It's Sunday night just after 8 pm so I need to get ready for bed. A long day awaits me in the morning. ❖

OUR THANKS TO OUR MEMBERS FOR THEIR PATIENCE AND CONTINUED SUPPORT

Missouri CURE wishes to thank everyone for being patient with the slow pace at which our affairs are being conducted at this time and we extend our gratitude to those who are doing so. Hedy's contributions to this organization are indispensable, but due to the Covid-19 Pandemic and her recent inability to fully participate in the day to day business of Missouri CURE, we are currently undergoing some significant disruptions. Our monthly meetings have been on hold and our workload has substantially increased. However, we are diligently working to get things back to normal and we are looking forward to resolving some of the problems we now are having real soon.

KEVIN STRICKLAND IS FINALLY RELEASED AND PARTICIPATES IN K.C. MAYOR'S CHRISTMAS TREE LIGHTING by Keith Brown El



Kevin Strickland Receiving a Very Warm Reception While on Stage with Mayor Quinton Lucas and Crown Center President Stacey Paine. Strickland was Invited to Pull the Lever at the Mayor's 113 Christmas Tree Lighting. The Ceremony was Held at Crown Center.

The Mayor's Christmas Tree lighting is a big event in Kansas City which takes place every year. But in all the years I have been in K.C., I had never attended one of these ceremonies because I don't really celebrate Christmas. But as the old saying goes "There is a first for everything." And there were many first-times for everything on that night:

Not only was this the first time I had ever attended such an event, it was the first time I had ever personally knew anybody who was going to light the tree and this was mainly why I went there.

It was the first time (to my knowledge) that this ceremony was going to be performed by someone who was a former prisoner of the Missouri Department of Corrections. And it was the first time that Kevin Strickland had been a free man after serving 43 years in prison for a crime he didn't commit,

It was also the first time (on record) that an innocent person in Missouri had ever been locked up that long. And he

was the first person who ever became a millionaire within a few days after he was released.

I remember Kevin being asked by a reporter what he was going to do if and when he go out. His reply was, "I don't know. I don't have anything. If they take this wheelchair I'm in when I get ready to leave, I'll have to crawl out the front door."

Well he won't have to crawl now. Thanks to the generosity of the citizens of Kansas City and elsewhere around the country. Norty should be okay for the rest of his life. In this wretched condition that this world is in and the atmosphere of rampant hate mongering for no reason, it

is a true blessing to know that there are people out here who still care about innocent people being wrongfully convicted and sent to prison. In Norty's case there were 23,000 at last count and the number is still growing. So far his biggest contributor gave \$15,000.

Ever since I have known him, Kevin has always been a pleasant person to be around. Now that he has a lot of money, I know some changes will be necessary. But I hope his new found fortune will not drastically change him and that he'll always still be the Norty that I know. Even though it took 43 years for his case to get the national attention that it deserved. Everyone was glad when it finally happened and his victory made everyone feel like it was a win for us all.

It is a win because every time another Kevin Strickland comes along, it shows the world what kind of people like Governor Mike Parson and Attorney General Eric Schmitt really are. ❖

Indigent Defense Litigation: *Victory for Indigent Prisoners in Missouri* by Joseph Williams

The indigent defense litigation filed by the MacArthur Justice Center is a victory for the masses of indigent prisoners of Missouri who have been deprived of the right to have adequate representation at critical stages and at trial. For far too long this state has deprived the poor of this essential service without so much as a second thought again due to a lack of willingness on behalf of the state to provide the necessary resources to protect the rights of its prisoners. This is especially crucial when viewed from the

perspective of those who have received or are facing excessive and life long sentences.

The proposed legislation from Bro. Bell is concise and consistent with international standards of best sentencing practices and a growing national consensus regarding the length and duration of sentences here in the U.S.

Of course we know that these trends stem from numerous studies and data which show the ineffectiveness of overly excessive and punitive sentencing

practices, particularly with regards to recidivism and deterrence. That being said, the proposed "Second Chance Act of Missouri" presents a sound alternative to our State's outdated and draconian sentencing practices. ❖



THE ECONOMY MAY SOON FORCE JOB DISCRIMINATION TO END

The standard rate of unemployment for people who are released from prison is 27%. In the first year of coming home it is typically 50%. But employment discrimination against formerly incarcerated persons may be about to become a thing of the past.

Federal government statistics say that there are approximately 10 million job openings in the United States and only six million job seekers. So there is a shortage of four million people in the job market.

According to Jeffrey Korzenik (one of America's leading experts on re-employment of people with criminal records),* this is due to the fact that 20 years ago Americans stopped having enough children to replace the current work force population. So around 2018-2019 we reached a tipping point where the number of baby boomers started retiring and could not be replaced. The number of new workers needed to keep the economy growing were not coming in at a fast enough pace.

“We’ve never seen anything like this in American history” Korzenik told Teresa Wilkie in a recent interview on *KKFI* ‘Jaws of Justice’ radio, “and it is something that’s going to cause a real problem for the economy unless the business community becomes more creative, dropping some of the barriers they have historically put up for people with criminal

records, people of different backgrounds, who look different and sound different. They've got to break down those barriers internally and find ways to bring talent into the work force or all of us will suffer because economic expansion will end."

Some of the difficulties he is speaking about have already begun to take place. There are **HELP WANTED** signs everywhere. People are walking away from jobs now that years ago they used to feel like they had to try and hold on to no matter what. Many of them will not stand for their bosses being verbally abusive, or requiring them to work in unsafe conditions. Nor will they take jobs that require working long hours for not enough pay. Employee shortages have created opportunities where people can go elsewhere and work where they don't have to put up with any of that and still receive the same amount of wages. Maintaining a job is no longer the master/slave relationship it used to be. Bosses don't have the leverage and control that they used to. This is occurring all over the country and is often referred to as the "Great Resignation."

The economic expansion problem is further complicated by the inability of many people to work due to the Corona virus Pandemic. An average of 2,000 Americans die each day from Covid 19 and the Omicron strain has already killed 187,000. As soon as disease experts think

they've got a handle on this virus, that it is about to peak and begin to decline, another strain that is even more infectious or deadly springs up.

The mass deportation of so called illegal immigrants also contributes to the worker shortage in the employment industry. Today there more than 40 million people living in America who were born outside this Country. Ten million of these people are not legal citizens and constantly live under the threat of deportation. Immigrants allow their labor to be exploited by being paid ridiculously low wages by their employers just so they (the immigrants) could remain in this country and stay off government radar. The average “lawful” American citizen will not work for the amount of money that illegal immigrants are paid. So now that many of immigrants are no longer available, employers are having trouble trying to fill the vacancies that immigrants left behind.

*Jeffrey Korzenik is a regular guest on *CMBC, Fox Business News, Bloomberg TV* and his writings on economics and public policy have been published in the national press. He is also Author of a Book entitled *Untapped Talent: How Second Chance Hiring Works for Your Business and the Community* published in April last year. ❖

Substantive Changes to Criminal Law/Criminal Procedures became effective on 8/28/2021:

(1) embedded within Senate Bill 26 is an amendment to section 217.690.6 which provides that any person under 18 years old at the commission of a crime who is sentenced to 15 years or more (even if the terms are consecutive) will be eligible for parole after serving 15 years. This section does not apply if you were convicted of first degree murder or capital murder, nor if your parole eligibility is controlled by § 558.047 or 565.033

(2) embedded within Senate Bill 53 is an amendment to section 547.031 which provides that a prosecuting or circuit attorney from your trial court may file a motion to vacate or set aside the judgment at any time if he/she has reason to believe that you're innocent or that reversible constitutional errors were committed during your trial. The Missouri Attorney General is allowed to file a response, as he is in a habeas proceeding, and the court must grant relief upon a showing of clear and convincing evidence and

(3) embedded within Senate Bill 53 is an amendment to section 558.031.2 which provides that a trial court, when pronounc-

ing sentence, now has the power to award jail time credit. Up until now only officials of the executive branch (usually a sheriff or warden) could do so. This may now allow petitioners to file a motion in the trial court to rectify any discrepancies in jail time credit.

One final note is the adoption of the *Norway Prison Program* by the Missouri Department of Corrections. It's a program for long term prisoners, including those sentenced to LWOP. It's a model from the country Norway that based upon rehabilitation through use of humane treatment. It was first implemented in the U.S. in North Dakota around 2018. At this moment we are all awaiting further details concerning admission criteria.



CITIZENS WANT MISSOURI TO STOP OPPOSING RELEASE OF INNOCENT PEOPLE

by Keith Brown El

Missouri is one of those states which does not like to do what is right to correct what it has done to people whom it has wronged. In most cases Missouri is always among the first states to oppose anything that is just and the last one to stop doing anything that is unjust. In fact, if this state had to correct all of the harms it has done to some people's lives; it probably wouldn't have time, money or resources to do anything else. They know this, and that's the real reason Missouri always refuses to own up to the wrongs it has done.

One clear example of this is the unwillingness by this state to acknowledge obvious cases of actual innocence in wrongful convictions. The Missouri Attorney General and many Missouri court judges know for a fact that there are innocent people who are languishing in prison for 10, 20, 30, and 40+ years. Yet the attorney general's office continues to oppose those person's release in every way it can. In fact, the Missouri Attorney General's Office has lost 24 of the 50 cases involving actual innocence that have been filed in state courts. In a number of the cases in which the attorney general's office did prevail the A.G.'s success was due to technical flaws on the part of the accused--not because of a lack of proof!

For these reasons, on Monday, November 29th, *Missouri CURE* joined with the *KC Freedom Project*, other citizens and local groups to participate in a rally in downtown Kansas City. The purpose of the rally was to draw attention to this crisis.

Latahra Smith organizer of the rally told the local media, "We need conviction integrity units in every county prosecutor's office throughout the State of Missouri. A prosecutor's ethical duty is to seek justice, not to [merely] defend these criminal convictions.

Cliff Middleton was present at the rally. He has been trying to help overturn his father's wrongful conviction for the last 30 years. Ken Middleton was convicted of

murder in 1991 for an accidental shooting of his wife. Cliff Middleton maintains that the evidence in this case proves his father's innocence and that a lower court had actually ruled in his favor. But the attorney general was able to prevent Ken Middleton from being released by arguing that his claims were procedurally barred.

"That's what we are trying to bring awareness to," Cliff Middleton said in an interview with K.C.'s Channel 5 News.



"Procedural issues should not take precedent over innocence. Innocence should always matter."

Michelle Smith of *Missourians for Alternatives to the Death Penalty*, who lives in St. Louis, also attended the rally. She told the gathering this:

"The reality is that Innocence is not enough in Missouri to free an innocent person. This was made evident during a hearing in the case of Joe Amrine in 2001. During a hearing in that matter a Missouri Supreme Court Justice asked the Assistant Attorney General Frank Jung, 'Are you suggesting ... even if we find that Mr. Amrine is actually innocent, he should be executed?' That is correct, your honor, Jung said."

Keith Brown El Vice Chairman of *Missouri CURE*, told the crowd of participants that the criminal justice system is corrupt from top to bottom. It is not broken and it's working exactly the way it was designed and intended to. Therefore this corruption has to be eliminated on all levels for any real change to take place. He told the crowd that there are approximately 3,793 innocent and otherwise wrong-

fully convicted and incarcerated people in Missouri. Releasing one person every now and then just means they know they have to do something right every once in a while, to make the system look like it's legit. They (the Department of Justice and other so-called experts on criminal justice) have been telling us for years that the number of innocent incarcerated persons is only 10%. Actual research shows that number is 12% or higher."

(Naturally, the media people didn't want these kind of messages coming across the air waves. So they edited most of it out.)

Understandably, people are excited and optimistic about the new law in Missouri which will allow convicted persons to have their actual innocence claims reviewed by the courts. But that law still leaves it up to the county prosecutors (the same offices responsible for causing the convictions). Prosecutors

get to decide if they think the person is innocent or not and then to initiate those proceedings.

State lawmakers already know that not many prosecutors in Missouri are going to be willing to acknowledge such grave mistakes (whether the convicted person is innocent or not). It took Jean Peters Baker (the Prosecutor in the Kevin Strickland case) years to find a situation where she was willing to do that. And she made it clear early on that she does not intend to make this a habit.

Surprisingly enough, Attorney General, Eric Schmitt, did not pursue an appeal in the Strickland case and he has had no comments for the media about the rally which was held outside his office. But earlier he had stated in the Kevin Strickland Case that in opposing Strickland's release he was only defending the rule of law...

Really? If fighting tooth and nail to keep known innocent people locked up in prison is the rule of law then the law is a sad commentary about our society. And there is little wonder why few people have any real respect for it. ❖

The Life of a Battered Woman

by Lori Paulno, CCC

I would like to bring to your attention some very serious problems within the Missouri prison system. Women are dealt much harsher sentences and are required to do a greater portion of their sentences than men with the same sentences, identical or similar circumstances, and the same or similar criminal history.

The biggest issue is the sentences of women incarcerated for crimes and convictions related to "domestic violence." This includes those of women who had reported being abused at least once, those who were unable to (although people knew it was happening to them), and women who could clearly show a possibility of imminent death if they did not protect themselves.

The new domestic violence law doesn't help anyone who has not already served 15 years of their sentence. Some women didn't get that long of a sentence, but should actually not be in prison at all, or at least not as long as they are being required to serve for defending themselves.

The injustice begins when the battered woman is questioned immediately after the incident occurs. Police officers badger and harass her while trying to learn the truth about what has happened. They treat her as the criminal before even knowing any details. Then, upon "finding" that she killed the victim, regardless of the reasons, known or not, she is taken to the police department, questioned further and/or arrested. The woman is now being held until they figure out whether she acted in self-defense or planned the incident. Or they decide to wait and let the courts decide.

This woman has just come from being a prisoner in her own home, which was most likely a very volatile environment. She has been beaten down, scared, and has no self-confidence or strength to plead her case. Yet she is treated as if she is cold and calculating.

Next she finds herself in the courts. The prosecutor applies further pressure and instills even more fear in a woman who has been in this whirlwind of events, from being controlled by one person to several people. She constantly experiences fear and dread of what may come next. During this time the prosecutor, either directly or

through the defense attorney, threatens the possibility of life in prison or even death and says that there is little to no chance of acquittal. No one will ever believe that she had no intention of things turning out as they have. Keep in mind that she has heard similar threats from the man for whom she is in jail. She has lost hope quite a long time ago, and the attorneys aren't giving her any reason for hope now.

This woman and many others like her did not want her tormenter to die. They did not wake up one morning and say, "I'm going to kill him today!" They just wanted him to quit abusing them—to return to the person they fell in love with, to be happy and quit arguing, to stop being told they are ugly, worthless, stupid and undesirable. The man had done something that the woman felt would cause her serious injury and/or death. She did what anyone would do if attacked by another person. Her survival instincts kicked in, combined with the most intense level of fear imaginable.

The worst thing is that some women are never able to protect themselves and even survive because they are killed by their abusers before that happens.

When I say that many of these women were prisoners in their own home, I mean that they couldn't go anywhere without permission. They may have been sent on errands but were given time limits, itineraries to follow to the letter, and were required to maintain constant communication, giving updated progress reports of the trip. They cannot pack bags to leave, being guarded much too closely for that. Their lives are threatened. Also, their friends and families are threatened if they try to assist her. More often than not, the only person told of these threats is the woman herself. Even children's safety is threatened, and they are often used as pawns to keep the woman under control. These women have no self-esteem, confidence, or strength to leave. They have become convinced that the man will not only follow through with his threats, but that no one will believe the woman if she attempts to tell someone of his abuse and threats. She feels totally helpless and alone. Of course, there is no place she can go to hide that he cannot find her.

If and when these women are offered a plea bargain, they are made to believe that they have to accept it, regardless of how unfair and even untruthful it may be, in order to have a chance for a future outside

of prison. They are often told by both prosecutors and even their own attorneys that if the case is taken to trial the woman will get a much harsher punishment, up to the maximum allowed by law. Considering what they have been through, they fear risking it. Regardless of their education and/or knowledge of the law, they really don't know the law regarding these situations and don't understand the whole process. When you read news articles concerning similar cases, it appears that what the prosecutors and attorneys have been saying is true, because the women who took their cases to trial got a severe sentence.

Once they've been scared into taking a plea bargain, they're sent off to prison where they are further degraded and controlled, with constant threats of violations, punishments or being thrown in the hole. They feel the same as if they are beaten down again. They are often spoken to harshly, threatened and yelled out. This is the same kind of feeling these women lived with, the situation that brought them to prison in the first place.

When they are given the opportunity to see the parole board, they are treated as if they are cold-blooded killers. As if they have led a violent life, in and out of trouble with the law. They are required to do a greater percentage of their sentence, even if they are not sentenced under a mandatory percentage statute.

There are so many women who have received their Maximum Release Date, Conditional Release date, or the amount equivalent to 70% or more of their sentences. Many of these women have a good to excellent institutional record, besides having no criminal history of any kind. Some may have minor past criminal charges, but nothing violent in nature, nothing to deserve the harshest treatment for their domestic violence offense.

Some of these women were able to report their abuse in the past, but others were never able to, due to risks to their safety and/or lives. Unlike the popular belief, they couldn't get the police involved



High Profile Celebrities Who Passed Away in 2021

Anyone who has ever been incarcerated knows that entertainment and news provided through television and radio is an important part of prison life. For many people this is their only connection to the outside world and it can also be a significant stress reliever. Therefore it is appropriate that we remember and honor those who made important contributions in this area which are not paid much attention to.



Phil Spector, 81
Jan. 16, 2021



Hank Aaron, 86
Jan. 22, 2021



Larry King, 87
Jan. 23, 2021



Cicely Tyson, 96
Jan. 28, 2021



Prince Markie Dee, 52
(Fat Boys) Feb. 18, 2021



DMX, 50
April 4, 2021



Paul Mooney, 79
May 19, 2021



Clarence Williams III, 81
June 6, 2021



Robert Downey, Sr., 85
July 7, 2021



Dennis Thomas, 70 (Kool & the Gang) Aug 7, 2021



Charlie Watts, 80 (Drummer Rolling Stones) Aug. 24, 2021



Michael K. Williams, 54
September 6, 2021



Colin Powell, 84
Oct. 18, 2021



Desmond Tutu, 90
December 26, 2021



John Madden, 85
December 28, 2021



Betty White, 99
December 31, 2021

SENTENCE FOR JUVENILE CRIMES

ACLU MISSOURI

December 13, 2021

Bobby Bostic will be FREE



JEFFERSON CITY, MO - The American Civil Liberties Union of Missouri announced today that it's long-time client Bobby Bostic will be released from prison late next year after having been granted parole. In the meantime, Bostic will be provided courses to ease his re-entry into society. Bostic has been imprisoned since 1995 for a crime he committed when he was just 16 years old.

On one evening in 1995, Bostic and an 18-year-old man robbed several individuals. No one was seriously injured. After a jury convicted Bostic of multiple felonies, Circuit Judge Evelyn Baker sentenced him to 241 years in prison. At the time, Judge Baker felt Bostic was not a likely candidate for rehabilitation and required his sentences to be served consecutively so that he would not be eligible for parole until 2091. Bostic would have had to live to 112 to even be considered for parole. Judge Baker, at the time, intended for Bostic to die in prison.

In 2010, the Supreme Court of the United States held in *Graham v. Florida* that it is unconstitutional to sentence a juvenile to life without the possibility of parole for non-homicide crimes. The Court required a minor be given a "meaningful opportunity to obtain release" by showing "that the bad acts he committed as a teenager are not representative of his true character."

Represented by the ACLU of Missouri, Bostic petitioned Missouri state courts seeking to have an opportunity for release. He was denied relief on a divided

Missouri Supreme Court's reading of *Graham* as requiring a parole hearing for only those juveniles handed a sentence of life without parole. The court's majority thought that a sentence that technically makes a juvenile eligible for parole – but not until he is long dead – presented any constitutional issue. The ACLU of Missouri has argued that Bostic's de facto life sentence should also have qualified him for a parole hearing under *Graham*.

In 2018 Bostic's petition to the Supreme Court of the United States was denied without comment. While the Supreme Court considered the matter, however, Bostic won an important new ally: now-retired Judge Baker, who had sentenced him to life in prison more than twenty years earlier. Baker now understood that beliefs common in the 1990s about youth offenders not being capable of rehabilitation were wrong. She viewed Bostic – who had atoned, improved himself, and learned from his youthful mistakes – as a prime

example of those erroneous beliefs.

After court efforts were exhausted, the ACLU worked with Missouri legislators on both sides of the aisle to pass a state statute providing a parole hearing after 15 years in prison to Bostic and the approximately 100 others serving de facto life without parole sentences for non-homicide crimes they committed as juveniles. The law went into effect on August 28, 2021, and Bostic's November parole hearing was one of the first under the new law.

In preparing for his parole hearing, Bostic was aided by attorneys Kathleen Hardie of Wallace Saunders and Jennifer Eng of Polsinelli in addition to attorneys from the ACLU of Missouri; however, prison rules permitted Bostic to be accompanied at the hearing by just a single advocate. He chose Judge Baker, with whom he had been reunited with last year at a prison visit organized by his attorneys. She readily accepted this invitation and advocated for his release at the hearing. Today the parole board announced its decision.

"The prejudices that let us believe as a society that teens who commit crimes are beyond redemption are still borne by those who remained imprisoned decades after mistakes that they made as juveniles," said Tony Rothert, ACLU of Missouri's Director of Integrated Advocacy. "While the legislature continues to add to the books laws that push young people from school to prison, Bobby demonstrates what we all know: who we are as children does not forever demarcate who we can become as adults." ❖

We express our gratitude to the ACLU of Missouri for letting us reprint this article.

The only person you are destined to become is the person you decide to be.

Ralph Waldo Emerson

BATTERED from page 6

or matters would have escalated. They could never "just leave". Had they not ended up in prison, they might have ended up dead themselves.

You always hear comments about how the justice system is going to crack down on domestic violence, but all they do is crack down on the women themselves. Male abusers are still given a "slap on the wrist" type of reprimand. Women, who have already been pushed past an unimaginable point of suffering, are then given extreme further punishment.

People who have never been abused in any way cannot begin to understand the thoughts, feelings, and mentality of those who have been abused or tortured in even the slightest manner. People do not realize or believe that a person can be abused if there are no physical marks. There are so many varieties of abuse and so many ways for an abuser to cover up the evidence of their abuse. Too often, no one sees any of it until it is already too late and irreparable. Abusers have usually alienated most or all family members and friends from their

lives, so that they would not see anything, and the abused woman would have no one to run to. When the abuser is the most adamant about making sure no one knows what he is doing, he has made it clear that anyone who assists the abused woman is in danger as well. The man convinces the woman that he always knows her whereabouts and that there is no where she can go without him finding her.

The author wrote this in 2005, shortly after arriving in prison. She had spent 2.5 years in a county jail awaiting trial. ❖

ACCOUNTABILITY FOR MURDERS AND BRUTALITY COMMITTED BY POLICE

By Keith Brown El

Cops killed 933 people in the U.S. last year and blacks are still being disproportionately targeted in these shootings. However, it appears that there are some segments of society who are getting fed up with this. There

used to be a time when if a cop shot somebody, he or she could offer any kind of bogus explanation or simply lie his or her way out of it. That would pretty much be the end of the story. But lately using just any old excuse to justify these shooting incidents doesn't seem to be working as well as it used to.

For years there was zero probability that any cop would be prosecuted or found guilty for killing anyone whether the circumstances were justified or not. But last year in 2021, three cops were convicted of unjustified killings on three separate occasions. Two of them were in Minneapolis; one was in Kansas City and in Georgia, three other non-law enforcement persons were convicted of a fatal shooting where they claimed they were trying to make a citizen's arrest. Unsurprisingly, all the perpetrators were white and all four victims were black.

Kim Potter, a former Minneapolis Police Officer is now on her way to prison for killing 20-year-old **Daunte Wright** back in April.

Potter claimed she meant to use her taser while Wright was being arrested but she drew her handgun "by mistake," fired and fatally wounded Wright. He was not offering any resistance and was only stopped by police for having expired tags and an air-freshener hanging from his rear-view mirror. Potter was convicted on December 16, last year.

Eric DeValkenaere was convicted on November 19th for the killing of **Cameron Lamb**. For the first time in Kansas City's 171-year history, a cop was actually found guilty for the murder of an innocent Black person. Cameron was shot by the police in the presence of his three children while sitting in his driveway after he had backed his car into his garage. The police were in plain clothes and had no warrant and no other legal reason to be on Cameron's property. After the shooting the police staged the alleged crime scene and planted a gun on Cameron's person after he had thrown the weapon out of the car once he saw the police approaching. Judge Dale Youngs presided over the proceedings and rendered the verdict in the DeValkenaere trial.

The brutal killing of **George Floyd** by former Minneapolis cop, **Derek Chauvin**, outraged people all over this country and throughout the world. Floyd was intentionally suffocated to death when Chauvin pinned him down with his knee on his Floyd's neck. The incident occurred on May 25, 2020 and Chauvin was finally convicted for this on April 20, 2021.

Two years ago on February 23, three white men in Georgia, **Travis and Gregory McMichael and William "Roddie" Bryan** shot and killed **Ahmaud Arbery** while he was jogging



in their neighborhood. These three men claimed that they were trying to make a citizen's arrest because Arbery was "suspected" of being a burglar. But Arbery became involved in a struggle with them over a shotgun they had drawn on him after they had chased him down. Last year on November 24, 2021 the three men were convicted and on January 7, of this year they were sentenced to life without parole and will also later face federal charges.

I am sure there are many people who are happy with the outcome in these situations and so am I. Except that I feel that convictions for manslaughter are much too lenient in cases where a cop has committed cold-blooded murder. Cops should face the same penalty for murder as other killers do. Unjustified police killings are so out of control until the Department of Justice says that it doesn't have the resources to manage the case loads. Furthermore, government record keepers consider a thousand nationwide killings a year by police to be an acceptable number. I don't (that's 19 people every week and more than 82 people every month).^{*} Our history as oppressed people has shown that we want to believe in this government so badly that it doesn't take much to calm us back down (or to con and bullshit us) when we get upset. Some people may take these three recent cop convictions as proof that the system really does work or consider it as a sign that things are about to change. But as I have I pointed out at the beginning of this article there are 933 other killings by cops in just this last year alone that are unaccounted for. Some may take these convictions as proof that the system really does work or take it as a sign that things are about to change.

I however, do not encourage people to put their faith in systems which do not work well and have consistently failed them in certain areas over and over again. Instead, I try to make them understand that just because this government is strong and powerful that does not mean that it is necessarily a defender of the weak, the wronged, the helpless and the oppressed. Too often these are the type of governments who are guilty of the very kind of oppression which we (the oppressed) are seeking refuge from. This definitely applies to the United States in all of the above. It is "power without compassion and might without morality" (as Dr. Martin Luther King Jr. once described it).

I do understand the optimism which comes from occasionally seeing some unusually favorable circumstances take place which we may have never seen before. But unlike some people, when these things happen, I'm not ready to run through the streets with the wind blowing in my face, frantically waving my hands in the air and declaring that change has finally come. Obviously I would want to acknowledge what little good that the system has done in this area so far. But don't think I am applauding the system in an overall way because I am not.

Everybody knows that change is inevitable. But sometimes the inevitability of change can make us take our own survival for granted. Therefore, we all should be asking ourselves whether we will survive long enough for real change to come. ❖

***Reporting incidents where citizens are killed by cops is not mandatory. Some law enforcement agencies choose not to do so. Therefore the 933 number is probably much higher.**

Missouri CURE wishes to thank the Sentencing Project and Ashley Nellis, Ph.D (author) for allowing us to print portions of this article.

IN THE EXTREME: WOMEN SERVING LIFE WITHOUT PAROLE AND DEATH SENTENCES IN THE UNITED STATES

Sentencing Project & Ashley Nellis, Ph.D.

PREVALENCE OF EXTREME SENTENCES SERVED BY WOMEN

Extreme punishments, including the death penalty and life imprisonment, are hallmark of the United States' harsh criminal legal system. Nationwide one of every 15 women in prison – over 6,600 women – are serving a sentence of life with parole, life without parole, or a virtual life sentence of 50 years or more. The nearly 2,000 women serving life-without-parole (LWOP) sentences can expect to die in prison. Death sentences are permitted by 27 states and the federal government and currently 52 women sit on death row. The majority have been convicted of homicide.

RACE AND ETHNICITY

Women of color are disproportionately subjected to extreme sentences compared to their white peers. Nationally, one of every 39 Black women in prison is serving life without parole compared with one of every 59 imprisoned white women. Latinx women comprise 6% of the total number of LWOP sentences being served by women. Forty-two percent of women on death row are women of color.

Black women account for 49% of reported homicides committed by women and white women account for 48%.

AGE AT OFFENSE

Analysis of homicide arrest data finds that women who commit homicide do so somewhat later in life than men. Whereas 48% of men who reportedly commit homicide are under age 25 at the time of their offense, nearly two thirds of women are at least 25 years old when they commit homicide.

The Sentencing Project received individual-level data on persons serving life sentences, including LWOP, from 16 states and conducted a separate analysis of women serving LWOP using this information.

Our analysis shows that on average women commit offenses that result in extreme sentences of LWOP or the death penalty in their early to mid thirties. The average age at offense for people on death row was 36 years old and the average age at offense among women serving LWOP is 33 years old.

Thirty-two women serving LWOP sentences were under 18 at the time of their crime. One woman is serving a LWOP sentence for a murder she committed at 14 years old. While the U.S. Supreme Court ruled the death penalty unconstitutional in 2005 for

people who committed their offense under 18.

AGING IN PRISON

The average current age of women serving LWOP is 52. Alice Green, 91 is the oldest female lifer. She has been imprisoned for 45 years in Pennsylvania for her role in a 1977 murder. The oldest woman on death row is Blanche Moore in North Carolina, who is 88 years old.

The number of people in prison today who are age 55 or older has

tripled since 2000. The tough-on-crime policies that expanded life sentencing, prolonged the time to review cases for possible parole releases or abolished parole altogether, have accelerated the build-up of elderly people in prison. The Sentencing Project's national consensus of people serving life sentences found that 27% of people serving LWOP are at least 55 years old, part of a growing trend of elderly imprisoned Americans. Among the sample of women we analyzed, a shocking 44% are currently at least 55 years old.

CRIME OF CONVICTION

All women on death row have been convicted of a first degree or capital murder. Though a high standard of involvement must be met before a death sentence is imposed, several women have been sentenced to death for crimes in which they did not personally kill the victim.

Within the sample of women serving LWOP, we find that three quarters of the women have been convicted of first degree murder and 95% have been convicted of some type of murder. Detailed homicide data show that approximately half of victims killed by women between 2000 and 2015 were family members or intimate partners.

Consider so-called "felony-murder" laws, which account for situations where a death occurs during the commission of a felony and as a result, all persons involved in the underlying felony can be convicted of homicide regardless of their role or even presence at the crime.

SENTENCING TRENDS

Between 2008 and 2020 there was a 2% increase in the number of women imprisoned for a violent crime, and a 19% increase in the number of women serving a life sentence.

See **EXTREME** cont'd on next page

Society's view of those serving LWOP tend to be negative even more so if you are a woman. Regardless people can change. My choices of the past do not define me today. Although I wear a "scarlet letter" I am so much more. Rehabilitation is within. It's the desire & ability to change. I choose to change, to grow & to better myself. Mentally, emotionally & physically. This journey gives me the strength to survive my past & be someone who is more than a number or statistic. LWOP is not a remedy.

— KAT

EXTREME cont'd. . .

Death sentences imposed on women reached their highest level to date in 1990 and have declined since. Today 52 women sit on death row awaiting execution. In January 2021 federal death row prisoner Lisa Montgomery was executed despite pleas worldwide to stop her execution on the grounds of **well-documented** evidence of severe mental health issues related to a long history of trauma and abuse.

LWOP sentences reached their peak in 2013 the year in which 48 new LWOP sentences were imposed on women. Yet even though new LWOP sentences imposed on women have declined since 2013, the cumulative nature of these death-in-prison sentences means there were more women serving LWOP in 2020 than ever recorded.

**NAOMI BLOUNT WILSON**

Naomi Blount Wilson is a Commutations Specialist for the Pennsylvania Board of Pardons, the arm of the state that hears clemency pleas. She served 37 years of an LWOP sentence for a 1982 homicide. In 2019 she was commuted by Governor Tom Wolf after forensic evidence revealed that the victim had been killed by someone else.²⁶

Photo Credit: Joshua Vaughn

TRAUMA PLAYS A PIVOTAL ROLE

The circumstances that lead women to commit violent crimes are often complicated by a history of sexual and/or physical trauma. Women serving life sentences report high levels of psychiatric disorders, histories of physical and sexual violence, and previous suicide attempts. One study finds that more than one third of women serving life sentences have attempted suicide. Some women commit violence in response to intimate partner victimization.

Today we know more about the short- and long-term impact of physical, sexual, and verbal abuse on criminal conduct. We know, for instance, that almost all who commit violence have first experienced it.

Yet allowance for trauma as a mitigating factor in culpability and punishment is still rarely recognized in court.

Scholar Beth Richie documents the higher incidence of abuse endured by Black women and comments that some of the unique

vulnerabilities of being both Black and female include reduced access to crisis intervention programs, a greater likelihood that a weapon will be used in an assault, and legitimate distrust in police to respond effectively to violence by an intimate partner.

Richie also asserts that Black women's arrest and incarceration is often the result of gender entrapment, a concept she uses to theorize how Black women's experiences of intimate partner violence, racism, sexism, economic marginalization, and stigma led them to participate in illegal activities.

All women who encounter the criminal legal system face institutions that are designed principally by men and for men. Stephanie Covington, an internationally recognized clinician on trauma-informed responses to violence, writes the following with Professor Emeritus Barbara Bloom in their research on women who commit violence. *"Women offenders are being swept up in a system that appears to be eager to treat women equally which actually means as if they were men. Since this orientation does not change the role of gender in prison life or corrections, female prisoners receive the worst of both worlds."*

**ERICA SHEPPARD**

Erica Sheppard (right) pictured here at age 24 with long-time death penalty abolitionist Sister Helen Prejean (left).

Erica Sheppard is facing execution in Texas. Like many women embroiled in the criminal legal system, her past consists of child abuse, domestic violence, rape, and chronic neglect.

CONCLUSION

Women represent a small but growing portion of the prison population facing extreme sentences. Reforms advanced to end the use of extreme sentences will need to pay attention to the nuanced life experiences of women serving life in prison, as these have shaped their behaviors as well as their prison experiences.

A wealth of evidence suggests that women encounter gender-based stigma and bias that negatively affects their court outcomes. Their experiences of violence—both as victims and as perpetrators are distinct from the experiences of men, but women are subjected to a criminal legal system that does not acknowledge these important differences. ❖

Diversity Accepted – The PRIDE Celebration

by Shon Pernice

Saturday, July 3, 2021, was a historic day at the Moberly Correctional Center (MCC) in Moberly, Missouri. It was the first official gathering of its PRIDE community. While the voices of the LGBTQ community have been concealed in the past, MCC has made great strides in focusing on equality, understanding, and the freedom of self-expression. Prisoner Randall "Amy" Barker, along with Lyle "Lindsey" Coffey, and Anthony Crossno "TC" organized this first annual PRIDE celebration. With only two weeks of

preparation, these three individuals pulled off the event at the prison's outer yard pavilion area. Food, which was donated by the prison's LGBTQ community and supporters, included 270 hot dogs, 17 bags of chili, and 14 bags of chips. Water coolers contained a perfect blend of canned drink mixes, while the party's theme was B.Y.O.B. (Bring Your Own Bowl).

Sixty-five red, white and blue arm-bands were given to those who attended the event, which lasted from 1:45 pm to 3:00 pm. The prison's custody staff, who

are normally posted during the afternoon recreation period, were supportive and kept on the lookout for any mischief. Multiple non-LGBTQ prisoners stopped by, hung out, asked questions, and participated in this historic act of unity. "Amy" Barker, the event organizer and transgender female, said, "I absolutely feel great that this community came together respectfully and acted responsibly. Nobody left the pavilion hungry — gay, straight, or transgender." Barker concluded that she, "Can't wait for next year!" ❖

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Established 1990

Fight Mass Incarceration – and CURE the Madness!

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Asante!

Thanks to all who sent holiday greetings to CURE and those who sent get well wishes to Hedy.

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