

Turning Point: The Newsletter of



Citizens United for
Rehabilitation of Errants

Missouri CURE ♦ P.O. Box 1245
Cape Girardeau MO 63702

Phone 877-525-CURE (2873)
Email: missouricure@hotmail.com
Web: www.missouricure.org

From the Chair:

by Hedy Harden

State of the Organization

Missouri CURE had a successful annual statewide conference September 15 in Columbia. At least 35 people were in attendance.

Our speakers included Lewis Diuguid, Kansas City Star Columnist & Editorial Board member. I met Lewis last year at the NAACP banquet held at JCCC and was inspired by his presentation. We also heard from Rep. Rory Ellinger, one of the most progressive legislators in Missouri. I'm proud to say that he is also my own State Representative.

Paula Skillicorn led the group in an exercise designed to test people's trust in each other. She spoke about using our resources and moderated an open forum.

It's been an exciting year for MO CURE. Nancy Hight, our new Vice-Chair, has successfully enlisted the support of Bryan Cave, a prestigious St. Louis law firm, to apply for non-profit status. Bryan Cave has fought for exonerations of Missouri prisoners such as Josh Keser and George Allen. We are especially grateful to Keith Kehrer, a partner at Bryan Cave, who has taken on the filing for our 501(c)3 on a *pro bono* basis.

Nancy has also led the charge as we took on the issue of lack of air conditioning at some Missouri prisons during this extremely hot summer. See her article on page 2.

Our new Public Relations Officer, Alesha Scherffius, will be administering our Facebook and Twitter pages. An ex-offender, Alesha has made extraordinary contributions to our efforts. Dolores Owen is keeping our website updated. Becky Williams, our secretary extraordinaire, continues her excellent work. Maria Rubin, our treasurer, is helping us update our financial records as we apply for nonprofit status.

Susan Kelly, a new advisory board member, is managing the birthday card project. Missouri CURE sends birthday cards to all of its incarcerated members. Susan has also been hosting our meetings since June when we began planning for our conference.



We have become more involved with prisoner NAACP chapters and have attended several in-prison meetings. Prisoners and prison groups have made generous financial contributions to our chapter, and this has assisted our growth. We have increased our legislative

work and have lobbied at the capitol. This has been a real learning experience and has greatly increased our contacts with legislators. Prisoners are encouraged by even minute progress in this area and are grateful for news keeping them abreast of legislation.

The parole board in Missouri has been keeping prisoners past their time to continue to qualify for federal truth-in-sentencing money. All of the State's so-called efforts to reduce recidivism are a joke when freedom is fraudulently denied to long-term prisoners who are rehabilitated and low risk.

Our efforts to expose these issues have sometimes made dealing with the DOC more difficult. We have been refused admittance to the women's prison in Vandalia for the upcoming NAACP banquet, supposedly because we are not affiliated with the NAACP. At JCCC some prisoners were being prohibited from sending green checks for renewal of their memberships, but we have gotten that issue resolved.

More than one prison has sought to prevent offenders from receiving our newsletter which was mailed to them. We have learned from these battles and in most cases we have prevailed.

See Organization—page 10

Summer 2012

Missouri CURE Officers:

Hedy (Edna) Harden, Chair

Nancy Hight, Vice-Chair

Becky Williams, Secretary

Maria Rubin, Treasurer

Alesha Scherffius, Public Relations

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Paula Skillicorn

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Missouri CURE Launches Petition Campaign

Lack of A/C in Extreme Heat is Cruel and Unusual Punishment

by Nancy Hight

Missouri CURE is seeking relief for the thousands of Missouri prisoners who are housed in cells without air conditioning. While many of the newer prisons have A/C, the older ones do not. Some, such as Northeast Correctional Center (NECC) in Bowling Green, were designed for A/C, but the air is only routed to staff areas, while prisoners swelter in triple-digit heat. Hundreds in solitary do not even have fans in their cells, which have no electrical outlets.

One prisoner who had a heat attack returned from the hospital after heart surgery, only to be placed in the same overheated cell.

We believe that this is a grave situation which has a tremendous negative impact on the health and lives of all prisoners affected. Missouri prisoners have suffered cruel and unusual punishment during this summer's extreme temperatures. It is the responsibility of the Missouri Department of Corrections (DOC) to protect the health and welfare of prisoners in its custody. We demand immediate steps be taken to correct this situation.



In late July, the U.S. Fifth Circuit Court of Appeals held in a Texas case that, "Allowing a prisoner to be exposed to extreme temperatures can constitute a violation of the Eight Amendment." This was a landmark case for the Texas Civil Rights Project, of which Texas CURE was an active participant. We believe that Missouri prisoners' rights have also been violated, and we ask the Missouri DOC to take proactive measures.

In August 2012, Missouri CURE and the Kansas City Criminal Justice Task Force (CJTF) launched a letter-writing campaign to the Missouri Department of Corrections. We received a response from Dave Dormire, Director of the Division of Adult Institutions, stating that the DOC had supplied extra ice, fans and "misting" fans, and that they had made additional checks on the elderly and infirm.

We contend that extra ice was provided because the supply did not meet demand, that fans mostly blow around hot air and do not adequately relieve the situation, and that not all prisoners have access to misting fans and ice on a constant or as-needed basis. We are skeptical about checks being made on the elderly and infirm, and we believe that none of the remedies, of which the DOC stated it was "very proud," were adequate.

Missouri CURE subsequently notified every State Senator and Representative of this dire situation and asked for help in rectifying the matter. We received responses from outraged members of the legislature who said they had been unaware of the situation and were "shocked" or "devastated".

In late August, the Missouri DOC installed large thermometers in the housing wings at NECC. We believe this is a positive development in that at least the internal temperatures of the buildings can be monitored; however, this is only a STEP in the right direction. We will not be satisfied until air-conditioning is provided for ALL Missouri prisoners.

We are also concerned about the buses that transport and transfer Missouri prisoners. We have received a personal account of a six-hour bus transfer in 101-degree heat, with windows tightly shut, and no water provided for the entire six hours. One prisoner became so sick that he had to be carried off the bus. His temperature was 104 degrees. Missouri

CURE believes that air-conditioning needs to be extended to transportation, as these conditions constitute cruel and unusual punishment as well.

Missouri CURE launched a petition drive at our annual statewide conference September 15, 2012 in Columbia. A petition addressed to the Speaker of the Missouri House of Representatives was distributed. A copy of this petition is being sent to all outside members. The petition is also available on our website. We hope that you will make copies, get signatures, and mail them back to us. We plan to initiate an online petition as well, with a place for comments from anyone with concerns or information to share.

As the memory of this summer's record-breaking heat begins to fade, our campaign for justice for Missouri prisoners will NOT fade. This is a human rights issue. We will continue our fight for humane treatment until justice is served.

If you know of any heat-related incidents affecting prisoners that could help this campaign, please write or call us. Whether or not you are a current member of Missouri CURE, you have the potential to help thousands of Missouri prisoners by joining this fight for justice. ❖



Supreme Court rules against Juvenile LWOP

On June 25 the Supreme Court ruled 5-4 that it is unconstitutional for states to mandate a sentence of life without parole (LWOP) for juveniles convicted of murder. Judges can still impose LWOP on youth for individual cases.

We "hold that mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on 'cruel and unusual punishment'," said Justice Elena



Kagan, who wrote the opinion for the majority. Justices Kennedy, Ginsburg, Breyer and Sotomayor joined in that opinion.

Evan Miller and Kuntrell Jackson were both 14 when convicted, Miller of murder in Alabama and Jackson of being an accomplice to a robbery/murder in Arkansas.

The Court had earlier ruled out capital punishment for juveniles as well as life without parole for youth whose crimes did not involve killing. ❖



Changing the Criminal Code

by Alesha Scherffius

On Wednesday September 12, 2012 the Missouri Association for Social Welfare (MASW) held the quarterly meeting of its Criminal Justice Task Force. I represented Missouri CURE at this meeting, which was held to discuss proposed revisions to the Missouri Criminal Code. We heard from Joel Elmer from the Missouri Public Defenders Office and Jason Lamb from the State Prosecutors Office. State Rep. Rory Ellinger dropped in and spoke as well.

For the past 4 years a committee of prosecutors, public defenders and defense attorneys (equal number for both sides of the law) has been working to revise the current criminal code, creating a 1,000 page document. This has resulted in clearing up of wording and basic restructuring, as well as shortening sentences for non-violent offenders and becoming stricter on violent offenders.

One of the largest of the proposed changes is addition of a proposed fifth class to the current four-class system of felonies. Currently Missouri has the following sentencing class system in place:

- Class A 10-30 years or life
- Class B 5-15 years
- Class C 1-7 years
- Class D 1-4 years.

With the proposed changes, A and B would remain the same. C and D would change to the following:

- Class C 3-10 years
- Class D 1-7 years
- Class E 1-4. years

The new proposed class system is an attempt to close the sentencing gap between the current Class B and Class C felonies. Lamb claims it will offer more options when trying to reduce the sentence in a plea bargain.

They have also proposed changing the classes of misdemeanors by adding a fourth class. The classes would then look like this:

- Class A – one year in jail
- Class B – 6 months in jail

- Class C - 15 days in jail
- Class D – fine only

This proposed change would be an attempt at keeping lesser or petty offenses out of jail. The true test will be whether or not this will work.

There are other significant changes. They have proposed to take the offense of possession down a class in order to lessen the number of non-violent offenders that go to prison. They have also proposed to get rid of the prohibition on probation and parole for prior and persistent offenders and high-end drug offenders—meaning that if you are sentenced to one of these two types of offenses you WILL be able to be put on probation or paroled on your sentence from prison. This has not been an option for many offenders.

The proposed criminal code also proposes to eliminate the double enhancement option for prior and persistent offenders. Meaning you could not receive “prior and persistent” for both the number of felonies you have in your past that are the same charge and the total number of felonies in your past. This is a definite plus to repeat offenders.

They have consolidated several items in the proposed version of the criminal code. In the current version there are many different forms of rape and stealing. In some situations they have combined them to turn them into one statute. For example in the rape category they have taken the different statutes concerning the rape of a police officer, corrections officers and the elderly and made a special victims category which fully encompasses all these categories and several others, all holding the same sentence. In the stealing category every statute had a different amount that had to be met as far as loss. They have now made \$750 as the minimum amount for a felony across the board. That way every stealing charge is equal by carrying only one amount. This \$750 amount also raises the minimum amount up from \$500.

In the category of assault there have been some changes. In the proposed

code, if you are in a bar fight you could now stand the possibility of going to prison for a Class E felony IF you meet the criteria of “recklessly causing physical injury”. Basically if you give someone a bloody nose and a black eye you have just met the criteria.



They have also gotten stricter on Domestic Violence. If you have a prior history for ANY type of assault then you will be sentenced to more time due to your prior(s).

There are no proposed changes to the sex offender registry, life with- or without parole sentences, or death penalty sentences. All of these issues are still up in the air and are being worked on by several different organizations throughout the state.

All in all, the document is aimed at putting and keeping violent offenders in prison, while keeping non-violent offenders out of prison and lessening their sentences. Currently, out of 30,000 incarcerated inmates in the State of Missouri, 70% of the population is made up of non-violent offenders. This ratio would change if this proposal goes through, **although the total number in prison probably would not change.**

Currently the proposal is being looked at by a Missouri legislative committee in order to be turned into a bill to then travel through both the House and the Senate. It remains to be seen what will happen to it or if the changes will help. Unfortunately, none of the proposals will affect anyone who is currently incarcerated. ❖

No one is free when others are oppressed.

Dear Friends, the following position was unanimously adopted on September 3, 2012, during the board meeting of International CURE held in Washington, DC.

—Charlie Sullivan, Executive Director

CURE's Expectations for a Justice system

Because we believe that...

- No one deserves to be measured only by the worst thing s/he has ever done.
- Everyone deserves to be treated with dignity and have his or her human rights preserved.
- Justice systems should be restorative rather than retributive.
- There is no way to create a perfectly safe world. Expecting that of our justice systems leads to policies that are counter-productive.
- Detention must be justified by a legitimate public safety concern.
- Those who are incarcerated should have all of the resources they need to turn their lives around.
- No one should be incarcerated for his or her immigration status.
- National and international human rights documents provide a sound basis for ensuring that justice systems meet these goals.
- The politics of fear should not be allowed to influence sentencing practices or parole policies.
- All efforts should be made to depoliticize justice system offices.
- Drug use should be decriminalized and treated as a public health issue.
- All juvenile cases should be handled in the juvenile system that is geared toward rehabilitation and education rather than incarceration.

We therefore believe that the following practices should define our justice systems with respect to...

Adjudication:

Anyone accused of a crime shall be represented by an attorney who has the qualifications, resources, and time to thoroughly explore the circumstances surrounding the crime and advocate for the defendant. This is true whether the crime is considered violent or nonviolent and whether it is resolved by trial or plea agreement.

The justice system shall understand and consider the individual's background and accomplishments, as well as the mitigating circumstances of the crime as thoroughly as they understand and consider the aggravating circumstances.

No plea agreement shall occur without negotiations that are done with an engaged and competent attorney, in a manner that does not result in harm to any other defendant, and includes the judge.



Anyone who refuses to negotiate a plea agreement and is subsequently tried and convicted shall not be sentenced to a longer term than was offered in negotiations.

The defendant shall not appear in court in shackles, restraints, or jail "uniform."

Any action that results in the deprivation of an individual's liberty shall be decided based only upon the "beyond a reasonable doubt" standard.

There shall be no loss of voting rights as a result of a criminal conviction.

The criminal prosecution system shall consider evidence of someone's innocence, regardless of when that evidence becomes available and whether or not the court process or representation was flawed.

Sentencing:

We shall not incarcerate persons who are mentally ill.

We shall not incarcerate persons who are developmentally disabled.

Juveniles shall never be housed in adult facilities.

There shall be no death penalty.

No one shall be sentenced to life without parole.

There shall be no mandatory sentences, since they prevent adequate consideration of aggravating and mitigating circumstances.

We shall utilize non-incarcerative sanctions whenever possible. Those include, but are not limited to:

- Restitution
- Forfeiture of all gains from economic crimes
- Therapeutic solutions
- Restorative/transformatory justice (Alternative restorative justice programs shall be provided to an individual when the victim is unwilling to participate.)
- Community service
- Fines and fees based only upon one's ability to pay.

No one shall be sentenced to a prison term unless it will serve a greater purpose than incapacitation.

The minimum sentence for any offense shall be only long enough to complete an appropriate, well-defined treatment and training program. Programming shall be provided in a timely manner.

Time added for aggravating circumstances shall not exceed the sentence for the basic crime.

We shall not give significant weight to prior criminal history when crafting a sentence without considering the probability that recidivism represents a failure of the justice system.

Felony murder statutes shall be eliminated.

All mandatory minimums shall be abolished.

The cost of the sentence shall be identified at the time of sentencing.

Treatment of the Incarcerated:

The Prison Litigation Reform Act shall be eliminated.

Persons who are incarcerated shall have access to earned benefits (e.g. retiree health insurance, veteran's health care, veteran's educational benefits, etc.) in cases where the department of corrections cannot or will not provide comparable services.

See Expectations—page 5

Expectations—*from page 4*

No one shall be subject to long-term restraints (greater than 4 hours) unless authorized and monitored by a medical doctor.

Individuals shall be provided timely and appropriate health care. No fees shall be charged for health care. Persons entering the system shall be evaluated to determine their educational, psychological, and social needs. Every effort shall be made to address those needs while the individual is incarcerated.

No one shall be held for a lengthy period in a facility (e.g. jail) that provides very limited programs and services.

No person shall be held in isolation for a nonviolent infraction.

No person shall be held in isolation for a total of more than four hours for a violent infraction.

There shall be mechanisms to prevent overcrowding, since that contributes to inhumane treatment.

No one shall be shackled or restrained during labor, or if it will interfere with the delivery of medical care.

Every effort shall be made to compensate for lack of education that may have contributed to a person's criminal behavior. GED classes shall be standard and provided free by the state to all prisoners without a diploma or GED. Aptitude testing and vocational training shall be provided to ensure job readiness upon release.

Individuals who are incarcerated shall be able to access Pell grants and other similar aid programs to facilitate their pursuit of a college education.

Programs, policies, and tools shall ensure that individuals are able to maintain their social networks through fair and friendly telephone, surface mail, email, and visitation services, including private family visits. Restrictions shall be imposed only if needed to protect specific victim(s). Family members in the free world shall be able to visit any and all incarcerated family members. Subject to security screening, there shall be no limit to the

number of persons on a visiting list or call list. At the very least, persons who are indigent shall be provided with postage and writing materials to facilitate contact by surface mail and at least one call per month to family or friends.

While incarcerated, individuals shall be given responsibilities and decision-making opportunities. Every opportunity shall be made to utilize the talents of those who are incarcerated. Those opportunities may be in the form of facility operation and maintenance,

tutoring one another, or providing public services. Where it is possible for an individual to gain certification in an area of expertise, such certification shall be encouraged. Those

who are incarcerated shall receive adequate compensation for the work they perform.

Persons shall be paid a minimum wage, with a portion going to fines, fees, child support, victim restitution, and savings for use upon release. To the degree possible, community service programs shall be available for interested persons.

The United State shall ratify the United Nations Optional Protocol to the Convention Against Torture (OPCAT), and shall set up a mechanism that will operate to prevent abuse and torture in the country's confinement facilities.

No person who is incarcerated shall have administrative, disciplinary, or supervisory power over others who are incarcerated.

There shall be no involuntary interstate transfers.

Housing shall be by consent.

Release of the Incarcerated:

Regardless of the length of sentence, individuals shall be released if they become permanently physically incapacitated and are no longer a risk to the community.

There shall be a presumption of parole at the earliest release date. Release decisions shall be based upon validated, dynamic risk assessments and performance (including therapy) while incarcerated. The nature of the offense

of conviction and criminal history shall not be a factor other than the impact they may have on the outcome of a risk assessment.

Lack of programming staff shall not be used as rationale to delay release. Based upon validated risk assessment results, persons who have not completed programming through no fault of their own shall be released to the community where they shall receive community treatment and monitoring to ensure their successful re-entry.

Everyone past his or her minimum release date shall have an opportunity for release annually.

No one shall be denied release because of a pending appeal or for lack of a home placement. If the individual is not able to live with family members, adequate housing shall be provided outside of the prison system.

No fee shall be charged by the state for probation or parole services. This is the responsibility of the state government.

Licensing restrictions shall be imposed only if there is a strong correlation between the crime(s) committed and the activity being licensed.

Anyone released from a prison shall have access to a re-entry program for assistance with housing, transportation, job searching, health care, and other needs.

Incarceration shall not be extended through mechanisms such as civil commitment, lifetime parole, or home confinement. No individual shall be subject to residency restrictions.

Community supervision, in the form of probation, parole, or registration shall be imposed only if a dynamic risk assessment indicates it is warranted. Persons shall be listed on police registries only if they screen high risk on a dynamic risk instrument. There shall be no public registry.

Social security, veteran's benefits, pension payments, etc. shall be available to the person leaving the prison system.

All persons leaving prison shall have their birth certificate, social security card, and state ID card. ❖



Meet our New Board Members

Nancy Hight, Vice-Chair

Nancy came aboard with a mission. Her son is one of the thousands of Missouri prisoners who suffered from the intense heat during the summer of 2012 with no air-conditioning. Given free rein to organize an opposition, Nancy has waged a heroic struggle to gain publicity, to amass information, and to protest the inhumane treatment of men and women behind bars. Along the way she sought the help of Bryan Cave law firm, where partner Keith Kehrer has taken on the *pro bono* filing for Missouri CURE to become 501(c)3 certified as a nonprofit organization. It has taken us more than 20 years to reach this point, and Nancy jumped in and got it done.

Alesha Scherffius, Public Relations Officer

I am an ex-offender having served 4 years out of a seven year sentence for the state of Missouri. I also served 42 months for the Bureau of Prisons (federal system) while in the State of Missouri DOC. I was in Vandalia (WERDCC) for almost a year and then in Chillicothe from 2009 - 2011. I have a BA in Criminology and Criminal Justice from the University of Missouri-St. Louis. While incarcerated I earned a certificate in Basic Electricity and Electronics, served as the Secretary for 4-H BLING (Building Leaders into the Next Generation) and was a Dorm Council Representative. I have always had a passion for studying the system and have always wanted to help make a difference within the system. I learned a lot while I was incarcerated and hope to put all that knowledge to use for Missouri CURE.

Advisory Board

Kevin Hammerschmidt

One of my educational accomplishments while in prison involves passing the Braille Certification Course with a 92%. I am now certified by the U.S. Library of Congress as a Braille Transcriber. Through my membership with Missouri CURE, and as Political Action Committee Chair of the JCCC NAACP Branch 4072, I strive to build trust and a professional relationship and help where I can. I have taken on the role of exposing the wrongs and civil rights violations done to prisoners every day. Having done extensive research on the 85% law, the single subject rule, and the Missouri Parole Board, I know these issues forward and backward. I believe I have the calling and drive to be a political activist for prison reform and hope to someday be a voice for Missouri CURE.

Ruby Jamerson serves as President of NAACP chapter 44BB at WERDCC, where she has been an active member since 2003. Under her leadership they have made care packages for wounded troops and donated food and school supplies to the community. Ruby has been a 4H-LIFE leader since 2008. The group has made blankets, hats and scarves for nursing homes and school children. She's been involved in Restorative Justice for the past 10 years. She volunteers weekly in the library, helping other prisoners with legal research. For the past 11 years Ruby has been employed with Missouri Vocational Enterprises. She is currently a supervisor in the clothing factory, where she has nearly 20,000 hours of on the job training and has received numerous accolades. Ruby is scheduled for release in 2013 after 25 years in prison. Always eager to accept new challenges, she plans to assist ex-offenders with job skills, housing, educational skills and counseling upon her release.



Susan Kelly is the principal of a middle school in North St. Louis County. She has a brother in the Missouri Department of Corrections. Susan believes that a focus on high rigor, engagement, and positive relationships in the classroom is key to keeping our young people focused on a promising future. Susan also believes it is of utmost importance to work on fair sentencing and the repeal of the 85% law. Since joining Missouri CURE in May, Susan has opened her home to host meetings and opened her heart to assist in many ways. Without her help, our 2012 annual conference would not have been the success it was. From donating time and money, to getting family members involved, to helping us organize, Susan has become a vital part of our organization.

Roosevelt Price Jr.

I have been incarcerated for 20 years serving a sentence for second degree murder. I have a 22 year old daughter and a 21 year old son as well as a granddaughter and a grandson. I have changed my thinking while incarcerated. I went from taking a life, to almost losing my life, to saving lives. I share my story while facilitating Impact of Crime on Victims (ICVC) and Criminal Thinking classes and help others to understand how we have impacted our families, our victims and our communities. From earning my GED, to completing numerous trades, to certification by the Library of Congress as a Braille Transcriber, I have reached many of the goals I set for myself. I've been employed at the Braille and Narration Center here since 2004. I've been involved with the NAACP since 2005 and currently serve as President of NAACP Branch 4072. I'm trying desperately to get out of prison so that I can be a kidney donor for my father. ❖

One Flew East and One Flew West. and One Flew Over the Cuckoo's Nest

By Hedy Harden
NECC June 14, 2012



The second act of One Flew Over the Cuckoo's Nest was even better than the first, viewed back in February. An overflow crowd thoroughly enjoyed this performance by the prisoners of the Theatre Project at Bowling Green MO. Three women from the outside joined the men inside in dramatizing the classic play inspired by the book of the same name written by Ken Kesey back in the 1970s.

In the play, the inmates of the nuthouse rebelled against the iron fist of evil nurse Ratched and scored some temporary victories, but ultimately she retained the upper hand, destroying the mind of freewheeling Randall McMurphy through a lobotomy. Yet longtime captive Chief Bromden escaped in the end.

Metamorphoses

By Hedy Harden
WERDCC July 20, 2012



Last night my son Rob and I joined a packed house attending the presentation at Vandalia of Metamorphoses, sponsored by Prison Performing Arts.

The 14 women of WERDCC staged a dazzling performance, portraying scenes from Ovid such as King Midas and the Golden Touch.

I finally had the chance to meet Patricia Prewitt, Missouri CURE advisory board member and Assistant Director of the show, as well as other cast members, some of whom played several roles. Several women also recited poetry during the "Spoken Words" portion of the program.

Problems with Parole



by Hedy Harden

Truth-In-Sentencing/85% law Truth-In-Sentencing (TIS) legislation passed nationally in 1994. The federal government began giving states big bucks to pass TIS sentencing and keep violent offenders longer. Mandatory minimum sentences were increased. The U.S. Congress authorized funding for the building of additional State prisons through the Violent Crime Control and Law Enforcement Act of 1994. Incentive grants were awarded to States that met eligibility criteria. Around the country states began a massive prison-building boom.

Missouri passed its TIS law in 1994, requiring violent offenders to serve at least 85% of their sentences. Missouri built 5 new prisons during the 90s, all but one maximum security facilities.

Now even 85% does not seem to be enough for the Missouri Board of Probation and Parole (MBPP). Prisoners with excellent institutional records and who have rehabilitated themselves through participation in programs and making honest efforts at changing their attitudes are being forced to do up to 19 out of 20 years. There is no justification for holding them so long. This is completely contrary to the principles of rehabilitation, since there will be very little parole time to help them transition to society upon release.

Virtual 85% Numerous prisoners sentenced prior to 1994 are now being held to 85% mandatory minimums as well. Although legal guidelines prior to 1994

provide for release on parole after a shorter period, this is being ignored by MBPP.

ACA Armed Criminal Action (ACA) as an enhancement to a sentence carries a sentence of 3 years according to Missouri statutes. However, the MBPP is erroneously using the Edger ruling regarding ACA to require anyone with a sentence of 15 years or more to serve additional 10-year sentences for each count of ACA.

Missouri Receiving Federal Funds Documentation from the Bureau of Justice Statistics clearly affirms that states qualifying under Truth-in-Sentencing laws continue to receive federal funds since 1994 up to the present time.

MBPP is virtually autonomous, answering only to the Governor. It's clear that there is a concerted effort to keep people locked up to qualify for these lucrative federal funds.

NAACP Branch 4072 at JCCC created a proposal for legislation that would change the 85% law. Missouri CURE created a petition based on this proposal which we advertized on our website. Unfortunately, one of our officers resigned and took the petition with her. At least 2 other groups have initiated similar online petitions, and we are looking into working with them to combine our efforts.

We have also lobbied to get the NAACP proposal introduced as a bill.

The men of Branch 4072 were able to get a resolution adopted by the statewide

NAACP, which has agreed to circulate an initiative petition in all 9 districts to gain a proposition on a 2013 ballot to change the 85% law. The men also created a resolution to repeal the United States Truth in Sentencing Act. The resolution was concurred and ratified by the NAACP National Committee. This constitutes a huge step towards prison reform.

Passage of the 85% law in Missouri was itself unconstitutional, in that it violated the **single subject rule**. After Senate Bill 763 reached the House, provisions were added that changed the original purpose of that bill. Missouri law requires that a statute should embrace only one topic, which should be stated in its title.

Illinois' TIS law was challenged on the same grounds, that its passage violated the single subject rule of the State Constitution and was thus unconstitutional in its entirety. The Illinois law was overturned on those grounds.

Unfortunately, challenging Missouri's TIS/85% law will be overwhelming and cannot be done without an attorney. Senate Bill 763 involves numerous state agencies that would not be able to operate if this law were abolished.

Working for Change Besides initiating petitions and lobbying for change, we must raise public awareness and influence public opinion. We can write letters to editors of our local newspapers, or email them online. We can also contact our state representatives and let them know how we feel. ❖

Death Penalty Update



Clemons Hearing in St. Louis from Jamala Rogers

The evidentiary hearing for Reggie Clemons ended September 20 after 4 days of testimonies and exhibits were heard and seen by Special Master Michael Manners.

Early next year, Judge Manners will take on the next critical phase of his judicial obligation—to comb through court transcripts, videotapes, audiotapes, exhibits and other related evidence that will inform his recommendation to the Missouri Supreme Court. The judge will have the unique capacity to review and assess the totality of evidence in this case.

What becomes abundantly clear from being in the courtroom all week is that our justice system is broken and in great need of an overhaul.

In the 1991 Chain of Rocks Bridge tragedy, all three adult suspects alleged police brutality. The outcomes of their allegations were very different: African Americans Reggie Clemons and Marlin Gray received death sentences for the deaths of Robin and Julie Kerry; Tom Cummins received a \$150,000 settlement. (*Ed: Cummins' father, a retired Navy Admiral, had described his own son as a pathological liar.*)

Nels Moss, who prosecuted all of the Bridge cases, was a top prosecutor for years, yet his career was riddled with at least 20 appellate overturns of his

convictions and numerous citations for contempt of court.

More than 2,000 people have been exonerated for serious crimes over the last couple of decades. These are only the known cases and don't include the hundreds who are poised for a new light to shine on their cases. It is unfortunate that few will get the opportunity that Reggie has received thanks to the interventions of the Missouri Supreme Court (as well as the long mass struggle around his case). Justice should not be such a capricious and arbitrary commodity.

As Reggie, his family and supporters begin the wait for Judge Manners' conclusion, we remain committed to reforming the system that ensnares innocent victims and robs both families of the convicted and murder victims' families of the justice and peace that they all deserve.

Death Row Exoneration

On September 28 a man on death row in Louisiana since 1997 was exonerated. Damon Thibodeaux was the 300th person to be exonerated by DNA evidence in the United States. These exonerees served a combined total of 4,013 years in prison. In cases where the true perpetrator was caught, more than 130 violent crimes could have been prevented had the true perpetrator been correctly prosecuted in the first place.

Propofol Not to be Sold to Prisons

The only domestic supplier of propofol, the powerful painkiller that Missouri hopes to use to execute prisoners, has moved to prevent its use for that purpose.

The German company, with U.S. offices in Schaumburg IL, said it would not sell to prisons. Fresenius Kabi sent a letter to healthcare providers informing them that the company would only sell the drug propofol to approved wholesalers and distributors who refuse to sell to prisons and retail pharmacies and who agree to sell it only to hospitals, clinics and health care facilities using it for medically necessary purposes within those facilities.

It is not known whether Missouri had already obtained a supply of propofol.

Propofol was made notorious when an overdose of it killed superstar Michael Jackson, but Fresenius says it is one of the world's most widely used anesthetics, administered tens of thousands of times daily.

A pending lawsuit by 21 men on death row in Missouri — including six who may be next in line to die — argues that the use of propofol is unconstitutionally cruel because it would cause excruciating pain upon injection.

Missouri is the only state to announce plans to use propofol for executions. ❖

How to "Like" us on Facebook

Log on to Facebook. If you do not have an account, create one; it doesn't take long. After logging in, follow these steps.

- ◆ Go up to the white tool bar that says "Search for people, places and things." Type in **Missouri CURE**.
- ◆ Press the Enter key.
- ◆ Once at the site, just below the horizontal picture is a small rectangle that says "Like" with a "thumbs up" symbol.
- ◆ Click on it.
- ◆ The word "Like" will then change to "Liked" with a check mark.
- ◆ Welcome to Missouri CURE's Facebook page. You now have access to all postings right after they are posted.

How to Follow us on Twitter

Log onto Twitter. If you do not have an account, then create one; it's simple. After logging in, follow these steps.

- ◆ Go to the white tool bar at the top of the page that has the little magnifying glass on the right hand side.
- ◆ Type in **Missouri CURE**.
 - ◆ Press the Enter key.
 - ◆ When the page comes up, look for the rectangular box with the word "Follow" and a blue bird inside of it.
- ◆ Click on it.
- ◆ The word "Follow" will then change to the word "Following".
- ◆ Welcome to our Twitter page. You may now begin to follow on a daily basis all of the latest info on our work, news and upcoming events.

Book Review:

by Hedy Harden

Lost Innocence: Understanding Youth Who Kill

Five Missouri prisoners—Chris Bowers, Joseph Yeager, Enrique Padilla, Sean Johnson and Kenneth Gilbert—tell their stories in this poignant narrative of young lives gone bad. Although many of the stories are sad, the authors are not looking for pity. Instead, they hope to reach youth who still have time to change their direction and avoid prison or death on the streets.

Each of these young men experienced severe trauma that resulted in rebellion, drugs, and eventually violence.

Christopher Bowers grew up witnessing frequent vicious beatings of his mother. Helpless to protect her and betrayed by the man he thought was his father, he turned to the streets for acceptance and love, joining a gang by the age of 12. A few years later he was arrested and sent to juvenile lockup. A child with no hope, at 17 he claimed the life of another youth.

Joseph Yeager was raised in the Northeast KCMO area. Determined to see their son receive a better education than was available in the deplorable public school system, his parents enrolled him in Catholic schools. At the age of 12 Yeager lost his beloved brother in a tragic death that alienated him from his former sheltered life and drove him to the streets and addiction to alcohol and drugs. Emotionally detached, unable to

cope with events in his life, Joe used alcohol and drugs to escape the pain, and addiction slowly consumed his life. By the age of 24, this former altar boy was sitting in the Jackson County Jail, facing a capital murder charge for killing a man after a drunken bar fight.

Enrique Padilla was uprooted from his beloved Mexico City home, his friends and happy childhood when his family moved to Kansas City for a better

life. Instead, Enrique was cast into a lonely world where he could not speak the language and was tormented by his peers. Desperate for acceptance, he gravitated towards kids in the neighborhood who shared his social rejection. He turned to drugs and alcohol to cope with his insecurities. With no direction, he drifted—until a foolhardy act of vandalism turned into the unintended murder of a downtown businessman.

Sean Johnson was raised in a strict but loving family in Southeast KCMO. His parents instilled in him the importance of faith. Sean encountered racism on a daily basis at school. Peer pressure made his life hell until he joined

a gang and fell into a life of criminal activity and violence at a young age. Once he attempted suicide. He survived, only to end up serving a 75-year sentence for the tragic murder of another youth. “If my story can reach out and touch just one troubled soul,” said Sean, “then I could proudly say that my life wasn’t in vain.”

Kenneth Gilbert was raised in a violent home. His parents divorced after the death of his brother and Kenneth was shuffled from one place to another. Confused and starving for attention, he confided in his grandfather for love. Instead he found himself the victim of his grandfather’s sick and sadistic sexual exploits. Unable to cope, he became addicted to chemicals, and at the age of 18 he killed for his next hit.

The price of this book is \$11.95. To order, write to Lost Innocence, Inc., P.O. Box 520871, Independence MO 64052 or go to www.lostinnocece.webs.com.

Update: Two of these men have since been released from prison. Chris Bowers had hoped to attend CURE’s September 15 annual conference, but recently started a new job and didn’t think it wise to take off work so soon.

Enrique Padilla was released and immediately deported to Mexico, once again dislocated from family. But, he says, “I’m proud of the person that I have become...I will be just fine.” ❖



Following is excerpted from a letter CURE sent to Gavel Club 79 at SCCC in Licking MO

“Please accept our heartfelt thanks for your efforts in securing a \$400.00 grant to pay for our 501(c)3 filing fee, which was accomplished as part of your Community Service Management Training program. Particularly impressive were the letters of inquiry from CSMT graduates and committee members Joseph Murchison and Ricky Maddix. We also appreciate the untiring efforts of Jon Marc Taylor in acquiring this grant. We thank the JMC Concern of Indiana for providing this generous award. We also gratefully acknowledge the critical support from Mothers of Incarcerated Sons & Daughters (MISD) in donating materials and supplies needed to complete the project. Achieving nonprofit status will permit us to save money on postage—which is a huge expense these days, apply for nonprofit grants, and encourage individual donors by allowing an income tax deduction.”



Other Donations Since March we have also received \$250.00 from JCCC NAACP Branch 4072—as well as generous donations from the Rev. Sammie Clemmons, Jose Crespo, Thomas Cunningham, Kevin Dyal, Anthony Genovese, Charles and Sandy Hammerschmidt, Michael Irby, Jonathan Irons, Ruby Jamerson, Curtis Johnson, Joseph Larson, Albert Moore, Brian Oliver, Roosevelt Price Jr., Alden Redfield, and Dorothy Yeager. Please accept our sincere thanks and kindly forgive us if we missed anyone. ❖

Organization—from page 1

A year ago we had to replace two executive board members. Since then we have made further changes. It's encouraging that we have been able to survive and grow despite these losses. We have also increased to 10 the size of our advisory board, which now has 5 incarcerated members.

I'm proud to say that in the past year Missouri CURE has more than doubled its membership. A year ago we had about 150 prisoner members. Now we have nearly 400. Our growth has brought a greatly increased workload. Fortunately our new members are providing valuable assistance.

Thanks to all those who have contributed to making our organization stronger than ever. We are extremely grateful to our prisoner members, who provide our inspiration and the backbone of our work. We appreciate your help, your letters and research, and your efforts behind bars to make life better for others. Your continued trust is our strength. ❖

Memorable Quote: "I would like to thank you on behalf of the many men and women in prison who have been touched in a positive way by your relentless efforts to produce a positive change, because I truly believe that our passion for freedom is much stronger than any of their walls."
Reggie Miller #187988 PCC

For information on who represents you, call your local Board of Election Commissioners or League of Women Voters.

Join Missouri CURE!

Date _____

Name/ID# _____

Facility _____

Address _____

City _____

State _____ Zip _____

Phone _____

E-mail _____

Please check the annual membership type:

Prisoner \$2.00 *

Individual \$10.00

Lifetime \$100.00

Donation \$ _____

* Stamps from prisoners are welcome

CURE is NOT a service organization. We are an all-volunteer non-profit criminal justice advocacy organization. CURE has NO legal services. We advocate for criminal justice reform, but cannot take on individual cases.

Missouri CURE
P.O. Box 1245
Cape Girardeau MO 63702-1245



MEMBERSHIP EXPIRES 

Together We Stand — Together We CURE!