

# Turning Point: The Newsletter of



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Citizens United for  
Rehabilitation of Errants

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From the Chair

by Hedy Harden

## Stimulus for Prisoners—Part II

This is a follow-up to the front page article of our Autumn newsletter. As of the end of January, thousands of Missouri prisoners who filed paper returns, as instructed, in order to receive their stimulus checks have still not received them. A small minority of MO prisoners, including those who had outside loved ones file electronic returns, have received their \$1200.00 checks.

### You will need to file a 2020 Tax Return to Obtain your Payment IF You have Claimed But Not Heard Back from the IRS.

If you have requested an EIP from the IRS but have not heard back, IRS will not provide information about the status of your claim. Instead please call the IRS hotline, if you can, at 1-800-919-9835 M-F between 7 am and 7 pm. **Please note that the IRS has confirmed that it did not process all claims filed in 2020.** If you did not receive your EIP, it may be because the IRS did not process your claim in time.

As we expected, MDOC has taken steps to reap a benefit from these payments which are rightfully due to prisoners. Prisoners report that prices in the canteen have been raised, some items a dollar or more, since checks began coming in. At first the checks themselves were held up, and even the state tip (used for basic necessities) was distributed late. Volumes of communications from Missouri prisoners have complained of obstacles.

One PCC prisoner wrote on 10/21/20:

"On Friday October 9th some of us were given a 1040 SI form to fill out for the EIP 2020 but we were only told to fill it out and mail it in by Columbus Day in order for it to be received at the Department of the Treasury, Internal Revenue Service, Kansas City, MO 64999-0002 by the deadline of 10/15/20. The information given to us was not complete and we were rushed to get the info out.

"On the 14th we received information from the above copied notice that we now had an extension till Oct. 30th to have paperwork postmarked by the 30th. Instructions were to

be posted in the library as well as the housing unit wings. **The form was posted for a brief time but not secured as it should have been. It was put on the outside glass window of the caseworkers' wing office which allowed someone to take it down before we could get the necessary info on how to fill out the form.**

"At this time, a CO was walking in the wing saying she doesn't believe we will, nor have the right to receive any COVID stimulus money. Parts of the form I was able to read said the offenders would be able to file on a 1040 with EIP 2020 PRINTED on top of the form. It said what information we needed to use and who was exempt. I was not able to read the entire form nor copy the info.



On the form it was made clear that it was to be posted in the library as well as in the wing, but when asked to see the form in the library we were told it could only be received from the caseworker. The caseworker said it had to be gotten from the librarian. The runaround... neither would give us the opportunity to copy this document. Some of the info said we had to receive a 1040 EIP 2020 from the caseworker October 16th and turn it in to him on October 19th. This was also put on the information channel and removed. The caseworker came in and told us if we missed receiving the form or turning it in whenever he came in on the 19th we'd be tough out of luck. Instead of him coming in on the 19th, he sent the same CO, who had spoken against us being able to get the EIP and we were unable to put this mail into the mailbox; we had to give it to her while she had already shown her disagreement/disapproval. All this should let you know I'm concerned about the form being properly processed even though it is a government form.

"Many are concerned because of the composition of those who work here, many

## Winter 2020-2021

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from the Potosi community, and the way information was improperly given to us. Also, the attitude of those who work here is for the most part hostile even though much of these funds would be used by us to infuse funds into the surrounding community because most items we purchase come from this area."

It's disgusting the many road blocks that were placed in the way of prisoners getting their stimulus checks, first by IRS, then by prisons influenced by fraudulent IRS guidelines, then by IRS prescribing unreasonable deadlines for prisoner filing and twice being forced to extend those deadlines, then by IRS publishing incomplete guidelines to prisoners and much later

See **Stimulus**, page 7

## Missouri CURE

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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. 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.

## What Did We Learn from the Capitol Riot?

By Keith Brown El

We already know that America has no shame when it comes to making a mockery of justice. Therefore we knew how the punishment phase of Donald Trump's second impeachment proceedings was going to go. Predictably, it went just like the first. Yet we watched and hoped it would give us some insight into what needed to be done to try and fix this "broken system." We hoped that during those proceedings something would happen to once and for all to open everyone's eyes and that the degree America's corruption would finally be exposed. But how can anyone expose what everybody already knows? You can't—and in such cases the only thing that matters is just how shocking and appalling the details of the so-called revelation is going to be.

Because of what took place in the U.S. Capitol early this year, members of Congress now know what it is like to be terrorized and to live under the threat of death or serious bodily harm. But these same threats are a part of a system which Congress and others, created, helped maintain and have subjected countless others to for years --innocent and guilty alike.

Washington Democrats and Republicans now also know what it is like to be in a position of having to plead your case in a kangaroo court (or in this case the Senate), a place or places where there is no real justice, a place or places occupied by people devoid of moral principles and instead presided over by judges or tribunals of biased "fact-finders". These fact-finders are impervious to injustices committed against people they don't care about, don't like, or just can't afford to sympathize with because they are afraid of losing their jobs.

Most of us, throughout our lives, have grown up experiencing all of the above and hearing this bull-crap about how "No one is above the law." But when the responsibility of upholding the law is in the hands of the wrong people—and it usually is—Justice is then at the mercy of the unjust, and the consequences for violating the law seem to only apply to the poor, the needy, and the voiceless. But they do not apply to presidents, politicians, police, corporate executives, and others who are a privileged part of society.

Despite what happened at the Capitol on January 6 of this year, it is still so

unfair that non-privileged people must re-live the horrors of violence and injustice every day while Congress only had to endure such fears for only a few minutes. We experience these and so much more every time we walk into a courtroom, every time we get stopped by the police, and every morning when we wake up in a jail, in prison or in the ghettos of America and have to thank God when we lay down at night for letting us survive another day.



When we first heard the phrase "Make America Great Again," we didn't quite know what to make of that statement. But when we looked at the people who were embracing those words, somehow we knew that the "greatness" they were talking about didn't mean the same thing to them that it meant to the rest of us. Now most of us would say that this campaign slogan could turn out to be the biggest joke of the century—except that nothing about it is funny. I will never forget that when Trump was running for office, how he used to ask the question "What have you got to lose?" It wasn't like we didn't know even back then, but now we really know for sure. So much damage has been done to this country on so many levels during the Trump Administration until most of us would gladly settle for just having things in this country back the way they were—not that there was anything great about the way a lot of things were back then. It was just simply a time when uncivilized and barbaric people had to walk around and *pretend to be civilized*. Now, it is okay if they don't, and the words "IT'S OKAY!" are big enough in some people's minds to be written in giant letters across the sky!

This healing of this Nation which some are hoping will take place is just a pipe dream—a crack pipe dream. Bigots and white supremacists do not want to see America heal or become a unified country and the numbers they have grown into have made them stubborn and determined not to see this happen. The one good thing Donald Trump did do is make it clear just how bad some of America's these problems can get out of hand. Now we have to face the fact that 75 million Americans have a death wish for this country, and they are determined to see it destroyed unless they can have things their way. ♦

## Update to Prison Officials from the IRS

By Cares Act Prison Case February 17th, 2021 | Important Updates, News

Dear Prison Official,

We are writing to update you about the Economic Impact Payments (EIP). Unfortunately, some Debit Cards were sent to inmates:

If you can process – no action required. If unable to process Metabank debit cards, please return to our fiscal agent: Fiserv, Attn: RAPID, 7007 North 97th Circle, Omaha, NE 68122.

Once you return the debit card to Metabank, they will void the debit card and notify the Treasury Dept. The individual will need to file for a Recovery Rebate Credit (RRC) using a 2020 Form 1040 to receive a paper check. Information on the RRC can be found on IRS.gov or on this link: <https://www.irs.gov/newsroom/recovery-rebate-credit>

Filing 1040 Tax Return to claim

the Recovery Rebate Credit: If eligible, the inmates can claim the Recovery Rebate Credit when they file their 2020 tax return (Form 1040 or Form 1040-SR) electronically or on paper.

Electronically – <https://www.irs.gov/filing/individuals/how-to-file>; Paper – <https://www.irs.gov/forms-pubs/forms-and-publications-by-us-mail>.

When filing the 2020 tax return with RRC, please send returns to the IRS at the processing center address in the 1040 instructions. If you have questions, please contact [prisoner\\_file@irs.gov](mailto:prisoner_file@irs.gov).

Thank you,  
Geoffrey Gerbore  
IRS Manager  
[Geoffrey.M.Gerbore@IRS.GOV](mailto:Geoffrey.M.Gerbore@IRS.GOV)  
February 9, 2021

## UPDATE: IRS Publishes Guidance on How to Obtain Stimulus Payments from Prison During 2021 Tax Season

On February 9, 2021, the IRS sent guidance to prison officials around the country explaining how people in prison can obtain their Recovery Rebate Credit (RRC) by filing a 2020 tax return (Form 1040). The “Recovery Rebate Credit” (RRC) is another name for the two rounds of stimulus payments that Congress allocated under the CARES Act and COVID-19 Tax Relief Act. People who have not yet received those payments, or who received less than what they believe they are entitled to, must file a 2020 tax return to obtain the payments now.

**These model instructions are designed for people in prison who are single tax-filers, or tax-filers who are married but filing separately, with a 2020 adjusted gross income below \$12,400.** If you are married and filing a joint tax return, or you earned an income in 2020 above that amount, then you should **not** use this sample form. Instead, please visit the IRS’s website for

general Form 1040 instructions or consult a tax professional (see <https://www.irs.gov/newsroom/recovery-rebate-credit>).

Download a blank IRS Form 1040 you can print and fill out. Download IRS Sample 2020 Form 1040 for Low-Income Single Filers Here.



### Attention

**Prison Administrators:** Please note that these filings are expressly permitted by the IRS. Form 1040’s should not be treated as contraband, and administrators should not interfere with the ability of people in their custody to receive, complete, or mail these tax forms, or to receive their rebate checks in response.

**MAILING ADDRESS:** A completed 2020 Form 1040 must be mailed to the address below depending on the state in which you reside. For Missouri, Mail to: Department of the Treasury, Internal Revenue Service, Kansas City MO 64999-0002. ❖

## Prisons Are Skimming Big Chunks of CARES Act Stimulus Checks

February 17 2021 Intercept

When Jasmilla Ford received her first stimulus check in February — nearly a year after Congress passed the \$2.2 trillion Coronavirus Aid, Relief, and Economic Security Act — the California Department of Corrections and Rehabilitation had taken more than half of the \$1,200 payment for fees related to her conviction.

In Washington State, one woman, who asked to remain anonymous to protect her incarcerated spouse, said that 35 percent of her husband’s CARES Act check was garnished before it was deposited in his account. A portion of the deduction was even given back to the prison as a “cost of incarceration.”

For the 1.4 million people incarcerated in prisons across the country, the process of obtaining a stimulus check has been plagued by problems since the spring. In May, the IRS stopped sending stimulus checks to incarcerated people and told the 950,000 people who had already received payments to return the money. The IRS only resumed distributing stimulus checks to incarcerated people in September, after a class-action lawsuit forced the agency’s hand.

Systemic processing delays, however, have meant that many incarcerated people still haven’t received their stimulus funds, and those lucky enough to be paid often discover that prison systems have heavily garnished their checks.

Congress included in the CARES Act language protecting the \$1,200 checks from expedited collection for back taxes, federal debts, and various state debts and maintained safeguards against other types of debt collection. But those safeguards don’t instruct prison systems what to do (or not to do) with the stimulus checks once they receive them, as normally prisons have little to no role in distributing these kinds of payments.

The December coronavirus relief package included much stronger language protecting the \$600 payments, but key oversights may imperil the full benefit of the stimulus program for future recipients. As Congress debates a third stimulus bill, it will have to reckon with the gaps left by the first two pieces of legislation.

Absent comprehensive guidance on processing the first, larger payments, corrections systems have acted like highwaymen, intercepting the checks and skimming funds from incarcerated people to pay for fines and fees

See Skimming, p. 7



# More states need to use their "good time" systems to get people out of prison during COVID-19

From Prison Policy Initiative updates for January 12, 2021

With the COVID-19 infection rate in prisons four times that of the general U.S. population, public health and medical experts are urging prisons to reduce their populations to save lives. But governors and corrections officials are still passing the buck — almost a year into the pandemic. **Overlooking existing mechanisms that could be used to release people**, states have instead imposed a number of policy changes that have caused further harm to the incarcerated people they are supposed to protect:



Correctional agencies have **suspended programs, classes**, and other valuable resources for incarcerated people. Not only does suspending programming make life in prison more difficult; it also slows down upcoming releases: People who have been approved for parole are still waiting behind bars to complete programs required for their release.

Shockingly, despite clear evidence that solitary confinement is not a suitable replacement for medical isolation or quarantine, use of **solitary confinement** has increased 500% during the pandemic.

**Visitation** has been limited or completely suspended in all 50 states and the federal prison system, and no states have provided free video and phone calls while visitation is suspended.

Prison systems have delayed thousands of releases scheduled for 2020, scrambling to balance the need for fewer people behind bars with the need to connect people to community health resources if they have been exposed to COVID-19 prior to release.

Transfers have slowed, and in some places, completely halted to prevent the spread of COVID-19 between facilities. As a result, people have been stuck in limbo at **transitional facilities that are not designed to house people** for months at a time, or imprisoned in higher security facilities than are necessary.

Corrections staff are reprimanding incarcerated people for inadequate social distancing, even though maintaining

physical distance from others is impossible in prison.

**What states need now is a simple, equitable way of getting lots of people out of prison** safely, rather than continuing to incarcerate them in ever more dangerous and cruel conditions. A solution — albeit one that will require legislative action in most states — is for states to immediately change their "good time" policies.

"Good time" — also called "earned time," "meritorious credit," or similar — is a system by which people in prison can earn time off their sentences. **States award time "credits" to incarcerated individuals** to shorten the time they must serve before becoming parole-eligible or completing their sentences altogether.

Good time systems vary between states but time credits are often given out for participating in programs. For example, New York offers a six-month credit for completion of the GED.

Twenty-six states have a good time program that offers credits for certain educational programs and attainments, while 23 states offer credits for vocational training, 17 for participation in mental health or substance abuse treatment, 16 for work, 21 for other programming, and five for participating in disaster response (like firefighting).

Almost none of these kinds of programs are being offered consistently during the pandemic, effectively eliminating the option for incarcerated individuals to reduce their sentences while in prison during COVID-19.

People in prison can also often earn time off their sentences by complying with prison rules. During the pandemic, people in prison have had to comply with much stricter rules than usual, including lockdowns that subject entire prisons to conditions "akin to solitary confinement." Yet most have not been rewarded with additional "good time" for compliance with these harsher conditions.

Rather than holding people back from accruing good time during the pandemic, states should give out more of those credits, not just because it's the fair thing to do—but because **it will allow some peo-**

**ple to leave prison immediately.**

**A**t least one state — New Jersey — has already used time credits to get people safely out of prison, with impressive results.

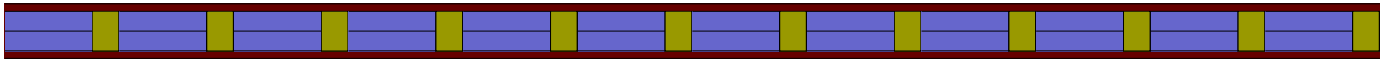
In October, New Jersey Governor Phil Murphy signed Bill No. 2519 into law to shorten sentences and allow for early releases during the COVID-19 crisis. The bill mobilized "public health emergency credits" and "compliance credits" to shorten sentences, similar to the way good time credits can reduce sentence lengths.

Almost immediately after the bill was implemented, **more than 2,000 people were released** from New Jersey state prisons, signifying one of the first large-scale releases during COVID-19. Because large-scale releases do not inherently threaten public safety, more states should consider using good time or similar earned credit policies to reduce the number of people behind bars significantly.

Changing good time policies has advantages over other mechanisms that states can use to release people. For example, 16 states have revoked the right to parole for most people in prison (the disastrous result of Truth in Sentencing laws). These states should bring back parole as soon as possible, but in the meantime, they can use good time credits to hasten decarceration. Awarding more good time credits is also efficient, as it leads to immediate release for people who were already close to their release dates anyway.

**It is likely that other states will also have to pursue these efforts through new legislation**, which is not ideal during a public health crisis. But New Jersey has demonstrated is that it is possible to enact such a bill quickly (Bill No. 2519 was passed in mid-October, and the 2,000 people were released shortly after, during the first week of November).

New Jersey's release of thousands of incarcerated people is a good start, but states looking to use their legislation as an example should expand upon the work New Jersey began. For example, the New Jersey legislation excludes people who are serving sentences for specific



## MO Criminal Justice Bills Filed for 2021

**HB 277** (Hannegan) early parole for some over 65. (Support)

**HB 315** (Toalson Reisch) – Would allow felons to serve liquor and sell lottery tickets. (Support)

**HB 318** (DeGroot) - Specifies that feminine hygiene products shall be available to prisoners at no cost while held in custody. (Support)

**HB 352** (Henderson) Canteen fund -- Beginning August 28, 2021, this bill repeals authorization for a separate commissary account that is currently used for operational expenses, and retains an "Inmate Canteen Fund" that is used for recreational, religious, educational, and reentry services. The State Treasurer shall be the custodian of the Fund and money in the Fund must be used to collect all revenue and pay operating expenses of the inmate canteens. The unexpended balance in the existing fund will not revert to General Revenue, but will be retained in the Fund. (Support)

**HB 504** (Toalson Reisch) – Certain drug traffickers eligible for parole in ten years. (Support)

**HB 530** (Evans) – limits court's ability to charge the jury with an included offense.

**HB 745** (L. Roberts) – would permit early parole release for some. (Support)

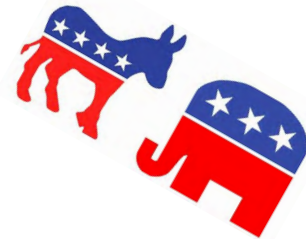
**HB 820** (Evans) – May increase those released on own recognizance. (Support)

**HB 821** (Evans) – May increase time on probation under certain circumstances. (Oppose)

**SB 60** (B. Williams) – omnibus police reform bill (similar to one passed in Illinois) (Support)

**SB 61** (B. Williams) – Expungement (Support)

**SB 65, SB 305** (S. Roberts) HIV – Lessens the penalty for exposing others to HIV; changes similar provisions involving exposure of persons in correctional centers, jails, or certain mental health facilities to HIV or hepatitis B or C to exposure to a serious infectious or communicable disease. (Support)



## Let the Church say Amen!

*From Yancey X (White) #1221983 NECC*

It's time to pay tithe. Let's give 1% of our stimulus checks to progressive organizations such as Missouri CURE. Had not CURE broken the story about prisoners' eligibility for federal stimulus checks, we would not have known. CURE freely gives away vital services and advocacy, so let us pay homage by digging deeply into our canteen account and help fund those who tirelessly help us. Being independent truth-sayers costs. Even though the truth should be readily available to all, just as water isn't free, even in the projects, so it is with the truth. To make water available one must have piping and water treatment--all which comes with a price--the publication of truth along with the running of an organization also costs. A lot goes into the operation of CURE, so the truth doesn't come in a vacuum, so let us support those who support us instead of unstocking the shelves of canteen.

During the past summer, social unrest, cries for justice, and clarion calls to defund the police permeated. However, we should stop funding our oppressors in jails and

prisons--defund canteen--those who willfully and spitefully used us by engaging price gouging and cut us no breaks. Let us ponder over the word currency; currency denotes electricity--our currency empowers us or it should--it should circulate among us or with those who have our best interest--not help enslave us.

Most of us have given our stimulus checks right back. This brings to mind the argument for reparations, which must be more than being awarded checks, since foolish people's money soon departs. If we display patience and wisdom, we would pool our funds and finance our freedom and establish viable businesses such as Amazon or Walmart delivery businesses or publishing companies. We have greatness lying dormant just waiting to surface, so let's put our minds and dollars together. CURE needs us just as we need CURE, so let us give while we can. CURE already does a lot, so imagine how much more CURE could and would do had it had the necessary funds. Money is

the fuel of any organization. Know this: our enemies aren't going to free us, and the oppressors want CURE silenced. Our lackluster attitudes and apathy play right into the enemy's hands. Can I get an Amen!

Stop me if I stop telling the truth. Our unity is more powerful than an atomic bomb. It's

2021 and where do we go from here? Will it be more of the same or will produce change? Money talks, so let's make ours talk and walk into the coffers of our advocates. Ms. Hedy Harden and Brother Brown-El need help, and we have the means so let's get to it---I'll ask in their behalf.

What's 1% of \$3,200 in comparison to the priceless service that CURE provides? Imagine how farther CURE could advocate if 23,000 prisoners contribute \$32 each. CURE might successfully attack the draconian 85% sentencing or abolish the exception clause of the 13th Amendment that authorizes slavery for being 'duly' convicted of crimes. CURE has given us hope and knowledge. Let us express our gratitude by funding our true succor-Missouri CURE. ❖



## Update on Indigent Defense Litigation

Last week, a Missouri judge found that holding those charged with crimes on waiting lists to be represented by an attorney violates both state and federal Constitutions. In recent years, the Missouri Public Defender Commission, whose attorneys are saddled with enormous caseloads due to years of meager budget appropriations, and some courts began employing waiting lists in an attempt to manage the constant influx of court appointments. In February 2020, the American Civil Liberties Union, ACLU of Missouri, Roderick & Solange MacArthur Justice Center, and Orrick, Herrington & Sutcliffe filed a class-action lawsuit to end the use of these public defender "waiting lists," which systematically and routinely deprive thousands of people accused of crimes across the state of court-appointed counsel.

In Thursday's decision, Judge William Hickie stated that "Each day's delay in investigating for the defendant and preserving evidence accrues to the defendant's detriment, and thus a delay of weeks, much less of months or years, violates the obligation of the State to furnish counsel to 'allow for adequate representation' at critical stages and at trial."

"Judge Hickie rightfully found that indigent defendants must be provided counsel within two weeks after being found to qualify for a state-funded attorney," said Amy Breihan, co-director of

the MacArthur Justice Center's Missouri office. "In so ruling, he noted the need for an attorney's advice in making strategic decisions, preserving evidence, and—most immediately, and pressing for many defendants — trying to secure release from pre-trial custody."

**Roderick & Solange**

**MacArthur  
Justice  
Center**

While finding the use of waiting lists unconstitutional, Judge Hickie granted the state's request to allow the legislature an opportunity to provide enough additional funding for public defense in the budget for the state's fiscal year starting in July to eliminate waiting lists. The judge noted that in 1972, the Missouri Supreme Court found the mechanism then employed for providing counsel to defendants was unconstitutional, but gave the legislature an opportunity to respond before imposing a remedy. The legislature responded by creating that statewide public defender system that exists today.

"Before the government can take away a person's liberty, both the Missouri Constitution and the Sixth Amendment to the U.S. Constitution require that the case against the defendant be fully put to the test. That requires the adequate representation in court, which is mandated by law," said Jason Williamson, deputy director of the ACLU's Criminal Law Reform Project. "Across the country states and municipalities failing to provide adequate resources to public defense systems have created an epidemic where the

most vulnerable among us lack adequate legal representation to defend themselves against charges levied by the state. Missouri's waiting lists are some of the most egregious examples of this and the court's decision today highlights the unconstitutionality of the practice."

Earlier this month, Governor Parson recommended the legislature approve a budget increase of \$820,000 requested by the Missouri State Public Defender's Office. That office estimated that, if approved, the increase would allow the hiring of 12 additional attorneys.

"Missouri's use of waiting lists lets the state prosecute folks who cannot afford an attorney without the appointment of counsel to represent them," said Tony Rothert, legal director of the ACLU of Missouri.

"The practice is scandalous, and we are thrilled the judge recognized the magnitude of harm waiting lists inflict on individuals' constitutional rights. While we respect the court's decision to give the legislature an opportunity to finally provide enough funding for public defenders, waiting lists are a symptom of the legislature's years of not taking the constitutional right to counsel seriously."

The state must provide monthly status reports to Judge Hickie. The case will be back in court on July 1.

**Amy E. Breihan**  
314 254 8543 ♦



### Good Time, from page 4

offenses and only applies to people who are within a year of their scheduled release dates.

States should award credits to shorten the sentences of all people incarcerated during COVID-19, regardless of offense type or sentence length.

Specifically, **we recommend** that state prison systems with existing good time systems make these permanent reforms immediately:

Grant **extra good time credits** to all incarcerated people for serving time during the pandemic.

At a minimum, **people who would be earning good time** through a program that

has been suspended during the pandemic should be credited with that time, since they lost the opportunity through no fault of

*Good time*

their own.

**Expand eligibility** to all incarcerated people, regardless of offense type or sentence length. Refrain from revoking good time credits that people in prison have already accrued, except for the most serious of offenses.

**Protect good time** that people have

**already earned** by making time earned credits vested and immune from forfeiture after five years.

States that do not have systems that allow people to earn time off their sentences should create those systems, and **give all incarcerated people a meaningful opportunity for release**. Good time is one of the most effective mechanisms that states can use to release incarcerated people in a timely manner). As a pandemic continues to turn prison sentences into death sentences, it has never been more urgent that state prison systems strengthen their levers of mercy. ♦



**Stimulus from page 1**

changing those guidelines to include prisoner numbers, after most prisoners had already filed without these. Then the hold-ups by the prison system, first by placing blocks on checks received from families who filed online. When thousands of prisoners who filed for their checks did not receive them, MDOC would not answer questions from prisoners, leaving them to wonder if DOC were holding back thousands of checks.

**F**inally I learned from a recent email that the IRS' promise to have the checks sent out by a certain date was not fulfilled. A prisoner wrote that his family called the help line number provided on the paperwork they were given and spoke to an actual person involved **on December 10**. "While giving this person all my information and related details down to the day I mailed the 1040 out of here, they told my family that if that was when I mailed it out, then **"it's still probably sitting in a pile that they haven't gotten to yet."**

If you have questions about the recent order and are able to access the computer, the most helpful information can be found in an FAQ at **caresact.prisoncase.org**. Especially useful is a link to a **sample Form 1040** with highlighted instructions on how to fill out a 2020 return, including **adding your prisoner registry number after your last name to make sure the stimulus check is sent to the right person**.

You have until **April 15, 2021** to file your claim.

Good luck! ♦

**PA Governor commutes life sentences for 13 Prisoners 2/21/21**

Gov. Tom Wolf's office announced Friday he has commuted the life sentences of 13 Pennsylvania inmates, clearing the way for their release to halfway houses.

Wolf said they had all been unanimously recommended by the Board of Pardons. All 13 had been convicted of

first- or second-degree murder.

Nine are from Philadelphia, three are from Allegheny County and one is from Lancaster. They range in ages from 51 to 83. Two are women convicted of murders in Philadelphia.

Wolf said two of the inmates are brothers who in 1981 carjacked a man

who later died of a heart attack. Another set of brothers has maintained they are innocent of a fatal robbery and shooting in 1993, and had turned down plea deals for no more than 10 years in prison.

Wolf says he believes the inmates deserve a second chance. ♦

**Skimming from P. 3**

associated with their incarceration, depositing the remainder into commissary accounts.

"I wouldn't say that it's a loophole, but I think it's an unforeseen consequence," Lawrence Sannicandro, a partner at Kostelanetz & Fink who chairs the American Bar Association's Tax Collection, Bankruptcy and Workouts Committee, said. "If Congress wanted to prevent any state agency from intercepting these payments, they could have said specifically that."

The Intercept queried the 10 state correctional systems



incarcerating the most individuals about their garnishment practices for CARES Act payments. Only the Texas Department of Criminal Justice said it had not garnished money from these checks.

California's state corrections department told The Intercept that it automatically takes 50 percent of money received by incarcerated people who owe court-ordered restitution. (An executive order from Gov. Gavin Newsom to protect CARES Act checks against debt collection still allowed garnishment for criminal restitution, among other reasons.)

The New York Department of Corrections and Community Supervision told The Intercept that the entire CARES Act check could be encumbered.

The Pennsylvania Department of Corrections said it could deduct up to 25 percent from checks for a range of fees.

Michigan and Ohio said that they would garnish checks consistent with state law. The other four states contacted — Arizona, Georgia, Illinois, and Florida — did not respond to or explicitly answer The Intercept's questions. In response to a detailed list of questions about its management of the stimulus program for incarcerated people, the IRS sent The Intercept a preexisting FAQ posted on the agency's website.

Rep. Danny K. Davis, an Illinois

Democrat who sits on the powerful House Ways and Means Committee, said that the stimulus checks were "intended to benefit the individual." If some prison systems are taking it away, Davis said, that is "beyond the pale."

Despite a federal judge ruling in September that the IRS's attempt to withhold checks from incarcerated people was unlawful, time constraints and information barriers have hindered those in prison from receiving the payments.

"One of the first challenges we faced in the case ... was to overcome the perception on the outside, from both provider groups, families, etc., that this couldn't possibly be true, that it was a scam, that there weren't these lawyers who had a case that made it possible," said Kelly Dermody, a partner at Lieff, Cabraser, Heimann & Bernstein, which brought the suit on behalf of the 1.4 million people incarcerated in U.S. prisons. ♦

**500,000 deaths**

**R**oughly one year since the first known coronavirus-related death was reported in the U.S., an unfathomable toll has been reached — the loss of half a million people, higher than in any other country on earth. More Americans have died from Covid-19 than on the battlefields of World War I, World War II and the Vietnam War combined. *NY Times* 2.21.2021. ♦

**When Director Precythe took over MODOC, she said there were 34,000 prisoners in Missouri. At the virtual town hall meeting this month, she reported a prison population of 23,000. In addition, there are 59,000 on probation and parole.**

## Illinois Becomes First State to Eliminate Cash Bail as part of Criminal Justice Reform Bill *Feb. 24, 2021 By Safia Samee Ali*

CHICAGO — Illinois has set the stage for a significant overhaul of its criminal justice system after Gov. J.B. Pritzker signed off on a new law that not only institutes major police reforms, but also makes the state the first in the nation to completely abolish cash bail.

House Bill 3653, which was several years in the making, aims to make sweeping changes to the state's existing policies on policing and adjudication.

The legislation, which was signed Monday, comes at a critical time as nationwide calls to address racial bias in the justice system have intensified following the killing of George Floyd in Minneapolis police custody in May, Pritzker said after signing the law.

"This legislation marks a substantial step toward dismantling the systemic racism that plagues our communities, our state and our nation and brings us closer to true safety, true fairness and true justice," he said. "All of this was fueled by the experiences of those who have lived with police brutality and discrimination in this terrible year in the middle of a brutal viral pandemic that hurt Black people and brown people disproportionately."

The expansive law came together through a massive grassroots mobilization of more than 100 reform organizations, as well as the Illinois Legislative Black Caucus, that helmed the law through the state Legislature last month.

"History will judge how we responded in this moment, which called for big, bold, transformative changes," said Democratic state Sen. Elgie R. Sims Jr., who sponsored the bill. "This is not a moment for incrementalism, but one which calls for us to reimagine what public safety looks like in this great state."

Among the most notable facets of the law is the abolishment of the cash bail system under the Illinois Pretrial Fairness Act, which is a part of HB 3653. The new law eliminates wealth-based detention and instead gives judges a more strictly defined decision-making process based on a real risk of present threat or willful

flight. This will be rolled out slowly under a two-year plan and will not go fully in effect until 2023, while other parts of the law will go into effect as early as July.

The new system "increases accountability and transparency in law enforcement, modernizes our bail and sentencing systems, and provides for greater protections and more humane treatment of those

"The bill unfairly targets officers and attempts to punish them, not just make them accountable," Ed Wojcicki, the executive director of the Illinois Association of Chiefs of Police, said in a statement. "The public will learn more about these flaws when they see for themselves that common-sense tools needed by the police, state's attorneys, and the courts have been stripped by this law."

The sentiment was echoed by the several Republican state legislators who said the bill was hastily rushed through a lame-duck session.

"This 700-plus page proposal was rammed through in the middle of the night with just hours left in a lame-duck session without the transparency and discourse expected in a democratic process," state Sen. John Curran said in a statement, according to the Chicago Tribune.

Illinois Republican Party Chairman Don Tracy said the bill "is willfully undermin-

ing public safety - endangering citizens, emboldening criminals, and making Illinois less safe for families," WMAQ-NBC Chicago reported.

Despite the opposition, several community groups that have worked on the law say the bill culminated over several years and was a long time coming for the state's communities of color.

"The omnibus bill was developed in response to Black Lives Matter protests that erupted in every corner of Illinois and across the nation last summer following the police murders of George Floyd and Breonna Taylor," the Coalition to End Money Bond, which was heavily involved in the bill over several years, said in a statement.

"Legislators saw the unprecedented protests as a mandate to bring sweeping changes to the state's criminal justice system. By signing this transformative legislation into law, Governor Pritzker and the Illinois legislature have taken a bold step to advance racial justice in Illinois and stand with the millions of people who took the streets in support of the Black Lives Matter movement." ♦



who have been arrested and accused of crime," Sims said.

The law also encompasses some of the most extensive police reforms, including a requirement that all police officers wear body cameras by 2025, a ban on all police chokeholds, new guidelines for "decertification" of police officers, and statewide standards and services for officers to receive regular confidential mental health screenings and assistance.

Under HB 3653, police departments are also prohibited from purchasing certain military equipment, such as firearms and ammunition of .50-caliber or higher and tracked armored vehicles.

Detainee rights have also been expanded to include the right to make three free phone calls within three hours of arrival at the police station and before questioning occurs, and the ability to retrieve phone numbers contained in their cellphone's contact list prior to the phone being placed in inventory.

But several law enforcement groups and legislators opposed the legislation, citing that the new law will not only do a disservice to officers, but will also diminish public safety.



## Proposed Legislation

from Kenneth Bell

### THE SECOND CHANCE ACT OF MISSOURI

1. Notwithstanding any other provisions of law, any person convicted of a crime that was committed prior to such person attaining the age of twenty-five and who was sentenced on or after January 1, 1979, shall be eligible for parole after:

(1) Serving one-third of his or her sentence when the sentence is calculated to be thirty years or less or

(2) Serving a minimum of twenty-five years of any sentence of imprisonment that is calculated to be more than thirty years, including a sentence of life without the possibility of probation, parole, or release.

2. Persons eligible for parole under this section shall receive periodic parole hearings at intervals not longer than every three years, and shall not be denied on the basis of the circumstances surrounding the original offense. Instead, the person shall be denied parole only on the basis of a consistent pattern of poor institutional behavior occurring within ten years of the hearing, a serious criminal offense committed while under the sentence within ten years of the hearing, or upon a showing by a preponderance of



the evidence that the person would be a danger to the community if released.

///END///

### EARNED TIME CREDITS

A Proposal to appear at § 217.691 of the Revision Missouri Statutes

1. Any other law to the contrary notwithstanding, every offender under a sentence of imprisonment imposed pursuant to the laws of this state shall be entitled to earned time credits which shall have the effect of reducing the sentence of imprisonment.

**2. Factors Considered.** Every offender entitled to earned time credits under the provisions of subsection (1) of this section shall be given said time credits. When calculating an offender's earned time credits the following factors shall be considered:

(1) institutional adjustment, including limited conduct violations, release preparedness, and consistent work history

(2) social history, including the offender's age and level of maturity at the time of the commission of the offense, any history of the offender having been abused, and any history of alcohol or drug addiction which may have adversely affected the offender's development or decision making

(3) educational advancement including vocational training, obtainment of high school diploma or its equivalent, associate's degree, bachelor's degree, or any higher college degree

**3. Allocation.** The following allocation of time credits shall be applicable:

(1) fifteen (15) days of time credits shall be given for every thirty days dur-

ing which the offender has been employed during the sentence of incarceration

(2) ninety days of time credits shall be given for every one (1) year period during which the offender has received three (3) conduct violations or less

(3) ninety days of time credits shall be given for the completion of long term programs for the treatment of drug and alcohol addiction, violent tendencies, and other mental health issues

(4) ninety days of time credits shall be given for the completion of vocational training, and for the obtainment of each diploma and degree listed in subsection 2 (3) of this section

(5) thirty days of time credits shall be given for each short term rehabilitative program completed by the offender.

4. For the purposes of subsection 3(3) of this section, a program shall be considered "long term" if it requires at least one year of participation.

5. For the purposes of subsection 3(5) of this section, a program shall be considered "short term" if it requires at least six (6) weeks of participation.

6. The phrase "sentence of imprisonment" shall be construed to include every sentence except for a sentence of death.

7. For the purpose of calculating earned time credits, any life sentence shall be calculated as thirty (30) years.

8. The provisions of this section shall be retroactively applicable to each offender described in subsection one (1) of this section.

///END/// ♦

## Amanda Gorman, 22 year-old National Youth Poet Laureate

Amanda S. C. Gorman (born March 7, 1998) is a poet and activist. Her work focuses on issues of oppression, feminism, race, and marginalization, as well as the African diaspora. Gorman was the first person to be named National Youth Poet Laureate. She published the poetry book *The One for Whom Food Is Not Enough* in 2015. In 2021, she delivered

her poem "The Hill We Climb" at the inauguration of U.S. President Joe Biden. Her inauguration poem generated international acclaim, and shortly thereafter, two of her books achieved best-seller status, and she obtained a professional management contract.

Gorman also performed at the Superbowl this year. ♦



# LWOP For 'Felony Murder': PA Case Targets Sentencing Law

Jacqueline Larma/AP 2.4.21

**A** first-of-its-kind court case in Pennsylvania is asking a big question: How long do people need to stay in prison before they get a second chance?

More than 1,000 people are serving life without parole in Pennsylvania, even though they never intended to kill anyone. Seventy percent of those people are Black even though only 11% of people who live in the state are Black..

I met Tyreem Rivers on the phone in November, when his voice was a little muffled.

"Well, I have two or three masks on," Rivers said with a laugh. "I have at least two masks on, so I'm trying to stay safe."

Staying safe is hard when you're confined with hundreds of other men during a pandemic. Rivers, 43, has spent more than half his life in prison. He grew up in a rough part of Philadelphia.

"So I never really understood the concept of 'life without parole,'" he said. "You know, I didn't shoot nobody, I didn't stab anybody, I didn't rape anybody."

Here's what he did do: snatch the purse of an 85-year-old woman. She died in the hospital, two weeks later, from injuries sustained when she fell. The evidence presented at trial suggests he didn't mean to kill her. But that didn't matter under a concept called "felony murder."

## The effort to change the law

"The felony murder concept is, if a death occurs during the commission of another felony, that is considered a form of murder that's attributed to anybody who participated in the felony, regardless of whether they had any criminal intent in regard to the death of the other person," said Bret Grote, legal director at the Abolitionist Law Center.

Grote, alongside the Center for Constitutional Rights and the Amistad Law Project, is suing the state on behalf of Rivers and five other people convicted in their late teens. They've already served a combined 200 years in prison. Their case argues the punishment for felony murder in the state is cruel and unconstitutional under Pennsylvania law.

Grote said it means an effective life sentence.

"People in Pennsylvania who are serving life sentences do not have the possibility of parole," he said. "And the only way they are being removed from prison is in the overwhelming majority of the cases is in a body bag."

Their lawsuit hopes to change that by forcing the state board to grant prisoners parole hearings — and to push the state Legislature to change the law.

Atty. General Josh Shapiro is on the other side of the case. His spokeswoman sent NPR a statement saying that he's duty-bound to defend the law.

But, she added that he supports efforts to remove the

prohibition on parole in Pennsylvania's second-degree-murder statute. "He has previously called on the General Assembly to change the law so that second degree murder is not an automatic life sentence and provide additional sentencing options, which would best address the concerns raised in this case," she said.

**P**ennie Hockenberry, of the Pennsylvania Office of the Victim Advocate, said the office surveyed surviving families in 2019 about parole eligibility in these cases — and 91% of respondents disagreed or strongly disagreed with the idea.

But for experts who assert the U.S. prison population is already too large, especially in the middle of a pandemic, the movement to overhaul the criminal justice system won't get very far unless the country reckons with how and how harshly to punish people who engaged in violent crimes, sometimes decades earlier.

Quinn Cozzens, another lawyer for the plaintiffs, said "So that's obviously a huge disparity and something that's indicative of how this punishment is imposed and who it is imposed on and what purpose it serves,"

## Petitioning for clemency

There is one way for people like Tyreem Rivers to leave prison before they die. In Pennsylvania, a state pardon board considers those petitions and recommends clemency to the governor.

At a public meeting last fall, the board considered the case of the Evans brothers. They've spent 37 years in prison. In 1980, the brothers took part in a car-

jacking, with an antique gun. They dropped off the man whose car they stole at a payphone booth. Later, the man died of a heart attack.

The Evans brothers refused a plea deal. They've now served double the time they would have spent in prison if they had taken that deal. The man considered the ringleader in the carjacking is already free — has been for more than a year.

Lt. Gov. John Fetterman said the stakes were too high to punt.

"And that's been my point consistently, that we're going to err on the side of mercy because the stakes are so high, if he's denied, almost assuredly going to die in prison, despite serving four decades in prison," Fetterman said at the meeting.

Then, he called on Nancy Leichter. Her father Leonard died after that carjacking.

"They were 18- and 19-year-old teenagers when they went into prison, and they are now 58- and 59-year-old men," Leichter said. "They have accepted responsibility. We believe they have paid their price and now it's time for them to be released."

Ultimately, the board voted unanimously to pave the way for the Evans brothers to be released last September. But they're still in prison, because Pennsylvania's governor has not signed the paperwork. Another man who had been approved for clemency by the board died last weekend, still in prison, while he was awaiting the governor's action.

I asked him what he wanted people to know about him.

"OK, so I would like for people to know that I am not a bad person," said Rivers. "I made bad decisions in the past. I have a sense of regret and remorse for my actions, and I'm a man of change."

Rivers said he had done a lot of thinking since he entered prison so long ago. He took classes, attended drug and alcohol treatment, worked with hospice patients and started mentoring new waves of young men who arrived in the facility. The student had become the teacher, he said.

This week, Rivers emailed me. He said he's got some lingering trouble from the coronavirus. But he's still optimistic that someday, he'll get out of prison, against the odds, and put his paralegal training to use in a case that doesn't involve himself. ♦



## Citizens Required to Register and Families: Jump on the Bandwagon' With Us!

This information is important, and it involves you for two reasons:

The current state and federal laws requiring citizens to register is beyond the pale and does not allow people to move on with their lives.

The concept is built on false narratives and fear-mongering by a variety of media, some law enforcement and those with a monetary interest.

Facts:

There are currently 917,000 men, women, teens and children (as young as 8 and 10 in some states) required to register across the nation. We estimate that over 2.5 million family members are impacted by these punitive laws! We need every family member, friend and coalition partner helping but first-things-first.

The Ellman Essay 'Frightening and High' sheds light on the high recidivism rate quoted by retired SCOTUS Justice Kennedy and was unfortunately cited many times. Please Google the essay.

Now to why we say 'Jump on the Bandwagon With Us.' We as an organization are tired of the disparaging language used everywhere perpetuating feelings of discouragement and the need to cocoon. In response to that we are undertaking a Twelve-Month Moratorium against disparaging language and recommend person-first language which was first introduced

by the American Psychological Group (APA) in 2018. On our website [www.womenagainstregistry.org](http://www.womenagainstregistry.org) under Moratorium you can read the three documents we are using.

The first of two components to this initiative is person first, meaning instead of the two words that make us cringe we ask that everyone use "citizen required to register," "teen with a historical sexual offense," "family of person required to register," etc. and please know that it will take practice.



The second component involves reframing our message when speaking about the derogatory words without activating the reptilian brain—our

reptilian brain, which includes the main structures found in that of a reptile's brainstem and cerebellum. The actions and emotions that spring from the reptilian brain do so automatically, without us having to think about it. It is in charge of our survival, for our flight, fight or freeze responses, anger in response to danger, and most of all - FEAR.

So, an example would be instead of saying to someone I am a (two derogatory words) and activating the reptilian brain of the person or persons, take a minute to reframe what you are going to say which could be something like, 'I am a person

with a historical offense in my background' and continue the conversation from there. It could be when looking for housing, work, talking with family friends, etc). A simple play on words can make a big difference within our society and aspect of thinking.

Consider these samples;

Remember when people of color were referred to in a negative way. That is changing, right?

Remember when those who suffer a severe mental handicap were called by a degrading name? Do you even remember or know what we are referencing? That is the point.

So many successful changes in society started with a small grassroots effort. We have begun informing and educating those that influence; print, network and cable outlets, law schools, criminal justice organizations, prison reformers, state and federal legislators, criminal defense attorneys, think tanks and a myriad of other

influencers. We need volunteers to help out a couple of hours a week working on variety of tasks.

So by all means...

jump on the bandwagon with us. ♦



## Pell Grant Restoration

As part of a sweeping higher education bill, Pell grants will be restored to prisoners. However, The Department of Education has until July 1, 2023 to implement the changes to the law. They can implement early, but must publish a notice in the federal



register (with 60 days' notice) if they are implementing it prior to July 1, 2023.

With this positive development, we remember Jon Marc Taylor, who earned

## from Hedy Harden

his PhD while incarcerated in Missouri.

Jon was a relentless advocate for higher education for prisoners and worked for the restoration of the Pell Act. A published author, Jon passed away on December 27, 2016 at the age of 54. Before he fell ill, Jon was working on a second Ph.D.

Some Missouri prisoners are already receiving the Pell Grant. If you're interested, talk to your Case Worker/Manager and ask about the Ashland University tablet program. ♦

## To Our Readers,

Please protect yourself and others. Keep wearing those masks, even if it's uncomfortable. Wash your hands frequently, use sanitizer when you can, and maintain a safe distance as much as possible.

Your life is precious. Try not to let the plague get the upper hand.

With Love from your CURE Family.





**Missouri CURE**  
**P.O. Box 28931**  
**St. Louis MO 63132**



## ***Fight Mass Incarceration—and CURE the Madness!***

**Disclaimer:** The articles in this newsletter are for informational purposes only. Nothing in this newsletter is intended to “promote, incite or advocate disorder or the violation of state or federal law, nor promote, incite, advocate, facilitate or otherwise present a risk of lawlessness, violence, anarchy or rebellion against a government authority”...or any of the other ridiculous excuses that the Department of Corrections frequently uses to reject Turning Point, the newsletter of Missouri CURE, simply because they don’t want prisoners to have access to the information we are trying to provide.

**M**any thanks to the following people for their generous contributions: Dennis Baker-Bey, Calvin Brison, Geoffrey Burton, Kenneth Butler El, Calvin Dailey, Benjamin Darden-Bey, Janice Foreman, Adrian Houston, Tony Koonce, Marcus McCombs, Gregory Williams and Yancy White. Once again, our deep gratitude to Carol Corey, our super-giver, for her continued contributions and support. Many thanks to Erin Burroughs for her donation of \$500.00. We’d also like to thank all of you prisoners who sent us holiday cards and greetings. It’s a family affair!

*Thank you all!*



### **Here are some frequently requested addresses:**

#### **American Civil Liberties Union**

ACLU, 906 Olive St., Suite 1130, St. Louis, MO 63101 (314) 652-3111

**Criminal Justice Ministries** 1104 S. Jefferson Ave, St. Louis, MO 63104 (314) 652-8062

**CURE National**, P.O. Box 2310, Washington DC 20013

#### **MacArthur Justice Center**

3115 South Grand Blvd. Suite 300, St. Louis, MO 63118;  
314.254.8540

**Women Against Registry (WAR)**, Vicki Henry, President, P.O. Box 463, Arnold, MO 63010, 800-311-3764; Fighting the Destruction of Families;

### **Join Missouri CURE!**

Date \_\_\_\_\_

Name/ID# \_\_\_\_\_

Facility \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

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**Please check the annual membership type:**

☐ **Prisoner Annual** \$2.00 ★

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