

# Coalition For Prisoners' Rights Newsletter

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## STATE VIOLENCE

As we live in a country, and indeed a world, of ever-increasing and toxic inequality so do we appear to live with ever more powerful and destructive violence by institutions of the state both at home and abroad. Daily headlines, detailing both new and old methods of destroying our communities, make this very clear. It is people who are charged with our safety that often inflict the most damage. As Bryan Stevenson of the Equal Rights Initiative says, "The opposite of poverty is justice." We bear the legacy of slavery.

We are often told that we live in the richest country in the world, though surely not the healthiest or most literate--and the one with the highest incarceration rate. Along with the growing excesses of numbers and brutality, 45 million of us are officially reported to be poor. We are charged with the responsibility to keep alive the possibility of a different future. This means continuing to unite, mobilize and organize.

### SOLITARY CONFINEMENT SETTLEMENT

The newspaper headline said: "\$750K reached in solitary confinement suit" (Santa Fe *New Mexican*, 12-24-15), but the most important part of the story includes: that the plaintiff, from TN, was locked up in the Sierra County NM jail (i.e. "Truth or Consequences" NM) for almost three weeks in 2012 on misdemeanor charges for failing to report that he had scraped his car along a metal post at a McDonald's drive-thru.

Even more outrageous is that the jail had to be closed in October 2014 pending litigation. Staff were allowed to create and edit prisoners' medical records. Some guards refused to return meds to prisoners after they'd been released unless they paid for the drugs. Defendant guards used prescription pills in exchange for sex with women prisoners, in addition to outright rape. Other NM solitary confinement/jail conditions suits are pending.

Just as we must name and describe and oppose the torture all around us, so to must we recognize and acknowledge the state violence we live with. Everyday governance of jails and prisons is a powerful example. Even being brought into court in shackles, chains, hand cuffs and jump suits is part of this. We refer to life conditions as locked up people--everything from regularly being awoken at 3 a.m. for "breakfast" to being physically assaulted for any number of "reasons."

The violence huge numbers endure is physical, emotional and spiritual. Such treatment is unacceptable whether we are found "guilty" or "innocent."

How many people are locked up in the United States? In state prisons: 1,359,000. In local jails: 646,000. In federal prisons: 211,000. In immigration detention: 33,000. By civil commitment: 5,5000. In Native American jails: 2,100. In military imprisonment: 1,400. Kids: 69,000.

### Treatment of Children

The first group of 250 Central American children--from El Salvador, Guatemala and Honduras--out of a total of 700, arrived on January 24 at Holloman Air Force Base near Alamogordo in southern New Mexico for 32 days. Additional shelters will be located in Lakewood, Colorado in February and in Homestead, Florida in April; the three are to house a total of 2,200 children. These children are "of all ages," although most are between 14 and 17. We are told "their needs are all being met."

A psychotherapist of Japanese descent who spent part of her childhood in U.S. internment camps during WWII said she was reminded of, horrified by, and appalled by conditions she had witnessed in the existing Dilley TX mothers and children detention facility. The government officials are charged with "making sure the children are in conditions where they can thrive."

# IN MEMORIAM

There were 28 people officially murdered by U.S. state governments in 2015. Their names, dates and states of death are:

01/13	Andrew Brannan	GA
01/15	Johnny Kormondy	FL
01/15	Charles Warner	OK
01/21	Arnold Prieto	TX
01/27	Warren Hill	GA
01/29	Robert Ladd	TX
02/04	Donald Newbury	TX
02/11	Walter Storey	MO
03/11	Manuel Vasquez	TX
03/17	Cecil Clayton	MO
04/09	Kent Sprouse	TX
04/14	Andre Cole	MO
04/15	Manuel Garza	TX
05/12	Derrick Charles	TX

Of those executed, 7 were Latinos and 10 were African-Americans. There were 13 killed in TX, 6 in MO, 5 in GA, 2 in FL and 1 each in OK and in VA.

06/03	Lester Bower	TX
06/09	Richard Strong	MO
06/18	Gregory Russeau	TX
07/14	David Zink	MO
08/12	Daniel Lopez	TX
09/01	Roderick Nunley	MO
09/30	Kelly Gissendaner	GA
10/01	Alfredo Prieto	VA
10/07	Juan Garcia	TX
10/14	Licho Escamilla	TX
10/29	Jerry Correll	FL
11/18	Raphael Holiday	TX
11/19	Marcus Johnson	GA
12/09	Brian Keith Terrell	GA

## The Step Back

In November 2015, a 9th U.S. Circuit Court of Appeals three judge panel overturned a July 2014 ruling by a U.S. District judge that California's capital punishment system is arbitrary and therefore unconstitutional. So now the tax-payer-supported Habeas Corpus Resource Center will have to decide whether to appeal to a larger panel of the 9th Circuit or to the U.S. Supreme Court, or both. California likely remains years away from resuming executions, which were halted in 2006 when a federal judge ruled the three drug procedure risked a painful death.

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To receive a Newsletter by postal mail monthly, send us self-addressed, stamped envelopes (with the CPR return address) -- up to 12 at one time.

Keep sending us address changes and renewal requests as we struggle to keep the mailing list for the January holiday card/new calendar mailing as accurate as possible.

Also, note that the *only* address to use to be sure to reach us is: PO Box 1911, Santa Fe NM 87504. Some resource address listings for us are incorrect.

NONE OF US ARE LAWYERS OR LEGAL WORKERS, so, for our protection, please do not mark any envelopes sent to us as "Legal Mail."

Many, many thanks to the Real Cost of Prisons Project for making our Newsletter available on-line for free downloading and distribution. It is at: <http://www.realcostofprisonsproject.org/coalition.html> -- this is a GREAT site!

We depend on our readers' donations & thank you for our support! Mil gracias!

## And the Step Forward

In January, the U.S. Supreme Court ruled 8 to 1 (with only justice Alito dissenting) that the Florida death penalty statute was unconstitutional, as it gave judge too much power. In the *Hurst* case which prompted this decision, the jury had voted only 7 to 5 in favor of execution. The majority opinion was written by justice Sotomayor, who stated that juries--not judges--must make the final decisions on whether a defendant should receive an execution sentence.

This meant that Florida allowed an execution sentence in cases in which the jury did not unanimously recommend it. The only other two states with that system are Alabama and Delaware. No doubt this decision will eventually affect them also.

There are currently 390 people on Florida's death row, second only to California, with approximately 750. Additional appeals are expected in Florida with some number of them resulting in life sentences. Ironically, while the case was pending in front of the Supreme Court, Florida carried out two executions. The opinion did not deal with the question of whether their opinion was retroactive. People who have been charged, but not yet tried or sentenced in capital cases, will now face a maximum sentence of life.

The Florida legislature will decide whether to rewrite the current statutes or to abolish the sentence of execution altogether. There are currently 31 states with an execution sentence.