

IN THE
COURT OF APPEALS OF INDIANA

NO.:

[REDACTED]

APPELLANT, (PETITIONER BELOW)

) APPEAL FROM THE HOWARD
) CIRCUIT COURT
) CAUSE NO. 34COI-D407-PC-DD257

V.

STATE OF INDIANA,

APPELLEE, (RESPONDENT BELOW)

)
) THE HONORABLE LYNN MURRAY,
) JUDGE

BRIEF OF PETITIONER-APPELLANT

[REDACTED] # [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

APPELLANT- PRO SE

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PRISON POLITICS PART 1

INTERCOM: "COUNT TIME. COUNT TIME"

WORD IS GOING AROUND THAT A GANG IS MOVING OUT ON ONE OF THEIR MEMBERS FOR ENGAGING IN HOMOSEXUAL ACTIVITIES AND USUALLY ONCE WORD GETS OUT TO ME ITS ALMOST WRITTEN IN STONE. THE CORRECTIONAL OFFICER (C.O.) HAS JUST WALKED THROUGH AND DID COUNT AND ITS THE WEE HOURS OF THE MORNING, WHEN ALL OF A SUDDEN BAP, BAP, BAP, BAP (SOUND OF A LOCK-IN-A-SOCK TAGGING HUMAN FLESH). BEING THAT THE GANG WAS JUST DELIVERING A LIGHT-WEIGHT MESSAGE, THE MEMBER THAT WAS ENGAGING IN THIS HOMOSEXUAL ACTIVITY WAS ABLE TO RUN UP TO THE FENCE AND ESCAPE HAVING HIS LIFE TAKEN BY THIS LOCK-IN-A-SOCK.

ONCE HE RAN TO THE FENCE, IT WAS PRETTY MUCH OVER, WHICH I ACTED LIKE EVERYONE ELSE DID AND PLAYED SLEEP. THE LIGHTS CAME ON AND THE C.O. CAME IN TO CHECK FOR EVIDENCE. THE ONLY PERSON UP, WAS THE GUY AT THE FENCE, WHO WASN'T GOING TELL ANYTHING RIGHT THEN AND THERE, DUE TO FEAR OF SOMEBODY SEEING HIM SNITCH, AND FOR US PLAYING SLEEP, WE WAS GOING TO DO THAT UNTIL THE LIGHTS WENT BACK OFF, EVEN IF WE HAD TO USE THE BATHROOM. BECAUSE IF THE C.O.'S CAUGHT YOU WALKING TO THE BATHROOM OR LESS ALONE YOUR EYES WERE OPEN, THEY WOULD SUSPECT YOU TO KNOW SOMETHING. NOONE KNEW ANYTHING, SO THE GUY AT THE FENCE LEFT IN HANDCUFFS AND EVERYTHING WENT BACK LIKE IT WAS.

A FEW DAYS LATER, RUMOR HAD IT THAT THE GUY THAT GOT RAN UP TO THE FENCE THE OTHER NIGHT WAS SWITCHING. BEING THAT I KNEW I WASN'T INVOLVED IN THE BEAT DOWN, I PAID IT NO MIND. THE NEXT DAY, ABOUT (20) TWENTY C.O.'S CAME INTO THE UNIT. THEY HAD HANDCUFFS IN THEIR HANDS, SO AUTOMATICALLY EVERYONE SUSPECTED TROUBLE. DUE TO MY BUSINESS BEING LEGIT, I THREW MY LEGS UP ONTO THE CABINET IN A RELAXING POSTURE AND FIRED UP A CIGARETTE. FROM MY PERIPHERAL VISION, I SEE (2) TWO C.O.'S COMING MY WAY. I'M TRYING TO ACT LIKE I'M PAYING THEM NO ATTENTION.

ALTHOUGH I AM RAPPING TO MYSELF AND PUFFING HARD ON THIS CIGARETTE, MY ATTENTION INSTANTLY WENT TO THE HEARING OF SOMEONE SAY "CUFF UP". I TRIED HARD TO BLOCK THE VOICE OUT, BUT I HEARD IT AGAIN: THIS TIME IT WAS, "SALOME, CUFF UP!" WHENEVER I HEAR THIS NAME IN ANY SENTENCE, ITS OFFICIAL BUSINESS. SO I MADE THAT DREADFUL TURN OF MY HEAD TO SEE WHERE THE VOICE WAS COMING FROM. HOPING THAT MY MIND WAS PLAYING TRICKS ON ME OR SOMETHING. NOPE, AS I LOOKED UP, THERE WAS THESE DANGLING SHINING CUFFS.

FROM THE C.D.'S BODY LANGUAGE, I KNEW THAT FROM THEIR POINT OF VIEW "THIS WASN'T A CASE OF MISTAKEN IDENTITY." THEY WERE THERE TO DO THEIR JOB AND ARREST; AND IF NEED BE, EXTRACT ME, IF I REFUSED. REGARDLESS OF MY FEARS, I REMAINED RELAXED, EVEN THOUGH MY HEART WAS BEATING A HUNDRED BEATS A SECOND. THE CIGARETTE HAD BECOME DRY, SO I TOOK IT FROM BETWEEN MY LIPS. AND SAID "WHAT DO YOU WANT ME TO CLIFF UP FOR?" ONE OF THE C.D.'S RESPONDED, "A CLASS A-100 GANG ACTIVITY".

A SIGN OF RELIEF CAME WITHIN ME BECAUSE I KNEW THAT I WASN'T IN A GANG OR ^{WAS} ANY DEALINGS WITH ANY INDIVIDUALS AFFILIATE IN A GANG THAT WOULD BE CONSIDERED ILLEGAL. NOW IT DIDN'T MATTER TO ME THE CONSEQUENCES, IF I RESISTED BEING ARRESTED. HOWEVER, A LIEUTENANT WHO I HAD COME TO KNOW, STEPPED UP AND SAID, "SALONE THEY JUST WANT YOU FOR INVESTIGATION," WHICH AT THE TIME I THOUGHT WAS JUST A PROCESS OF QUESTIONING, SO I CLIFFED UP ALONG WITH (10) TEN OTHER INDIVIDUALS.

ALL (10) TEN OF US WERE PLACED IN INDIVIDUAL HOLDING CELLS ON LOCK-UP. I RECOGNIZED SOME OF THEM INVOLVED IN THE BEAT DOWN, WHICH WE ALL LEARNED ^{THAT} WE WERE UNDER INVESTIGATION FOR. ALL OF THEM KNEW THAT I WASN'T INVOLVED. BUT ONE'S FELT THAT IF THEY SPoke ^{UP FOR} MY INNOCENCE, IT WOULD SHOW THEIR GUILT. I WAS UP THE CREEK WITHOUT A PADDLE. THE INVESTIGATOR TOOK THIS CODE OF SILENCE AS A SIGN OF GUILT BY ASSOCIATION, AND ALONG WITH THE OTHERS, I WAS FOUND GUILTY AND GIVEN A YEAR ON LOCK-UP.

LOCK-UP CONSISTS OF (4) FOUR RANGES: (2) TWO ON THE EASTSIDE AND (2) TWO ON THE WEST SIDE. EACH RANGE HAS APPROXIMATELY (32) THIRTY-TWO CAGES ON IT, WITH A SHOWER AT EACH END. EVERY CAGE IS USUALLY OCCUPIED UNLESS THERE IS SOMETHING WRONG WITH THE CAGE, SUCH AS ELECTRICAL, PLUMBING OR LOCKS NEED REPAIRED. THE DOORS ON THE CAGES ARE OLD FASHIONED WHERE THEY ROLL AUTOMATICALLY. WE ARE LOCK DOWN (23) TWENTY-THREE HOURS A DAY. THE HOUR THAT WE COME OUT IS TO TAKE A SHOWER OR USE THE PHONE.

THIS WAS THE WRONG TIME TO BE COMING TO LOCK-UP WITH THE STATE JUST PASSING A LAW TO PROHIBIT SMOKING IN STATE FACILITIES. THIS IS HURTING ME BECAUSE THIS IS ONE OF MY HUSTLES AND RIGHT NOW MY CABINET IS FULL FROM PAINTING SHIRTS. IF I COULD'VE GOT MY KEY TO SOMEONE PRIOR TO THE C.D.'S PACKING MY PROPERTY, I COULD'VE HAD FOOD AND CIGARETTES GIVEN TO THE PORTER WHO WORKS UP HERE ON LOCK-UP TO BRING IT TO ME. I WOULDN'T BE STRESSING ABOUT GETTING FULL OFF THESE TRAYS.

THE NEXT MORNING, I AM AWAKEN BY SOMEONE RIGHT UP OVER ME YELLING, "ON TWO". THEN SOMEONE DOWN THE RANGE ASKING, "WHAT'S GOING ON UP THERE?" AND A RESPONSE, "THEY PASSING OUT TRAYS!" THE THOUGHT NOW GOING THROUGH MY MIND IS THAT I HOPE THE FOOD DON'T BE COLD, BECAUSE IT ALREADY FEELS LIKE (20) TWENTY BELOW IN HERE. WHEN IT'S THIS COLD, YOU EITHER STAY WRAPPED UP IN THIS WOOL BLANKET OR YOU GET UP AND PUT SOME CLOTHES ON. MY STOMACH GROWLING URGED ME TO JUMP UP AND PUT MY MIRROR OUT ON THE RANGE AND HOPE THAT I SEE THE C.D. COMING ON THE RANGE WITH THE FOOD. NO LUCK THE RANGE IS CLEAR.

"WHERE IS THE TRAYS FOR THE FLAG?" "GET THEM TRAYS PASSED OUT!" EVERYONE'S STOMACH TALKS TO THEM AROUND THE SAME TIME. EVENTHOUGH EVERYONE MIGHT NOT SPEAK UP FOR THEMSELVES. IT MAY BE ONLY A FEW GUYS THAT SPEAKS UP FOR THE WHOLE RANGE. SOMETIMES THERE IS CONSEQUENCES THAT YOU HAVE TO DEAL WITH IN ORDER TO MAKE THE C.D.'S DO THEIR JOB, "ON THE FLAG", "TRAYS ON ONE". JUST A COUPLE OF DEMANDS FOR THE C.D.'S TO PASS THE TRAYS OUT WORKED THIS TIME.

"COME ON WITH THEM TRAYS, YOU BODTLICKER!" "YEA UNCLE TOM, "WHERE MY FOOD AT?" "IT BETTER NOT BE COLD!" AS I PUT MY MIRROR OUT ON THE RANGE. EVENTHOUGH IT'S COLD, THE C.D. IS SWEATING. I DON'T KNOW IF HE SWEATING FROM WORKING, BECAUSE ITS UNSURE RIGHT NOW IF HE'S THE SAME OFFICER WHO PASSED OUT THE TRAYS UPSTAIRS. HE ALSO CAN BE SWEATING DUE TO FEAR? EVERYONE HAS HIS OWN WAY OF LASHING OUT AT THE ADMINISTRATION, WHETHER IT BE VERBALLY OR PHYSICALLY.

SOME PRISONERS GET SMART AND LEARN TO START A PAPER TRAIL BY PLACING A GRIEVANCE ON WHATEVER THE MATTER MAY BE. SOMETIMES, A GRIEVANCE DOESN'T INITIALLY CURE A PROBLEM. HOWEVER, IT IS NEEDED, PREREQUISITE TO FILING A LAWSUIT, WHERE THE QUESTION IS, "WHAT STEPS DID YOU TAKE TO GET RELIEF?" WITHSTANDING THAT. IF WE VIOLATE ANY RULES WE ARE WRITTEN UP ON A CONDUCT REPORT, SO WE MUST DO THE SAME.

SOME PRISONERS MAY NOT HAVE RECEIVED THAT MEASURE OF UNDERSTANDING AND WANTS RESULTS RIGHT THEN AND THERE. THEY ARE NOT ONLY AT WAR WITH THE ADMINISTRATION, BUT THEN ARE AT WAR WITH THEMSELVES. WHERE THEY ARE NOT PREPARED FOR THE CONSEQUENCES AND REPERCUSSION AND DO HARM UNTO THEMSELVES. THERE IS MANY WAYS OF HARMING YOURSELF. FOR INSTANCE, ONCE MY NEIGHBOR RECEIVED HIS TRAY THERE WAS A FEW LEFT AND I WAS THE LAST TO BE FED. MY NEIGHBOR ASKED THE C.D. FOR AN EXTRA TRAY, HE RESPONDED, "WE'RE SHORT TRAYS ON THE OTHER SIDE" AND PROCEEDED TO PASS ME MY TRAY. ON HIS WAY BACK DOWN THE RANGE, AS HE PASSED MY NEIGHBOR, MY NEIGHBOR HIT HIM WITH A CUP OF URINE.

AN HOUR HAD GONE BY SINCE THE C.D. STORMED OFF THE RANGE. "ON IDD!" "ON THE FLAG!" "HERE COME DEM PEOPLE!" "ON IDD!" "ON THE FLAG!" "ON IDD!" WHEN I PUT MY MIRROR OUT ON THE RANGE EVERYBODY'S MIRROR IS ON THE RANGE. COMING DOWN THE RANGE WAS THE EXTRACTION TEAM, WHICH IS KNOWN AS "E-SQUAD". THEY ARE LED BY THEIR BATTER RAMS, HELMETS ON AND NIGHT STICKS. COMING TO AN HALT IN FRONT OF MY NEIGHBOR'S CAGE; A HOLE IS MADE FOR THE INTERNAL AFFAIRS (I.A.) CARRYING THE CAMCORDER TO MOVE TO THE FRONT.

FROM E-SQUADS LOCATION TO THE DESTINATION FOR EXTRACTION I.A. VIDEOS THIS. NOW I.A. HAS THE CAMCORDER POINTED IN ON MY NEIGHBOR WHILE ASKING "IF HE THREW BODY FLUIDS ON THE OFFICER?" HIS RESPONSE WAS "YES". THEN I.A. SAID "WE'RE GOING TO NEED YOU TO CUFF UP, ARE YOU GOING TO CUFF UP?" HIS RESPONSE WAS "YES". HE WAS HAND CUFFED AND LED AWAY BY THE E-SQUAD AS I.A. FOLLOWED BY VIDEO. AS EASY AS MY NEIGHBOR SURRENDERED AFTER INITIATING THIS WAR, WHICH THE C.D. WAS NOT TOO BLAME FOR NOT GIVING MY NEIGHBOR ANOTHER TRY, MY NEIGHBOR WAS HAVING PROBLEMS WITH THE ADMINISTRATION NOT GIVING HIM MEDICAL TREATMENT AND THIS WAS HIS WAY OF CHANGING HIS ENVIRONMENT.

I HAVE NOW BEEN UNDER INVESTIGATION FOR (45) FORTY-FIVE DAYS, AND THIS IS THE LAST FOR THIS INVESTIGATION TO BE CONTINUED. I HAD NO THOUGHT IN MY MIND THAT I WOULD BE CHARGED BECAUSE I KNEW IN MY HEART THAT THE ADMINISTRATION KNEW I DIDN'T HAVE ANYTHING TO DO WITH THE CLASS A-IDD THAT I WAS UNDER INVESTIGATION FOR. ALL OF A SUDDEN, I HEAR "BAD NEWS ON (1) ONE": WHO? THE SCREENING OFFICER ON IDD! I PLACE MY MIRROR OUT ON THE RANGE TO SEE IF HE STOPS AT ANY OF GUYS CAGES THAT CAME UP HERE WITH ME.

ONCE HE STOPPED IN FRONT OF MY CAGE, MY HEART STARTED TO BEAT IN FEAR. I'M THINKING TO MYSELF HOW PHONY HE IS AS HE'S SMILING WHILE PASSING ME THIS BODYS CONDUCT REPORT CHARGING ME WITH THE CLASS A-IDD GANG ACTIVITY. HE WENT ON TO SAY THAT "WE KNOW HALF YOU DID NOT PARTICIPATE IN THIS, BUT WE KNOW HALF OF YOU DID" IN OUR ADULT DISCIPLINARY POLICY BOOK, IT STATES THAT IF THE SCREENING OFFICER SEES ANY ERRORS HE MUST CORRECT THEM.

IN CONCLUSION, THE ADMINISTRATION HAD MADE THEIR MIND UP ON WHAT THEY WANTED TO DO, AS THEY DISREGARDED THEIR RULES, AS WELL AS A STATEMENT BY THE GANG MEMBER WHO ENGAGED IN HOMOSEXUAL ACTIVITY STATING THAT I WAS NOT ONE OF THE PERPETRATORS WHO ASSAULTED HIM. I WAS FOUND GUILTY OF THE CLASS A-IDD GANG ACTIVITY, AND FIRST, SENTENCED TO A YEAR ON LOCK-UP, THEN (4) FOUR YEARS ON ADMINISTRATIVE SEGREGATION.