

Cause No. 2011-CF-00814 (Miss. S. Ct)

A Prisoner's Apology

#1

In the Name of the Father, and of the Son, and of the Holy Spirit:

"Let the words of my mouth, and the meditation of my heart, be acceptable in thy sight, O Lord, my strength and my redeemer." Ps. 19:14 (KJV)

In his "I Have a Dream" speech, delivered on August 28, 1963 on the steps of the Lincoln Memorial in Washington, D.C., Dr. Martin Luther King, Jr. mentions the State of Mississippi four times: more times than he mentions any other state in the Union. Dr. King's dream for Mississippi was that we will one day become an 'oasis of freedom and justice.' Martin Luther King also said that one day white men and black men would live together like brothers. However, Dr. King did not say this dream of brotherhood would first be realized in America's prisons!

In the 1940s, 50s & 60s, white people in the freeworld in Mississippi killed black people with impunity. The murders of black convicts and white convicts also occurred at Parchman in the 40s, 50s & 60s. If the fields of Parchman could talk, they certainly would tell a tale! There has been a great deal of human blood spilled out in these fields, and the Bible says that the voice of human blood, in and of itself cries out to God, Gen. 4:10 (NASB).

The voice of human blood is crying out for the liberation of all of the prisoners in the State of Mississippi, by way of the Mississippi Jubilee (App. LL), a concept which the inmate preachers at Parchman have been talking about for the last 20 years.

The unknown author of an internet article writes:

[In his Gettysburg Address, President Abraham Lincoln] invoked the principles of human equality espoused by the Declaration of Independence and redefined the

Civil War as a struggle not merely for the Union, but as a 'new birth of freedom' that would bring true equality to all of its citizens, create a unified nation..., defined democracy in terms of 'government of the people, by the people, for the people,' and defined republicanism in terms of freedom, equality and democracy.

The same phrase, 'new birth of freedom,' can be used to describe the Mississippi Jubilee (App. LL).

The Mississippi Jubilee, which began when Governor Haley Barbour granted over 200 pardons to convicted felons, is a glorious revolution. The Mississippi Jubilee will not eliminate crime in Mississippi. However, I predict that the crime rate will drop significantly after the prisoners are released armed with new knowledge and new life skills and go home to take care of their at-risk children and grandchildren. In the last 36 years since the passage of the Corrections Act, an entire generation of people has been socialized in the Mississippi Department of Corrections.

Oprah Winfrey says that forgiveness is letting-go of the hope that the past could have been any different.

The members of the legal community around the globe know that the Mississippi court system is neither fair nor impartial, and that Mississippi court decisions and other public acts are rife with political interference.

The recent gubernatorial pardon controversy is the most-recent test of the rule-of-law in Mississippi. After outgoing Governor Haley Barbour granted over 200 pardons, Mississippi Attorney General Jim Hood made statements to the news media which inflamed the public. Now, the validity of many of these pardons is being challenged by the Attorney General in the Mississippi courts for reasons which are purely political. The Attorney General is trying to usurp the legitimate process of government. Governor

Barbour is empowered to grant pardons by the Mississippi Constitution. The news media and other government leaders now also are calling for vindictive legislation to prevent future governors from having the power to pardon felons.

After the issuance of the CERTIFICATION OF THE GRAND JURY, CP:19-20, Hinds County District Attorney Edward J. Peters made statements to the news media which inflamed the public. As a result of these public statements, the CERTIFICATION was not honored and obeyed. Ed Peters was allowed to usurp the authority of the Hinds County Circuit Court. For reasons known to them alone, my trial attorneys allowed me to go to a public trial before a petit jury, in violation of my Constitutional rights!

In 1994, a similar situation occurred when this Honorable Court reinstated my parole. *See Alexander v. State, 647 So. 2d 693 (Miss. 1994)*, [hereafter *Alexander647*]. Justice Pittman, writing for the Court, states in the opinion that given the circumstances the Court had no choice but to reinstate my parole. This finding was an impartial application of the law to the facts of the case. However, the news media did not agree with the results of the opinion, inflaming the public & calling for it to be withdrawn.

What did the then Justices do? They withdrew the opinion. *See Alexander v. State, 667 So. 2d 1 (Miss. 1995)* [hereafter *Alexander667*].

With all due respect, I speak the truth in love: For reasons of political expediency the then-Justices forsook God, morality, judicial-ethics, their oaths-of-office, and the rule of law, civil responsibility and decency. As a result, I have remained in a prison system which is becoming increasingly punitive.¹

¹ I think it as Thomas Jefferson who said that it is the nature of government over time to encroach on more and more of the people's rights.

A person adjudged not to be responsible for his actions by reason of insanity may not be punished. *Jones v. United States*, 463 U.S. 354, 369 (1983)

The corrections system is designed to prepare prisoners to reenter society as productive citizens. However, the average Mississippian knows that the corrections system is too expensive, that it keeps people locked-up for too long, and that it is not doing what it is designed to do. The MDOC has become a big-business operation!² I have made it my life's-work to articulate the workings of the Mississippi court system and the workings of the Mississippi corrections system to anyone with ears to hear.

At Parchman, there are people called the Kid, T-Dog, Tattoo, Big Time, Dirty Red, Frog, Killer, & Bubba. Here, you learn how to watch your back, to keep to yourself, and to keep your eyes open and your mouth shut. However, Parchman is a "strange world of much love and many new insights." (---from *'A Prayer for Every Need,' a Guideposts Outreach publication*).

I have been a very selfish person in the past; I have made some bad choices; and now I am reaping what I sowed. Eventually, everything caught up to me. It is hard, but I have now learned more-better. At the same time, I have accomplished so much: you can even say that I found myself. I have been truly blessed with: 1). A great family, 2). the restoration of my health, 3). a second chance at life.

"I can do all things through Jesus Christ who strengthens me." Phil. 4:13
(paraphrased).

² I spend approximately \$225 a month in inmate telephone calls to Momma, and approximately \$120 a month in the prison commissary. The MDOC receives a percentage of this money. The MDOC has economic incentives to keep me locked up, and absolutely no incentives to release me.

The chaplains at Parchman tell me that Jesus Christ died in order to pay the penalty for my sins. However, it is a mixed message to tell me Jesus paid the penalty for my sins, but also to say, "You have to pay the penalty for your crime: this is man's law."

It is a mixed message for the CERTIFICATION OF THE GRAND JURY, CP:19-20, to state that I was not responsible for my actions on October 4, 1975 but also for the MDOC to say to me, "The law does not protect you because your crime was so heinous that you never deserve to breathe free air again."

Even though Jesus Christ of Nazareth shed His blood and died on the cross in order to pay the penalty for my sins, (and to bring-abut my reconciliation with society); and despite all of my prayers, watchings, fasting, labors, stripes, beatings, tumults and imprisonments: almost 37 years after the homicide I still am an object of wrath and scorn; an alien from the commonwealth, and a stranger to the covenants of promise & the blessings of the American Dream.

I ask you: Where is the forgiveness and reconciliation which was bought and paid-for by the blood of the Lamb? Where is the rule-of-law in the State of Mississippi?

When I was a young man in my 20s, I literally did not know how to go out or to come in.³ I had a spiritual director at the time who essentially made all of my decisions for me. The range of subjects which these decisions encompassed spanned from a choice of a job to the choice of my marriage partner. I also had old convicts (penitentiary mentors) who schooled me on how to maintain my dignity without getting into a great deal of trouble in this prison.

³ From the summer of 1978, when I had my fist psychotic episode at Parchman, until January 2004, I was listed by the MDOC physicians as being in Medical Cass V, the most serious designation of illness. My medical class is now Medical Class I ('good to excellent'), which signifies that I can perform any type of required work duties. I now am healed and rehabilitated (App. MM).

As I began the process of what some churches call 'faith formation' and others call 'spiritual formation,' I began systematically to read the Holy Scriptures. I already had a highly developed reasoning ability from my college background in mathematics. Also, as I began to realize that my spiritual director and penitentiary mentors were not always right, I learned both from their mistakes and from my own mistakes. Experience, after all, often is the best teacher.

To paraphrase Thomas Merton, a spiritual writer:

I do not always know what God's will is, but I believe that my 'desire to do God's will' is itself pleasing to God.

One of Governor Haley Barbour's first acts after taking office was to call a special session of the Mississippi Legislature in order to reform the civil justice system in Mississippi. Barbour's last act as Governor was to grant over 200 pardons to convicted felons.

Now that the State of Mississippi actually is carrying out more and more executions (death penalties) it is incumbent on the Mississippi government officials to reform the criminal justice system as well!

Article IV, Section 1 of the U.S. Constitution states, in pertinent part:

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State.

These public acts, records and judicial proceedings include the legally valid, lawfully rendered findings and conclusions of the CERTIFICATION OF THE GRAND JURY, CP:19-20, the opinion in *Alexander647*, and all of Governor Barbour's pardons.

However, the MDOC did not honor, obey and give full-faith and credit to the findings and conclusions of the CERTIFICATION OF THE GRAND JURY, or to the unanimous opinion of this Honorable Court in *Alexander*⁶⁴⁷. If Mississippi Attorney General Jim Hood has his way, the MDOC will not give full-faith and credit to Governor Barbour's pardons either.

Instead, in all three cases, the Mississippi news media launched a timed, precision attack on these public acts and judicial proceedings, calling for the results to be withdrawn. Instead of upholding the principles of fidelity to the rule-of-law and the oath-of-office, *see Chase v. State*, 873 So. 2d 1013, FN 6, (Miss. 2004), the Justices in *Alexander*⁶⁴⁷ flip-flopped and withdrew their unanimous opinion. *See Alexander*⁶⁶⁷.

It is high-time that the Justices of the Supreme Court of Mississippi quit allowing the editors of 'The Clarion Ledger' to decide Mississippi's high-profile legal cases and begin to follow the law wherever it leads; by demanding that the MDOC honor, obey and give full faith and credit to legally valid, lawfully rendered court decrees such as the CERTIFICATION OF THE GRAND JURY! CP:19-20.

Even though the environment at Parchman prison currently is a police state, this austere environment has not always been the case. I have undergone a great deal of growth & maturing during my almost 30 calendar years at Parchman.⁴

For the last 32 years, I have engaged in an intensive, systematic, daily study of the Sacred Scriptures. I have daily quiet time in the mornings, right after breakfast. This time is when I read my Bible. During this quiet time, I also pray. On weekends, I attend

⁴ In my incarceration history, I have spent 13 months at the East Mississippi Correctional Facility in Meridian, 17 months at the Central Mississippi Correctional Facility in Pearl, and seven weeks at the South Mississippi Correctional Institution in Leakesville; plus almost eight months in the city & county jails, 15 months at Whitfield, and approximately two years on parole.

worship services at Parchman's Spiritual Life Center. On the 1st and 3rd Saturdays of each month, I attend Episcopal Services in the mornings. On the 2nd and 4th Saturdays of each month, I attend a Roman Catholic Mass in the mornings. I have played piano at this Mass for the last 23 or 24 years. As a direct result of the encouragement to do so by the New Orleans Baptist Theological Seminary's faith-based initiative (FBI), I am speaking more and more about the things which Jesus Christ, (primarily through the workings of His Church) has done for me. These things include healing me from a chronic debilitating mental illness; giving me a sound mind, a good education, a sense of mission and a secure feeling of my own place in the world. I also have continued as a man-of-letters through extensive written correspondence with my family members, friends, supporters and some adversaries. I also use my God given talents (music, writing, social contacts, legal abilities, etc.) in order to assist people in the penitentiary. I provide this assistance on a volunteer basis. I am blessed to be able to make a canteen (commissary) order every week, and I am generous and free-hearted with my material possessions.

In 1978, the year after I came to the penitentiary, I confessed to and repented of the homicide that had put me in prison. At that time, I felt led to quit eating food. For ten days, the only substance which I put into my body was water. This fast landed me in the prison hospital, where I stayed for approximately 100 days. This time-period is when the Parchman psychiatrist first put me on psychotropic medicine⁵. In 1980, I went on another ten day fast. Again, I wound up going to the prison hospital as a result of my

⁵ Before I first was arrested, I had previously been prescribed psychotropic medication; and the doctors at Whitfield gave me psych meds. By the time I entered Parchman, I no longer took the medicine.

fasting. This time, I stayed in the hospital for approximately another 100 days. After this second fast, the doctors told me not to fast any more.⁶

Like the biblical character of Joseph, "God has made me fruitful in the land of my affliction." Gen. 41:52 (NASB). Over the years, I have played keyboards in a musical show band for 14 years, traveling in and out of the general public all over the State of Mississippi⁷; I have worked as an administrative clerk in sensitive security/management areas of the prison; I have worked as the institutional clerk at the prison laundry; I have played piano and given motivational speeches to school-aged members of tour groups who visit the prison; I have worked as a janitor; I have worked as a kitchen worker; I have been a chaplain's assistant; I have tutored prisoners in preparation for their GED tests; and I have earned Associate of Arts & Bachelor of Science Degrees. (App. OO).

In addition, I have written hundreds of essays on subjects ranging from the practice of praying to the Virgin Mary, to American Government, to the Germ Theory of Disease. In addition to these formal disciplines, I have been attending Bible studies at the prison for the last 30 plus years. I have become familiar with the nuances in the theologies of most of the major Christian denominations. After 9/11, I spent two years studying the Qur'an. I have published a book of poems, *Reflections On Sam Stone*; and I currently own and operate a Web site, under the domain name of www.johnapple.com.

I have been plodding along in the Mississippi Criminal Justice System now for over 36 years. Every morning, I wake-up and, metaphorically and literally, put one foot in front of the other. One of these days, God will deliver on my promised breakthrough!

⁶ My mental illness manifests itself as an excessive preoccupation with religion. (App. EE, p. 2).

⁷ The officials of the MDOC do not consider me to be a danger to myself or to others: otherwise, I would not have been allowed to participate in the extensive travels with the Parchman Band.

St. Paul promised a crown to those of us who love the appearing of the Lord Jesus Christ (II Tim. 4:8). I am asking this Honorable Court to allow me to put crowns on my teeth!

In the Name of the Father, and of the Son, and of the Holy Spirit.

Amen!

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aka 'John Apple'
Ambassador for Christ
Parchman, Mississippi

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Our Lady of Lourdes