

Welcome to Kevin's Update Letter #20 (KUL 20). This letter is the nearly monthly letter from Elkton-FSL, the current federal prison home of Kevin Fig. Within each missive, I try to touch broadly on issues that are relevant to federal prisoners, sentencing and prison policy changes (and hoped for changes), aspects of crime in America, things happening around the compound, changes in my life and those of other men here, and our plans for the future. Sometimes I wax philosophic about things that only a former college professor and now federal prisoner could ever know about life here (others could write it but haven't/don't). The letter's meant to be educational and humorous. Personal and general. Is it self-absorbed? Maybe just a bit. But hopefully there are some nuggets that you can appreciate. I should note that I'm just over halfway through a 72-month federal prison sentence for having the wrong kind of pornography on my computer (had a little, shared even less). I was a first-time offender who had never been arrested and was a college professor at the time of my arrest. My sentencing guidelines called for a decade in prison with no chance for parole. The over-punishment of me and many other inmates here (all non-violent) has encouraged me to include issues of crime and punishment in what would otherwise probably be just a "What's new?" letter.

If you don't know me and are getting this letter, you are probably an activist, journalist, academic, or politician that has some past experience (or hopefully a future role) in these issues. In short, you come recommended.

Letter Number 20 already? Wow, doesn't it just seem like yesterday that I arrived at Elkton and the first one came out? [tongue in cheek--no, seems like forever actually] Remember back when the first letter came out? It was all hand written if I recall and went to only a handful of friends and family.

Before I get to the Table of Contents, I want to share with you a VERY IMPORTANT document that I came across recently. It's too long to share in its entirety here, but I give you the web address and the title that you can look up. I also include excerpts.

Author/Link/Title: Bernard B. Kerik, http://www.bernardkerik.blogspot.com/ "U.S. Criminal Justice System in Dire Need of Repair"

It begins thus...

"For more than two decades, constitutional scholars, former Attorneys General, federal and state judges, criminal defense bars as well as past and present federal prosecutors have increasingly called into question our criminal justice and prison systems, which many have said are threatening the very foundation of democracy.

As someone who once headed two of the largest law enforcement organizations in the world and is now a convicted offender living within the federal prison system, I bring unique and perhaps historical perspective to this issue. I know how the system is supposed to work and what it is supposed to accomplish. Based on what I have personally witnessed since my incarceration, I strongly agree with the national consensus: the system is in dire need of repair."

[It continues...about recently arrived young drug offenders.]

"However, once they arrive here and mix into their new surrounding and the fear of prison dissipates, they begin their "new education" with the older institutionalized inmates as their teachers. They learn how to lie, chat, steal, con, manipulate, and gamble. Their vocabulary diminishes into a profound ghetto slang, their posture changes into an intimidating swagger, a fist bump replaces a handshake, and a grunt replace "Good morning." They have no respect for the privacy of others. A normal conversation consists of yelling and hollering, and minor disagreements often result in threats of violence. Here they learn more about the drug trade than they did on the outside, and they make all the contact they need to further themselves in criminal activity once they leave. That is just for starters." [good stuff, huh?]

[He continues about prisoners like me]

"For the non-drug or white-collar offender, the system demeans and demoralizes them as well, but the cost to society is far more devastating. In this camp, such men are serving sentences of 6-120 months (10 years). Most of them have lead productive and successful lives and have never been in trouble with the law until now. They did not need to be sentenced to YEARS in prison to be punished or learn their lesson. For them, just surrendering to prison, being strip searched and thrown into their new living environment was rehabilitation enough to ensure they never return. However what happens next is perhaps one of the most devastating and damaging contradictions of the entire criminal justice system.

Collateral Damage devastating

Most of these men are highly educated-doctors, dentists, CPAs, lawyers, corporate executives, politicians and various government employees, including some military. Nearly all of them possess aggressive work ethics and highly desired skill sets. They possess everything that the system preaches, promotes and encourages the drug offenders to accomplish, but then, because they were successful prior to their incarceration, the system seems to use that success against them. They get painted with the same broad brush of vilification as some of some of the nation's lowest and worst criminals,"

[It gets better and goes on, but I just wanted to give you a taste, a flavor, an amuse bouche...check it out at your convenience. And then forward to your friends, family, Congressman, and Senators. It's worth it]

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GED- At work, my former boss is back and I'm glad. I got along with my other bosses, but this C.O. just has a management style closer to how I work (we "mesh") and she brings a little more presence and enthusiasm to the job. So we're back at it. I'm teaching 12-2 PM and then return after dinner for the 5:30 to 7 PM shift. My boss has really put her foot down and is getting more work out of the guys already.

RECREATION CLASSES- In my last letter, I mentioned that I'd joined a 45-and-older workout group (2X WEEK). Now I've joined a "spin" class [stationary bikes]. We meet 2-3 PM on M,W, and F. It's intense; I leave sweat-drenched, and finally understand the term "endorphin rush" YEAH!!! Our softball team from last year looks like it'll be splitting up.

PRE-RELEASE- I've been to a series of meetings in the last few weeks describing what I need to do in anticipation for leaving. Details on release, halfway house, and supervised release that follows. It seems a bit premature, but it feels good to be considered "close enough to the door" to be having these conversations.

WEATHER- This has been the worst weather we've had in a long time—at least since I've been here. Cold, snowy, overcast. Repeat ad nauseum. I hear it's that way all over. Good for reading and artwork time, but bad for getting out and getting any fresh air.

FLU SEASON- Elkton Prison is being hit pretty hard by the flu. Some of the units in the FCI up the hill have been put on "lockdown" for a week at a time. So far the FSL has been spared. We had a town hall meeting to discuss it, and vaccines were expanded beyond the elderly/chronic care to the population at large. I tried to explain to everyone how influenza mutates, how the vaccine is created, how immunologic memory is created, and the pros/cons of being immunized. Fingers crossed that we

don't have the flu brought in by visitors/staff. If you have the flu, don't visit a prison. It's sort of like the Native Americans and the smallpox blankets.

VISITS- I have the visit list for the next year typed up--"even" weekends and holidays. I've sent it to some of you, and I can send it to others if you want it. A few friends have already let me know when they'll be visiting. Wait for it to warm up. No sense driving on these treacherous, curvy backroads. If you want to visit, I still have room on my visitation roster, and I'd just need to get you a visitation form. Also, as of Jan. 31, Friday night visits are back each week!!

THE PROGRAM-I continue in the psych program that they offer for men here on child pornography charges (no one with a contact sex offense is allowed at this prison). It's pretty good. I don't think it's as good as what I would get "on the street" for a variety of reasons. The main reasons are just the size of the groups, a one-size fits all approach, and the feeling that we're sort of being shuffled through. But it's on of those situations where you get out as much as you put in, and I feel like I'm putting in a strong effort and getting some benefits.

RUMORS- Most of the rumors that swirl concern talked-about legislation in Congress to change Sentencing and Earned Good Time credit. Some of them are true, and they mostly involve drug crimes. There will be legislative action in the next year that will reduce sentences for low-level, non-violent drug offenders in the federal system, but it won't affect as many folks as one might think. Their is sporadic talk of the UNICOR building here at Elkton be repurposed and opening as a work/training space [It was closed years ago after heavy metal contamination from an electronics recycling program was uncovered.] Overheard a CO the other day mention the Kent State Program offering a second round of Entrepreneurship classes (I guess that qualifies as more than a rumor). This same CO mentioned that there might be bringing a Landscaping Program and a Computer Training Program here. The Kent State program might become an associate degree program instead of a certificate program. All of these are just premature speculations at this point, but all would represent improvements over the little programming that we have right now.

CARDS AND LETTERS (thanks)- THANKS SO MUCH for all of the wonderful Christmas cards. Even though I don't really have a chance to display them all anywhere, I do love getting the Christmas cards and reading your updates and encouraging notes. It really brought a cheer to my Christmas season. Many special thanks go to the folks at CautionClick in Upstate/Western New York. Not only great thanks for the work that you're doing on prison/sentence/registry reform, but also thanks for all the Christmas cards. Truly a blessing from people that I don't even know personally.

BOOKS AND GIFTS- If you're inspired to send me something, I really appreciate it. But the mailroom is a real stickler for how things come into the institutions (pics, books, bubble envelopes, outside markings, no \$\$ or stamps, no metal coils). I've recently gotten a couple of notices from the mailroom that folks have had items returned. I really appreciate anything that you send, but so that things don't get returned, I'll add a few quick reminders. The only things that I can receive from you personally are magazines, paperback books, and photos. They must come in an envelope that has been marked, "BOP APPROVED MATERIAL." It cannot be a padded envelop (no bubblewrap). You cannot send me anything that contains metal like a calendar with a wire, spiral binder. You cannot send stamps or money to me. I can discuss how you can send stamps to my folks who help mail this letter. Not meant as a scold. I just know it's frustrating to have things returned and go through the ordeal of resending and buying more postage.

THANKS FOR SAYING "HI"- I appreciate all of the cards and letters. I'm working out a system that will help me get more personal letters to everyone. Right now, I run into problems just being able to print out enough mailing labels for the Update Letters. I can only print 5 labels per day. That doesn't really leave me a lot of labels for personal letters. But not to worry, I think I have an idea that will take care of it.

LIFE IN GA/AL/IL- I get good reports from everyone back home. My family recently met in GA over MLKJr weekend at my brother's restaurant for a big family reunion. Over 60 people were able to make it! Aunt Sis and friends were able to go to Pasadena to see their Auburn Tigers/War Eagles/Plainsmen play in the national championship game. My friend Bruce has been able to spend part of January away from the cold in Chicago and in SoCal with his family and friends (LA and Palm Springs.) Everyone is suffering from the cold, snowy weather like we are (unless you're one of my readers in California or Florida)

WINTER BLUES- I'm discovering that winter truly is the worst time here. The depression sets in. But it'll eventually pass and spring will be here before we know it.

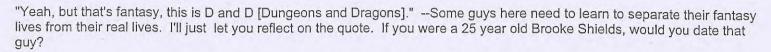
geace and Best.

Enjoy the rest

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SUBJECT: KUL 20-Heard around the compound.

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"Trojan Man!!!!"-- The football game between Ohio State and Michigan State is coming to a close. The large number of Ohio State fans are understandably upset since an Ohio State loss will knock. them out of the National Championship race. One of my least favorite guys here jumps up in front of the TV (Perhaps mommy didn't pay him enough attention), and begins bouncing around with chants of "Trojan Man" in a manner similar to the condom ad that aired on TV years back. Only problem....Michigan State's mascot is the Spartans. Not the Trojans.

report to Education." --This would be taken, the 82 year old man here on child pornography charges. Rather than just take his computer away and tell him he couldn't use one for the rest of his life, he's here after facing a mandatory minimum 5 year sentence. I thought he'd been given a waiver on his GED, but I guess he's now going to class to work on it. And he won't get it. I'm a huge fan of education for those folks that want it, need it, and are likely to use it. Mr. meets few of these qualifications. Rather than stretch the prison's already limited resources on him, why not just give that attention to someone else? Oh, and send him home.

"F you got yo' smooth on. You know how to do time."- This quote came from a member of my GED class. This guy is in the middle of his third prison bit (two federal, one state) and was impressed at my seemingly non-plussed, relaxed way of carrying myself through the day (Not to worry. This duck might look relaxed on the water's surface. Trust me, the legs are paddling furiously underneath to keep it together.) So who knew. Apparently I know how to do time. Can I put this on my resume'?

"Face you got another bit in you."-- Same guy as above. Same conversation. Not to worry. I might be able to "do time," but I don't have another bit [prison stint] in me and won't do another one.

"Your friends back at home are going to have more respect for you since you did fed time instead of state time."--Excuse me? My friends back home don't know much about prison, much less the nuances between a federal charge and a state charge. If they're impressed that I did 85% of my sentence at a federal institution instead of 50% of my sentence at a state one, I'll be very surprised. My friends will respect me for having survived, come home, and gotten my act back together.

"It's his house and his rules. I'm just visiting." --This is a line I've heard, adopted, I often use under my breath with friends when someone else flagrantly disrespects everyone here, and I don't say anything or do anything. Yes, talking loudly in the TV room, cutting the chow line, and other examples of "disrespect" might get you stabbed or beaten at another prison, but Elkton isn't a "real prison." The guys usually showing the disrespect are the entitled types who have been in other prisons and ought to know better. But, they have problems with rules, authority types, and common courtesy shown in a normal society. In short, they think they own the place. I can't afford the trouble that comes with pushing back. After all, "I'm just visiting."

"It's hotter now [5 PM] because the sun's closer to the earth." - Someone I know overheard this and shared it. I guess one guy took a look at how much smaller the noonday sun is compared to the setting sun on the horizon and figured out that the afternoon sun is closer to the earth and that's why it's so much hotter in the afternoon. Huh?

"Don't start none and won't be none"- As in "If you don't start any trouble, there won't be any trouble." This quadruple negative might be one of my favorite mantras around here. In essence, a good rule to live by.

"Can I get some of that [stolen] cheese?" "Yeah, give me 5 minutes to go pray [on Muslim prayer rug in cube], and I'll get you some."- This one is basically self-explanatory. One inmate passing another is asked for some stolen cheese from the kitchen. The second inmate will get the cheese after he gets his spiritual life in order. I'll let you make you own inferences about my views on this one.

"Dude, them niggas in Atlanta got some grills that be off da chain"- For over one hour, I sat at commissary and listened to 4 guys somehow fill this time (an hour!!) with a round-and-round conversation [with nothing new added after about 3 minutes] about the quality/color/pros/cons of various gold teeth covers. I tried to read the issue of _Science_ that I had brought with me.



It's is utterly mind numbing the stuff that folks can convince themselves count for something. When I say prison wouldn't be so bad if it wasn't for the other people, this is the kind of stuff I'm talking about [and it's not about race; it's about dumb]. Sure, talk doesn't always have to be about the benefits of European austerity measures, the likelihood of ending quantitative easing, the importance of the gut microbiome, sustainable building, or the failures of our schools in science and math, but come on....teeth grills???? An hour??????

"Man, I had to wash these clothes. I had to get the static out. It was driving me crazy."- Yep, guy in laundry room washing to get out the static. Is hot or cold water better for that? Bleach?

"Why can the government put a lien on my house or garnish my wages for child support?"- This gem was offered up by an inmate to the CO leading GED class one day. Really? RE-ALLY? You don't understand that caring for your kid comes before having a car (take the bus, catch a ride) or a house (rent an apartment and get a roommate). Being a dad also comes before "kickin' it at da club."

"Did he go home or go to a camp?" "A camp" "Oh, that's better!"- Conversation between two inmates in my GED class about a third inmate who had left that day. The trip to the camp was deemed a better option than going home because at the camp he would have unlimited food, free housing, no concerns, and there's no fence so he can come and go as he wishes. Welfare 2.0, essentially.

"I've got 5 or 6 kids."- Really. RE-ALLY. Not sure if it's 5. Or maybe it's 6. I'm guessing birthday cards are probably just out of the question....

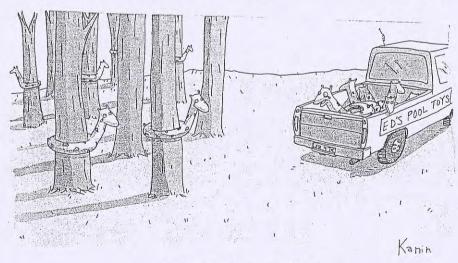
"I made me a baby off in the woods by the camp." -I suppose that when a guy just needs to "get busy" with a strange woman and make a baby, it doesn't really matter what the circumstances are. It's pretty sad. But the idea that a woman would conceive her child with a convict in the woods next to a minimum camp strikes me as more than sad; it's tragic. And the guy bragging about it is just pathetic. When did making babies as trophies of sexual conquest become something that we put up with? I'm hardly a prude and don't won't to come off as some kind of moral scold, but REALLY. Sheesh.

"The warden's here. If you're doing something that you shouldn't be doing, stop doing it until he leaves."- offered up by CO. Is the message, "Just don't get caught" really the message that we want to be sending.

"Why do I need a GED? I aint never needed one before."- Funny how that works. Until you get an education, you'll never be put in a position where you do need one. Of course, this particular inmate, unlike many that do "buy into the program" and make themselves better, still doesn't have one."

Inmate 1: "This is a hamburger stromboli." Inmate 2: "No it's not, it's ground beef." --When you're stealing ground beef from the kitchen for strombolis, you're stealing hamburger meat. You're both right."

"I've got to find me a girl with an 800 credit score." --Part of an extended conversation between several guys. If you're going to find a woman to mooch off of and take advantage of, I suppose it pays to find one with a good credit rating.



"Mom! Dad! Do something!"



Since it's the beginning of a new year, it's only proper to have a recap of the last year and some predictions for the future. Yes, I'm a prisoner but I'm still allowed that right...

THE YEAR THAT WAS....

ME-My year wasn't too bad as far as being in prison goes--"relatively speaking" being the operative idea here. I was able to stay in good shape through softball and soccer. If it wasn't for the increasing gray hairs in my scalp, you wouldn't even know I was aging (okay, maybe you still can with the stress lines). I was able to finish the 7 course, Kent State Entrepreneurship program. I stayed on at a rewarding and important job in Education as a GED tutor (I don't do it for the pay; that part stinks...). I began and continue a counseling program for the problem that brought me here. It's essentially "self-discovery," and it's been generally helpful. I like to think that I've been a good example for the men around me. I've had a great time putting together these letters that have kept me in touch with family and friends and a host of new folks. Maybe it's helping some folks see offenders and prison in new ways. I've stayed out of trouble (and the HOLE). I've had some great visits and wonderful phone calls. I've received some great letters from family and friends. I think (and I hope it comes across) that I remain positive and not cynical.

<u>FAMILY AND FRIENDS-</u> On the whole, I'm able to do as I well as I can because I have a great support network on the outside. Unlike many men here, I haven't been plagued by a host of problems back home. Mom and Dad and all of my family are healthy and doing great, and that's a blessing. One cousin struggles with a brain disease, and I think I can speak for her immediate family when I say that we're fortunate to have such a wonderful family and supportive community. Bruce and his family are doing well. Friends back in Chicago, family in GA/AL/CA, and high school friends seem to be doing alright.

LOOKING AHEAD......

OBAMACARE- I generally like the idea of a wider net of healthcare coverage in this country. 50 million folks getting their primary care at the hospital (there is no "uninsured"; we just pay a lot more for their care at the ER) is a problem. At about 18% of our GDP and growing, healthcare was on an unsustainable path, and maybe we can fix an admittedly imperfect Affordable Care Act. Yes, the rollout was a disaster, but it is modified and made workable. There will be a Republican-led "defunding" attempt that fails.

2014 ELECTIONS- I really have no idea what will happen here. I imagine the House and Congress won't change much. The problem with the chasm between Dems and Republicans in Congress is in how we allow states to create increasingly hyper partisan districts. When that changes, Congress will change. And that system won't change.

IRAN/MIDDLE EAST. The temporary solution on Iran will be crafted into a more expansive and longer-term solution as we realize that besides Israel and Turkey, Iran is one of the few economically developed, modern, stable countries in a swath that stretches from West Africa across the Middle East and into Central Asia. In a weird way, we need Iran. The Arab Spring countries and Iraq continue to unravel. Religious divisions and Islamic extremist continue to upend countries like Mali, Kenya, and others in Western Africa.

GAY MARRIAGE- More states will approve gay marriage and other legislation to make life more fair to gays and lesbians. The sky won't fall. Eventually, we'll look at this and wonder what all the fuss was about.

AFRICAN CIVIL WAR- Civil wars will continue to flare on the continent (South Sudan, Mali, Egypt, Syria, the Congo) pushing back against real gains that have been achieved in the last 15 years. Many folks will continue to climb out of absolute poverty, but, despite foreign investments, particularly from China, no new countries will emerge as an economic powerhouse.

MEXICO- 2014 ushers in the beginning of the Mexican decade as growth and investments take off. Drug reform in South, Central, and North America push back against the narcoterrorist cartels. An emerging middle class, access to the U.S. and Canadian markets, and the increasing costs of doing business (including issues around state control) in China drive more investment and home grown job growth in this Southern neighbor.

DRUG LEGALIZATION- Drug legalization and drug tourism in Washington and Colorado are viewed as mixed successes. The media will highlight negative aspects of the changes, local pushback, and crime associated with the reforms. Predicted tax

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revenues will fall below expectations. The state-regulated business will see competition from continued black market dealers. Two additional states will move ahead with legalization of marijuana. One or two states will decline based on the mixed results of Colorado and Washington.

A FEW LONGER TERM PREDICTIONS....

HOUSING- Housing market largely recovers but not to pre-boom levels (It was a correction, after all). Housing prices in cities climb. Prices in less desirable suburbs remain flat. New housing goes smaller, more energy efficient, and is increasingly "infill" housing in vacant spaces in cities and not exurban growth.

DEMOGRAPHIC MARKETS- As the housing and employment markets improve, more and more young folks move to cities like New York, Chicago, Atlanta, and San Francisco which have become fashionable again. Medium-sized cities like Boulder, Oklahoma City, Austin, Nashville, Salt Lake City, Omaha, Louisville, Boise, and Birmingham swell due to family-friendly and business-friendly policies. Tech, arts/communication, and medicine drive the growth. App-driven logistics, car sharing, shorter commutes, and smaller homes will give young people the economic incentive to move to cities and avoid suburbs with their long commutes, large homes, lack of job growth, and social un-hipness. These less desirable suburbs fall on hard times.

MILLENNIALS MAKE IT- After years of living in mom and dad's house, Millennials find jobs and strike on their own with changed priorities and a new sense of reality. Reality says "diminished expectations" which Millennials translate into resourcefulness to get by with less. They may never have the money to buy a new car but might figure out how to get to work anyway. And they'll be okay with that.

BEYOND GDP- The US will join other Western, post-industrial countries (Australia, Canada) that are increasingly moving beyond the 20th Century industrial indicator of GDP to measure the health of the country. These will include work-related measures such as average productivity, increases in economic efficiency, numbers of new patents issued, and appropriate measures of the service/information economy that GDP misses. These new metrics will include socioeconomic factors such as average wealth, annual morbidity, longevity, literacy, environmental sustainability, social mobility, ROI of education and medical spending, etc.

THE UNDERCLASS- While much of America continues to worry about the 99%/1% split, few will take note of the long-term underclass that goes cradle-to-grave in female headed homes, no chance neighborhoods, dysfunctional schools, and a rotisserie of prison stints. This large group will be recognized as having zero chance of upward mobility to escape the underclass.

THE END OF PRIVACY- The king is dead, long live the king. The government reforms the NSA to the end the secret collection of mass personal metadata. But beyond that, privacy continues to be invaded and eroded as personal and consumer data are collected by every entity with which one interacts. Realizing that the tradeoff for the loss of privacy is greater efficiency and service, Americans generally shrug about the collection of consumer data but rein in sharing of more personal data. Legislation to protect citizens from the abuse of this information stays one step behind the abuses.

SOCIAL NETWORKING- Facebook was fun. Then, the revenue model brought us a bunch of ads. The mobile interface wasn't great either. And then they started selling our data and claiming to own our photos. The NSA also wanted in on the action. We decide Facebook isn't so much fun after all. We will continue to use it as a social networking site, but not in the way that we once did. In fact, since "just surfing the web" is so wrought with having our information sliced and diced, we do a lot less of it.

THE END OF CANCER IN SIGHT- Low cost DNA sequencing, better and increased screening, bioinformatics, the rise of immunotherapy, greater computing power, rational drug design, and a better understanding of our metabolic pathways usher in a host of new drugs and treatments that can cure most cancers. In cases where the cancer is untreatable, combination chemotherapies are employed.

VACCINES- We finally turn the corner on the "antivaxx" era, and parents once again embrace the common sense notion to vaccinate their children both here and abroad. By the end of the decade, better communication technologies, rapid response, and community cooperation leads to an all-out push at vaccination which finally eradicates polio from the globe. The annual flu vaccine begins to incorporate 4 strains instead of 3. The push to vaccinate teens against HPV leads us to question whether we can eradicate the strains of HPV that cause most reproductive cancers. A "universal" flu vaccine and a Hepatitis C vaccine development move ahead, and candidates for both emerge by the end of the decade. Unfortunately, an HIV vaccine remains elusive.

THE GUT MICROBIOME- Scientists and physicians continue to find new, important, and useful roles that your gut-colonizing

bacterial populations perform. Everything from producing vitamins, affecting immune populations, and altering the ability of ingested drugs to be used effectively--and then some--are shaped by these gut bacteria. As scientists unravel the cross-talk between these organisms and our bodies, "metabolically desirable" colonization profiles are established, and bacterial transfers and pro-biotic therapy emerge as routine standards of care.

GMO CROPS-As food prices continue to soar and real wages continue to stagnate, genetically modified foods are re-examined (NOTE-All foods we eat were genetically modified by selective breeding at some point in their development.), and they slowly emerge and are recognized as the non-threat that they are.

MOOC COME TO PUBLIC COLLEGES- In an effort to cut costs, align their curricular offerings, and reach more students, state university systems roll out Massive Open Online Courses to all of their community college, state college, and flagship university students. Offered across the curriculum in traditionally lower-level, auditorium-sized, largely didactic courses (Calculus I, Introductory Chemistry, Civil War History, Introductory Biology), these online courses are taught by star professors in the system with the help of graduate assistants on each campus who offer office hours. Quality control is maintained, costs are slashed, and everyone gets approximately the same education across the state.

AMERICAN POLICE STATE- Americans become aware and concerned about the militarization of their local police forces (expensive bomb squads, SWAT teams, terrorism response raids), the excess force often employed, the sheer number of Americans in prison and on parole, and the number of those Americans that are over-incarcerated. Many demand reform to scale back spending, reduce sentences, and identify alternatives to incarceration (fines, rehabilitation, restorative justice, etc.)

FOCUS ON ENVIRONMENTAL HAZARDS- As the government and Obamacare retrench to reduce health care spending, an emphasis on prevention emerges. Part of that shift is an increased concern for the thousands of synthetic, non-naturally occurring chemicals that are in use that have never been properly tested for their impact on humans. An organization emerges under the combined auspices of the EPA and the NIH whose charge is to test all these existing chemicals and all new chemicals before they come to market. Hundreds of chemicals already in use are identified as harmful to human health. In a ethically wrought and under-the-table agreement, the manufacturers are publicly demanded to pull these chemicals from the U.S. market while secretly allowed to continue (and increase) the sale of these products overseas.

THE "REWILDING OF AMERICA"- Conservationists float the idea to introduce Eurasian and African megafauna to North American continent to replace similar species that once roamed here. An idea ahead of its time.

That's what I see coming down the pike. How 'bout you?

with mer

FLYING MCCOYS GLENN AND GARY MCCOY

REMEMBER THAT DAY?









KEVIN ANSWERS YOUR QUESTIONS

- "Will you stay involved in these issues?" ["issues"= criminal justice and prison reform]

 Good question....As you've seen in these letters, I have no problem speaking out about some of the issues that brought me to prison-- whether it has to do with restorative justice, sentencing policy, alternatives to incarceration, etc. I write some about the reasons why I think men offend in the ways that I did (It's usually something in their personal make-up or a series of "perfect storm" issues in their lives and not simply one of criminal intent), about how the criminal justice system does so many things wrong around this ("my") and other issues. I have thoughts on how felons are treated in trial, prison, and afterwards. I'd never want to become a Johnny One-Note on this issue ("Too late" you say? Sorry, I'll try and improve.), but there are lots of problems inside the justice system that I never knew existed and shouldn't and wouldn't in a better system. Frankly, I never thought I'd experience or care to examine them. But I'm here now, so someone has to. So yes, at some level, probably through advocacy, but doubtfully professionally, I'll engage with issues as necessary. I say probably "not professionally" because I have a distaster expanding this arena; it is already too large on both sides of the issue. But still, I figure if I'm not willing to do some of the work to help my case/situation, then why should I expect someone else to care about the issues or do the heavy lifting on my behalf?
- "Is your residence in Chicago an okay place to stay?"
 Yes, my release address has been vetted with the Chicago police, and the apartment in Chicago is not within 500 ft. of any schools, parks, day care centers, etc. So for now, it'll be a place where I should be able to live upon release. Near the end of my release, the probation office of the Northern District of Illinois will send someone out to make sure that it suits their regulations (no weapons, unmonitored computers, etc.). Also, when I go to GA to visit my family there, our house is suitably rural so as not to be a problem. GA has a rule that a sex offender cannot live within 1000 ft. of places where children congregate [I think it's 1000 ft, could be 2,000]. So in that regard, I'm more fortunate that many men who have a very difficult time navigating this issue and finding housing.
- "Will you have the same probation officer that you had before prison?"

 During my pre-trial period, I had an awesome pretrial officer ("Give that man a raise!"). Some men in prison will return to their rural districts and have the same officer that they had prior to serving time. Chicago is a big city where the pre-trial supervisors are separate from the probation officers who oversee you during your supervised release period. So I'll be getting someone new. Hopefully, it'll be a good arrangement. I plan to follow the rules.
- "Can you have your lifetime supervision changed?"
 As part of my sentence, I was given lifetime supervised release. That basically means that I'm on probation for the rest of my life. That also carries with it lots of hoops to jump through. But after a year or two of good behavior, I can go back to the judge and ask that the supervision be dropped altogether or some of the more arduous conditions be relaxed. I think it ultimately depends on the viewpoint and recommendations of one's probation officer.
- Our Can you get off the sex offender registry?"
 Depends on where one lives. In some states, there is a tiered system where you spend longer time on the registry for worse crimes. In the places where I'm thinking of living, there are lifetime registries. But I think you can petition within that state. I know folks in GA have successfully petitioned to be removed from the registry
- "What's the worst thing about being in prison?"

 There are many terrible things about being in prison. Three main ones stick out for me and are probably about co-equal. The first would be the obvious loss of one's freedom and inability to see the family. The second would probably be a feeling of how this time is being wasted/lost and a recognition of the productive things that one could accomplish but cannot do here. The real recognition that you are deteriorating (work ethic, skills, mental sharpness, discipline, goal setting) as a human being. The third terrible thing is that I witness more criminality, corruption, incompetence, and sloth here than I ever saw on the street...by a long ways. Everyone sort of accepts it with a wink-and-a-nod, a shrug, an indifference, and with the professional comfort that we're behind walls and that no one will ever peer over them. That's as frustrating as it is demoralizing. On the other hand, maybe that's the way it's supposed to be. Maybe, in spite of its stated aims at rehabilitation, the real goal of prison is to create a human product that's less able to cope with the world than before. You never quite ever get past this place. Maybe that's part of the plan of punishment. A philosophy born out of a knowledge that can only come from running these places. A wisdom that appreciates that, while you think "you've done your time," it's really your time that's done you. It creates ex-cons that are

more prone to come back than stay out. And they do. And it keeps the prisons full and profitable.

- What's the biggest misconception about prison?"

 The biggest misconception is that there are a lot of really bad folks here and that they're all changing for the better. Most of the folks here have no business here and are doing their best to get by. But most of them had very little discipline, positive structure, or maturity, and that's part of the reason that they ended up here. And they're not really changing in any particular way for the better. Once here [see the piece about the day in the life of the recidivist], they spend way to many years around bad folks. And then you have a minority of folks who will spend their entire lives in prison and who are just "bad actors" from the jump. It appears that there's sort of an 85/15 phenomenon here where 85% of the mischief and bad vibes are created by about 15% of the inmates. Unfortunately, that 15% carry a lot of undue influence (since they've learned the rules of prison, are institutionalized, have no respect for authority, have done plenty of time already, and will be back), and they have outsize influence over the other guys in very bad ways (since they know they likely won't be punished or have very little concern if they are.)
- will you transfer to another prison before you leave?"

 When you are placed in federal prison, the BOP tries to place you within 500 miles of your release location and at a facility that meets your security and programming needs. I'm within 500 miles of Chicago, and they offer a program that I could benefit from. So I don't really have a chance to leave. A lot of guys spend their time by moving from prison to prison as it it's a great way to break up your time, meet new people, and see America. I don't really see any sense in trying to do that. I'm in a routine that I don't need to change. And if I wanted to move, I'd have to put in a request and wait 18 months for it to occur.
- Were you selling the stuff?" [officer at Chicago's Sex Offender Office; by "stuff" he meant child porn.]

 After I pled guilty, I had to go down to the Chicago Sex Offender Office (yes, there's a large office just for this). I told the officer there that I had been told I needed to register and, additionally, that I would be receiving a mandatory minimum of 5 years in federal prison. He was shocked at the amount of time and asked, "Were you selling the stuff?" No, I assured him, I was not. Well, he said that I didn't need to be registered since they knew where I was going to be for the next several years. I persisted and and said that I hadn't been sentenced yet and that it could be several months--maybe 6 months--before I even went to prison. "Didn't I need to register?", I asked. "The folks that sent me down here are going to think I weaseled out of registering. I don't want them to think I did that, and I don't want to have to make this trip again." He said, "Nah, just stay out of trouble."

 This guy couldn't have been less worried about me. Do folks like me need to be on the registry? Ask the police--folks that know best-- because this guy surely doesn't think so. For a better understanding of what I did, here's a quote from my sentencing memo submitted by my attorney,
 - "Mr. First pled guilty to distribution of one image on one occasion. Evidence of relevant conduct indicates he engaged in similar-and similarly limited- behavior on a couple of other occasions. The essence of the distribution count in this case is that it ensures the mandatory minimum. However, a common sense view of his distribution-related behavior suggests that it was on the lowest end of the scale." So, no, I wasn't "selling the stuff"; I was hardly even giving it away. [Not that it makes it any less criminal]



NEWS REGARDING SENTENCING, PRISON TIME and SEX OFFENDERS

1) The organization Human Rights Watch recently released a report entitled "An Offer You Can't Refuse: How US Federal Prosecutors Force Drug Defendant to Plead Guilty". It draws the conclusion that, in federal court, many innocent men go to jail because they are simply afraid to go to trial and face terrifyingly long sentences if they lose. Worse, many face a "trial penalty" for simply exercising their rights for a trial. You see, plea bargains guarantee much, much shorter sentences for defendants in federal courts. In fact, over 95% of federal cases (think it might be closer to 99%) are plea bargained. In essence, prosecutors use coercion to extract plea bargains in exchange for shorter sentences. What follows are some statistics of those who go to trial and lose versus those who plead guilty before trial. Losing guarantees that you get a "trial penalty" YIKES!!!

*For drug defendants convicted of offenses carrying mandatory minimum sentences, those who pled guilty had an average sentence of 82.5 months compared with 215 months for those convicted after trial, a difference of 11 years. [uhhh....yeah, the difference between pleading guilty and losing in trial shouldn't be 11 years per case. Sorry, not justice.]

*Among drug defendants convicted with prior felony convictions, the odds of receiving a sentencing enhancement based on those convictions were 8.4 times greater for those who went to trial than for those who pled guilty.

*Among drug defendants with a gun involved in their offense, the odds of receiving the statutory gun sentencing enhancement were 2.5 time greater for those who went to trial than those who pled guilty.

2) On the subject of prosecutorial misconduct, a child pornography case was tossed out due to "prosecutorial vindictiveness" in the pretrial charging decision. The U.S. Court of Appeals for the Sixth Circuit upheld the decision to toss the case in early November 2013. In this particular case, the defendant was initially charged with possession of child pornography. A district court granted a motion to suppress evidence after finding that officers improperly coerced incuplpatory statements from the defendant by threatening to inform his wife about their investigation moments before she underwent life-threatening surgery (essentially "You cooperate. Invoke your Miranda rights, and we'll go tell your wife what's going on.")

The suppression order left prosecutors without admissible evidence that the defendant possessed the material. Instead, the prosecutors decided to PUNISH THE DEFENDANT for suppressing a coerced confession. The prosecutors went forward with a charge for conspiracy. However, instead of going forward with a "conspiracy to possess," the prosecutors went forward with a charge of "conspiracy to receive" which carries a 5-year mandatory minimum sentences and higher sentencing guidelines than the possession conspiracy. In response to the prosecutors' explanation for the receipt v. possession conspiracy decision, the court said the government was "grasping at straws." "The evidence relating to the conspiracy remained unchanged over the entire course of the prosecution; there is no new revelation or discovery to support the government's sudden shift to a receipt theory from a possession theory."

A few interesting developments in the area of child pornography....

- 3) MALPRACTICE?: Can you sue your therapist if you have a disclosed child pornography problem (in this case, patient was a teenager) and the counselor fails to provide treatment, a referral, or tell the teen's parents about the issue, and the teen is subsequently arrested as an adult? A case coming out of the Northeast might let us know....
- 4) SHORTER SENTENCES: I've always complained here (and cited others who agree) that the federal child pornography sentencing guidelines are creating exceptionally long, unreasonable, and disproportionate sentences. This is an issue that the U.S. Sentencing Guidelines, some federal judges, some former federal prosecutors, academics, and journalists have begun to address. In a recent case from Villa Rica, GA (not far from my hometown), a man was in federal court on charges that he ordered and received child pornography from a vendor in Canada. U.S. Postal inspectors tipped off federal investigators who conducted a raid and found more evidence at this man's home. Based on the evidence, he could have easily faced a 5 year mandatory minimum and up to 20 years in prison for receipt. Instead, he pleaded guilty to possession and was sentenced to 3 years in federal prison. And this was in Georgia where judges aren't known for liberal views on social and justice issues. A 3-year sentence in prison is by no means simply a slap on the wrist, but it will make an impression, give the guy some time to get some things in his life turned around, and let him get out before the destructive forces of prison completely make a waste of this guy.

It's worth noting by comparison that when guys from Western Pennsylvania arrive at Elkton, they are almost all serving



somewhere from 2 to 3 years. Pittsburgh judges and prosecutors seem to have found a "sweet spot." Looks like this judge in GA did too.

5) REGISTRY CHANGES- I'm constantly looking for good news when it comes to the sex offender registry since I'll be on one when I leave here. Two recent things came to my attention worth sharing...

In Texas (not a liberal bellweather), legislators have removed the employer information from the publicly-available state sex offender website. While I question the effectiveness of the registry in general, public information regarding the employer of a sex offender adds little protective value, but it can be an awfully big deterrent to hiring. Good move for Texas. I'd really like to see IL and other states fall in line with this. Second, a woman who was convicted of "pimping" (prostitution) argued that the decision to keep her on the registry did not consider her gender. She noted that women have lower rates of sex crime recidivism than men and that fact should be used in the formula used to decide whether to keep her on the registry. Again, I'm generally opposed to the registry, but I think individual considerations that use science and actuarial data are better than the "one-size-fits-all" and "on-the-registry-for-your-lifetime" approach that so many states use.

6) SCOTUS AND RESTITUTION: A case was just before the U.S. Supreme Court (Parroline vs. Amy Unknown) that looked at restitution in child pornography cases. Parroline was found in possession of TWO (just TWO) child pornography images of Amy Unknown. It had previously been determined that the total care and compensation for her lifetime would be \$3.4 million dollars. Well, Parroline had money, and they went after him hard. The judge in his case ruled that he owed \$2.1 million dollars to Amy for her care. The Supreme Court basically punted this case and said that men who possess child pornography owe the victims something, whether or not proximate harm can be shown. But they said that no particular person should have to pay an amount like that. The offenders, in effect, should pay more than nothing but less than the whole amount.

I'm not an attorney, or a therapist, and I don't owe Amy any money, so I admit that I'm stepping outside my area of expertise, but this seems like a reasonable development. But, I also cringe when I appreciate that we have essentially allowed/encouraged/required Amy to take on the mantle of victimhood for her entire life to collect the money that she has been adjudicated...even though the abuse occurred when she was 8 years old, and she's now in her 20's. I wonder--if there was no money to collect, would she would still be talking as openly or forcefully about her revictimization? Money has an odd effect on people. And in this case, I think Amy suffers in the long run because of it.

- 7) LIFETIME SUPERVISION- A term of lifetime supervised release was tossed and is to be reconsidered after Seventh Circuit Court of Appeals review of the case. Nicolai D. Quinn, a father of a young child, was sentenced to 97 months imprisonment for possession of child pornography. He was also given "supervision for life." Quinn's attorney successfully convinced the court to consider that two forensic psychologists assessment of Quinn, "that he has a lower-than-normal risk for recidivism". The court also noted that Quinn would not be able to see his young child (there were no charges or evidence of abuse) without advance approval under the district court's sentencing order. The Court of Appeals wrote "Rules that allow public officials to regulate family life likewise call for special justification, and lifetime regulatory power is hard to support when the defendant has not been convicted of crimes against his family or other relatives. Other terms of Quinn's supervised release also may require strong justification when extended for a lifetime." The appellate court noted that the "more onerous the term, the greater the justification required." His term was vacated and remanded for resentencing as to the period of supervised release only. [This could be a big development when I challenge my term of "Supervision for Life."]
- 8) POLYGRAPHS DON'T WORK-An Indiana Little League coach accused of threatening national security by teaching government job applicants how to beat lie detector tests was sentenced to 8 months in federal prison. He worked with hundreds of men to pass job screening interviews and get special clearances, among other things. I won't touch on an 8 month sentence; I'll just point out that if someone can be taught how "to beat" a lie detector, then the test doesn't actually detect what it claims to test. Either the guy's lying or he isn't, and a test that can't determine which one shouldn't be used or trusted for anything. In fact, polygraph examination are used for all sorts of things, and ability to ferret out the truth has been constantly challenged and undermined. [I mention it because I'm sure, at some point, some therapist or probation officer is going to drag one of these things out of a closet and want to hook me up to it. I have nothing to hide, but I generally don't like the idea of bad science and forensic quackery...]



QUOTES

"Going to trial is a right, not a crime." -- Jamie Fellner, quoted in an article authorerd by Human Rights Watch, "An Offer You Can't Refuse: How US Federal Prosecutors Force Drug Defendants to Plead Guilty"

"We don't get to choose our own hearts. We can't make ourseleves want what's good for us or good for other people. We don't get to choose the people that we are." --author Donna Tartt in Goldfinch.

"Sometimes you have to lose to win, and sometimes one person has to get lost so that other people can be found." --Donna Tartt/Goldfinch

"Great ideas lurk in our peripheral vision, not reached through incremental thinking, but audacious jumps." --Nicholas Negroponte, founder of the MIT Media Lab

"The only difference between a saint and a sinner is that every saint has a past, and every sinner has a future." Oscar Wilde

"Suppressing black people just didn't seem like a really good way to spend time." --inventor/entrepreneur Elon Musk on his decision to choose coming to the US for college over compulsory service in his native South Africa.

"We are all inundated with information and given no time to wonder what it means or where it came from. Access without understanding and the facts without context have become our daily diet." --Susan Cheever, Vanity Fair

"We say of some things that they can't be forgiven, or that we will never forgive ourselves. But we do--we do it all the time." -- author Alice Munroe in Dear Life

"Unhappy people tend to see setbacks as contaminants that ruined an otherwise good thing, while generative adults see them as blessings in disguise. Those who live most fully realized lives- giving back to their families, societies, and ultimately themselves-tend to find meaning in their obstacles." --Susan Cain, Quiet.

"In prison, you can lie in your bed all day and get credit for good time toward release. You should have to do something other than lie there." --anonymous Camden, NJ ex-con as told in "Apocolypse, NJ" (Rolling Stone, Dec 19, 2013)

"There comes a time when people get tired of being trampled over by the iron feet of oppression. There comes a time when people get tired of being pushed out of the glittering sunlight of life's July and left standing amidst the piercing chill of an Alpine November." --Rev. Martin Luther King Jr.

"I believe a tree will never bear fruit unless a seed is planted." --Ken Suffredge, mayor of Aragon, GA on plans to grow the small town. Aragon is home of the now closed Aragon Mill [where I worked one summer in college. Ugghhh.], made popular in the eponymous song by Si Kahn in 1979.

"The greatest glory in living lies not in never falling, but in rising every time we fall." --Nelson Mandela in The Wall Street Journal

"There's much to be said for challenging fate instead of ducking behind it " -- Critic Dianna Trilling

"You can't stare down a spy agency without being prepared to burn your life to the ground over the smallest grain of truth, because truth is the only thing they are afraid of. Truth means accountability, and accountability terrifies those who have gone beyond what is necessary." --Edward Snowden

"Your net worth to the world is usually determined by what remains after your bad habits are subtracted from your good ones." --Benjamin Franklin

"People don't care how much you know until they know how much you care." --Teddy Roosevelt



"Live in each season as it passes; breathe the air, drink the drink, taste the fruit, and resign yourself to the influence of the earth." --Henry David Thoreau

"You must not lose faith in humainity. Humanity is an ocean; if a few drops of the ocean are dirty, the ocean does not become dirty." --Mahatma Gandhi, UPI

"What good is the warmth of summer, without the cold of winter to give it sweetness?" -- John Steinbeck

"You can't win an argument when you're married. Because if you win, your spouse loses and resents losing, and then you lose, too, in a way." --attribution misplaced

RECENTLY FINISHED BOOKS

Eat Like a Man- Dan Duane [Man meets meat....sort of hit or miss]

The Entertainer- Margaret Talbot [Traces career of father Lyle Talbot through several decades on stage and screen]
Goldfinch- Donna Tartt [At 800+ pages, one of best books I've read in years. Protagonist survives a museum bombing with famous painting in his possession, and it only gets more weird from there. Deservedly, on many "Best Books" list of 2013.

Freakonomics- Levitt and Dubner [Finally read this work from UofChicago economist]

The Art of Happiness- Dalai Lama and Howard Cutler, MD [Ways to live a more content, happier life. I recommend.]

Quiet: The Power of Introverts in a World That Can't Stop Talking --Susan Cain [Very revealing and empowering take on introverts]

Rembering Denny- Calvin Trillin [Trillin's examination of the death of former Yale classmate offers unusual surprises.]

A Heartbreaking Work of Staggering Genius- David Eggers [Former Pulitzer finalist, big splash, gripping memoir]

Dear Life- Alice Munroe [Another great quirky collection of short stories from Canadian Nobel Laureate for Literature]

Thirteen Stories --Eudora Welty [collection of strange, Southern Gothic short stories]

The Secret History --Donna Tartt [Goldfinch inspired me to read her earlier work]



"I have to know how it's done."



THE BLOTTER

INDIANAPOLIS- David Wyser, a former Marion Country chief deputy prosecutor who pleaded guilty to accepting a bribe that allowed a woman who was convicted of murdering her husband to get out of of prison early, was sentenced to six months of house arrest and three years of probation [yeah, my thought too...]. Wyser was given a lesser sentence than the 18-24 months in prison called for under guidelines at the request of the federal prosecutors because of his cooperation into an investigation into his ex-boss. His ex-boss was not charged.

- CHICAGO- Stanley Wrice, 59, was released after 30 years behind bars for an IL rape he did not commit. He had insisted on his innocence for years and that Chicago police tortured him for a confession. His immediate plans were to get a cheeseburger and get some sleep. [Wow, cheeseburgers and sleep--two things I want when I get out too!! I wonder if John Burge was involved in the alleged torture? Supposedly it occurred often over the 19 years he was a head honcho within the Chicago Police Dept.]
- CHICAGO- H. Ty Warner, billionaire founder of Beanie Babies, was given no prison time and 2 years probation for tax evasion. He was caught hiding \$25 million in off-shore Swiss accounts. His judge complimented him on his philanthropy before delivering this "non-sentence." [Must be nice to be guilty, rich, white, and above-the-law.]
- REDMOND, WASHINGTON- A TSA agent confiscated a tiny toy gun belonging to an air traveler's sock monkey. Phyllis May, who makes custom sock monkey dolls, brought the doll and its props in her carry-on bag, but a security agent seized the 2-inch toy pistol as a security threat. The monkey "has been disarmed so I'm sure everyone on the plane was safe," May said. "At some point doesn't common sense prevail?" (The Week, Dec. 20)
- COLORADO- A 6-year-old boy was suspended from school for sexual harassment for kissing a female classmate on the hand. The girl did not complain, but officials say that under the rules, the kiss qualifies as harassment. "This is taking it to an extreme," said the boy's mother. "Now my son is asking, 'What is sex, Mommy?" (The Week, Dec. 20)

AND "ONLY IN TEXAS "

- FORT WORTH- According to his attorney and psychologist, Ethan Couch, 16, suffered from "affluenza", an "extreme psychosis of wealth," when he became wildly drunk, drove his pickup 30 miles over the speed limit, killed four pedestrians and left his friend brain damaged and paralyzed. His punishment was probation to be served at a \$450,000 rehab facility in California that features cooking classes and equine therapy. [Again, must be nice to be guilty, rich, white, and above-the-law. So, a young man who has never been forced to learn responsibility for his actions because of his wealth is being allowed to not take responsibility for his actions through his father's wealth. Makes sense to me...NOT! Instead, maybe since he killed four folks through his illegal conduct and negligence, he should go to prison with a lot of folks who are in prison for the ACTUAL consequences of not being rich and who did far less than kill four people. I imagine it wouldn't take him long to appreciate how nice he had it and how fortunate he is not to be poor and black/Hispanic.]
- COPPERAS COVE- A man was arrested, jailed, and released on a \$200 bond for failing to return an overdue library book, which he had borrowed in 2010, right before going to prison for three years. [I guess he should've just killed 4 pedestrians with his car....]
- PARKER COUNTRY- A woman with a lengthy criminal record was given seventy years in prison after stealing a weed whacker, a power washer, and Christmas lights [If she's having to steal Christmas lights, I guess she can't claim the "affluenza" defense, either]

Comics Time ...



"I can remember when she was just a fuzzy yellow intern."

Jon Williams, Raleigh, N.C.

Bliss



"From where I'm sitting, ha-ha, you're behind bars!"



"There's so much evidence, we should put some aside for a different case."