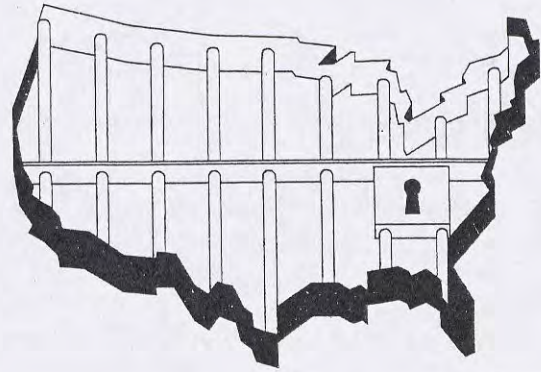


KEVIN'S UPDATE LETTER
KUL #22, JUNE 2014



ADDRESS:

KEVIN F [REDACTED]

Welcome to Kevin's Update Letter 22. I'm now past the 39 month mark at FSL/Elkton, a low/minimum satellite facility at the Federal Corrections Institute in Elkton/Lisbon, OH. I'm serving a 72-month sentence for possessing and sharing a not-large amount of child pornography over the Internet. Before that, I was a tenured college biology professor in Chicago. Before that, a medical scientist studying MS at Northwestern University. I was born, raised, and educated in the South (Northwest GA, Duke) and Chicago (Univ. Chicago). To say that I was a first-time offender would be an understatement. But here I am.

This is my occasional note to the outside world to let you know how your \$30,000/year in federal tax dollars are being spent [Ed note: This one is more delayed than usual. Bracketed comments in the letter are usually my thoughts]. This letter has a synopsis of recent life on the compound, a Day-in-the Life feature, and my thoughts on where we should direct our attention in changing hearts and minds about crime and punishment. It contains a round-up of noteworthy legal changes, odd crimes and punishments around America, and quotes that keep me inspired.

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"This is where we laughed and swam--
hunted, danced, and sang.

Take our picture here.

Take a souvenir.

Cuyahoga"

Cuyahoga! and enjoy, *Kevin*

LIFE ON THE COMPOUND

WHAT'S THE "LIFE OF A MATTRESS?"- When I arrived in 2011, I first noticed how thin the mattresses were. I equated my situation to sleeping on a sleeping bag on the hood of a car. When asked how one adjusted and became accustomed to the mattress, a former cellie said, "You don't; you just leave crippled." Not the answer I was looking for. But then, we had "the Mattress Fiasco" where we were given new, thick mattresses (yeah!) that were taken back because they hung over the sides the bed-frames (and dangerously over the top bunks) by about 5 inches (boo, hiss!). The mattresses were altered and returned a few months later (yeah!).

Now, three years later, I once again have a flat, fiber-filled, BOP mattress. Not to have a princess-and-the-pea complex, but I can feel the metal under my mattress. I know prison isn't supposed to be fun, but I hope that there are some new mattresses in our future. If not, I'll survive. And I'll go home to a better mattress and not come back to one of these. But my aching back....

GED PROGRAM- Big news from the GED program is that one of our COs and my direct supervisor was injured in a motorcycle accident that killed her husband. Without the Internet and limited news coverage, it's hard to get a good sense of her condition. Her classes are cancelled for now (we have a sub on the way), and the tutors are volunteering to tutor the inmates in the regular classroom. We have 4 of my students set to take the actual GED in a few weeks, so we can't slack off

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now. Even though inmates and COs wear different color uniforms, at the end of the day, you'd have to be completely heartless not to care about one of the staff who does more with inmates than most of her colleagues. A lot of inmates checked with me to see how she was doing after the accident and have continued to ask what new updates I had on her situation.

An odd, weird twist with the GED is that we haven't received any scores (and thus not graduated anyone) this year. With the new year, the rest of America moved to a computer-based GED test. However the BOP (surprise) was not prepared to move over to the computer test and signed a contract with the GED providers to continue to use the paper-and-pencil test. So far, so good. However, someone forgot to sign the paperwork to have the exams graded and the scores sent to us. Oops. About April, someone discovered that exam scores were not arriving. Supposedly, someone has checked into this and things are being sorted out, but we're now waiting on scores from very long ago. I'll keep you posted.....

DOTTING "i"s AND CROSSING "t"s- We had a lot of short fuses, C.O.s sitting on pens and needles, new amenities arrive, and spot painting and repairs as the ACA was here for a visit. The ACA is an accreditation organization that looks at prisons and how they are following regulations. I think most of the review happened at the FCI "up the hill" from the FSL. The FCI is three-times as large as the FSL. We're the well-behaved, afterthought. I'm sure we passed and that they suggested some changes though I can't imagine what they'd be. And no, no one asked my opinion ("How much time do we have? Okay, where shall we start?")

VISITS- Recently, my friend Hoyt from Atlanta was up for a visit. We had two good visit days. Mom and Dad visited in late June. My friend Bruce, Lee D., Dan F, and Al and John are slated to visit later in the summer. I have additional space on my visit list if you want to visit.

One thing about visiting policy (at least as it's applied here) that is irritating and inexplicable is that folks that you've met while you're in prison can't visit you. My friend, Hoyt, has a cousin near Pittsburgh who is a minister and a college professor. We've become a bit of pen pals while I've been here, and he wanted to visit while his cousin Hoyt was here. Unfortunately, his visitation form was dismissed out-of-hand when he checked that he didn't know me before I came to prison. I suppose he could have lied on the form (it's illegal and unethical) as everyone else who want to get around this rule does. Since ties to the community are such an important part of inmate rehabilitation, why would the BOP have this rule? What if I wasn't here for 6 years but was in prison for 10 or 20 years. Clearly for those inmates whose friends and family fall way and new friends are made, they should be allowed to have visitors, right?

SUMMERTIME- I treat my prison time as a two-semester experience: Winter is dedicated mostly to tutoring work, writing, and reading. We don't have a gym, so there's really not much to do to stay in great shape. Instead, I just get enough exercise to get me to the summer. Spring and summer are finally here and that means softball and getting outside. The four team A-league might collapse to 3 teams; the 4th team has only one win, and no one signs up to be a whipping post. My team is tied for first place, and when the first set of stats came out, I was tied for the league lead with RBIs though I've gotten off to a slow start. I'm still in my spin class that meets 3X/week. I decided that I'm too old to play and take too long to recover from soccer. So, I've stopped playing that after a couple of years.

PSYCHOLOGY PROGRAM- I finally finished my psychology program. Of course, it's supposed to teach one about "life changes," so it's really never over. I think it was a positive experience and I learned some useful things from it. At the last 15 minute presentation I gave ("Statement of Change"), I was given feedback from one of the instructors that if they were giving grades, that I "would get an A-plus". That's great; I love getting A-plusses. Now the last thing the instructors do is an evaluation that goes to my probation officer back in Chicago. One thing that past participants have told me is that a positive group experience and glowing spoken comments at the program's conclusion are sometimes followed by a written evaluation that reads much worse and make you seem like a fragile, potentially dangerous person. I'm not sure why that would happen. Maybe a hedge, a "cover your ass" (CYA) in case things go poorly upon release...In that case, there won't be a written endorsement from the folks here. I get a copy of the evaluation once it's written, but one thing about the evaluation that comes from here: once it's written, they won't change it. Regardless, the folks that prepared my evaluation before my sentencing hearing decided I posed no threat to anyone, have a very low chance to reoffend, and that I have a good prognosis. There's always that.

LIFE FOR FORMER INMATES ON THE OUTSIDE- Regardless of what the evaluations do say, I'm hearing from others (backchannel communications from family to friends to friends to friends to me) that people from Elkton with my charge are moving to halfway houses and finding work. One former resident of my unit has a job that has him working 70-80 hours/week. He's still living at home and saving his money to put toward a down payment. Another fellow found work at a home supply store. He is a rugged, country guy, so it's a good fit for him. A third person who comes from a career in management has found a mid-management position. So even though these guys are felons and sex offenders, they're finding work. That gives a lot of people here hope.

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AN EDITORIAL OFFER- In my last Update Letter, I wrote a fairly long piece titled, "Dismantling the Sex Offender Registry." I reworked it and sent it out as an unsolicited, guest editorial to most major American newspapers. I gave them permission to edit and run it. I appreciate that it was a low percentage shot in the dark, but if you don't take any swings, you don't hit any homeruns, right?

A SUGGESTION FOR MY CONSIDERATION- Every now and then, I'll add a new person to the Update Letter list. Sometimes, I get a "remove me from your list." But more often, the person "gets" the connection to what I'm trying to do and writes with an acknowledgement. Recently a reader (a law professor and author at Columbia Univ.) wrote to suggest that I use my writing skills to teach a writing course here. He notes that he gets lots of letters from prisoners and most could be better written. Even though I think of myself as a science and math person, he makes the valid point that better communication skills will go a long way toward inmates making a better transition on the outside. We do have Adult Continuing Education (ACE) courses here taught by inmates, and this might be a good place to offer some sort of writing course. Good suggestion.

NEW WARDEN- I've mentioned that our warden, Mr. Coakley, is an "inmate's warden." He would come down to the FSL and walk through the unit by himself--no entourage. He would chat with inmates. When he heard stories of obvious abuse or foot dragging by the staff, he would ask that the inmate send him a cop-out directly, and he'd handle the situation (or at least look into it.) He was frank, direct, and at ease with inmates. The fact that he even showed up at all at the FSL was an improvement over the previous warden. Now, Warden Coakley is retired, and we're waiting for our new warden to arrive from another prison. Will he be better? Worse? The same? I can't imagine he'll be better and am hoping for just status quo. My greatest fear is he'll come in and need to make it clear that we're under "new management" and make a bunch of changes--even if unnecessary and ill-conceived, just so we'll know the "new sheriff" is here.

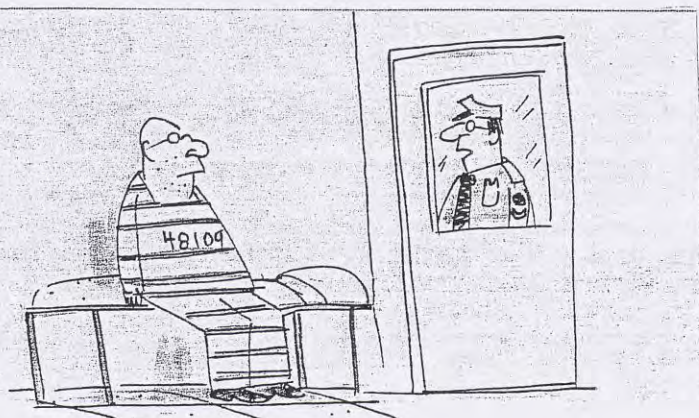
NETFLIX- The second season of Orange is the New Black is now available and it's getting lots of good, widespread coverage. In case you're not familiar with the show, the story is based on a memoire by a former federal inmate at a low-security prison in CT. The protagonist is basically this female, white, well-educated (Smith College graduate), first-time offender (acting ONCE as a drug money courier for her girlfriend), fish-out-of-water character. The show explores how she makes her way through the unusual experience of prison. A real through-the-looking glass quality. They add some drama to get the audience through the mostly boring parts of prison.

LIFE IN GA/AL/IL- Usually, I report that all is well back home. Things continue to go well for most folks, but the family has been hit with a rash of "below the belt" injuries. My aunt in AL fell and broke her hip and is in rehab. My brother ruptured his Achilles tendon and underwent surgery. He'll be off his feet for awhile. Otherwise, all seems to be in order. Our families in the South are most assuredly looking at their calendars and planning Vacation Bible school; ball tourneys; and trips to Panama City, Gulf Shores, and the Smokey Mtns. The folks in IL are looking forward to trips to WI and MI for long weekends and when summer school teaching is over. A few have trips that bring them here! Right? Did I mention that I LOVE postcards (grin). When you have some Gulf shrimp, fresh fruit, a great salad (right out of your garden), and an iced tea or a tall, cold one, say a prayer for those of us without.

Well, that's all for this issue. I hope you enjoy the rest. New sections include "A Day in the Life" and "Changing the Direction of the Wind."

Best and Peace,

Kevin



"No, Solitary doesn't have wi-fi."

A DAY IN THE LIFE

A DAY IN THE LIFE
Friday MAY 24, 2014
Day 1, 114 at Elkton

7:00 a.m. HYGIENE- Head over to Laundry and pick up my weekly allotment of hygiene supplies: 2 rolls of toilet paper, bottle of liquid "indigent soap," shaving razor, and a tube of toothpaste. I skip the toothbrush and comb, already have them. It's your one and only chance to get these items for the week. Toilet paper is a key item to pick up since you have to provide your own. On the way, I witness a crow attack a small bird on the ground. Osama bin Lopez (Mexican Muslim) runs over to scare away crow and save small bird. Those assembled in line cheer. Sizing up length of the breakfast line, I opt instead for honey bun and coffee from locker.

7:30-8:30 "STATEMENT OF CHANGE" WORK- Work on final draft of last presentation for my psychology class. Coming together nicely but emotionally wrenching. How does one (or at least me...) say it all in 15 minutes?

8:30-9:00 BREAK. Stroll through large TV room. Wow. Telemundo (Spanish-language channel) weather girl is wearing a garment somewhere between a bikini and cocktail dress. CNN still hasn't found missing flight 370.

9:00-10:00 TUTORING WITH MARIO- Hispanic guy in the unit gives me small tokens of gratitude to help him study his GED math lessons 3X/week. Today's lesson: algebra. Not his best subject and very intimidating to him. We power through for an hour.

10:00-10:15- Check email, print mailing labels.

10:15-10:30- Sit in cube, get dressed for lunch, and contemplate the rest of the day. Listen to WYSU, local NPR station, for some world news.

10:30 "RECALL, Recall. All inmates return to your assigned housing units in preparation for the noon meal." Self-explanatory, yes?

10:45- 11:15 LUNCH- I had received bad intelligence that this week's Friday lunch would feature Mac-N-Cheese. It's my favorite dish here. The comfort of the creamy cheese. Yum! We have it for two Friday lunches in our 5 week meal cycle. But we did not. Instead, we had fish, white rice, wheat bread, and homemade tartar sauce (homemade but not good. Odd consistency). We have fried fish with some combination of side items every Friday for lunch. Yes, 10:45 is early for lunch.

11:15-11:30 REST and decompress. Prep for upcoming meeting.

11:30-1:30 MEETING WITH EDUCATION COORDINATOR- Friday is my day off from work. Otherwise I'd be working as a GED tutor all afternoon. Instead, I go to a meeting with my boss' boss. We're being reviewed in a few weeks by the ACA, a national accreditation organizations that reviews prison (If we fail, do we close? Are our diplomas useless?). All of the education tutors meet with the Director of Education to go over some basic things about the department. We're allowed to ask questions, make suggestions, and we're thanked for our work. We're basically being "coached up" for the review in case any of us are pulled aside and asked questions by the visitors (We're not.), but it's also a good chance to meet with the boss.

1:30-1:45 PHONE CALL WITH MOM AND DAD. Calls with M + D usually occur on Wed. and Sun, but Mom was off this Friday, so I gave them a call. Call length can last up to 15 minutes. After this call, I have 14 minutes that I can use in the next 2 days before I revalidate on the 25th.

1:45-2:00 LIBRARY TRIP- The leisure and law libraries are closed between 3 PM Friday and 6 AM Sunday morning. I run to the law library and print mailing labels and photocopy a "Dear Abby" article that demystifies sex offenders.

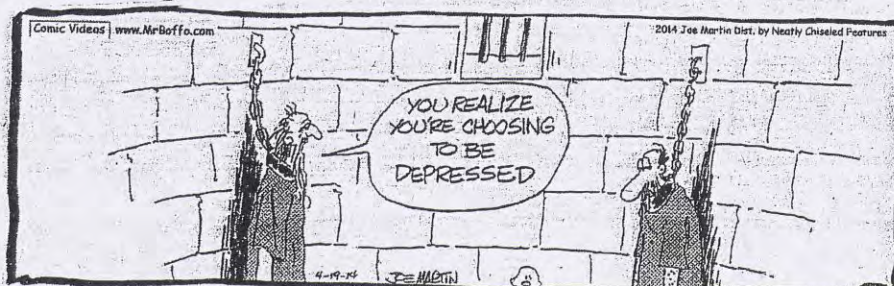
2:01-LATE FOR SPIN CLASS- Spin class started 1 minute ago, and I'm still in my green uniform. No way I make it in time. Decisions, decisions....

2:10 GO TO OPEN-REC AND HIT SOFTBALLS- Decide that my softball swing needs more work than my legs and lungs (late to spin class anyway), so I run out to hit and catch balls. Hopefully spin classmates notice that I'm not in class and don't see me.

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- 2:40- PERSON FROM SPIN CLASS COMES OUT TO SAY "HI". I forgot that one can see leftfield of ball field from spin class windows, and my spin class catches me playing hooky. One of the guys comes out to say "hi" and ask if I want to play soccer that night. I don't.
- 3:00-3:20- COME IN FROM REC- Come in and shower. Soda and snack.
- 3:30 RECALL- "All inmate return to your assigned housing units."
- 3:35- QUIT SOCCER LEAGUE- Tell my coach that I won't be at that evening's game and that I don't really want to play. Between spin class, softball, work, and other things, I'm just stretched too thin (and at 46, I'm too old to recover like before)
- 3:40 MAIL CALL- Favorite part of the day. I receive letter from Bruce F. (friend of David G. in Grove City, PA) who gives me advice on prison (plus 1). An editorial that I sent to Seattle-Post Intelligencer is returned with improper address (minus 1). Bruce F. is a new contact, so that's good.
- 4:00 STANDING COUNT- We stand for the C.O.s to come by and count us. We're all here. No one missing, no escapes. No lockdown. Yippee!!!.....
- 4:45 DINNER- Chicken enchilada casserole. I think this entree is something that the B.O.P. invented. And showing that even a blind squirrel finds a nut every now and then, they actually got this one right. Imagine lasagna but with corn tortillas between each layer instead of flat noodles, and you've got this dish. This night's version is actually pretty good because they used flour tortillas instead of corn. I've had worse at Taco Bell. Now if they could make the portion larger...
- 5:30-7:30 WATCH TWO SOFTBALL GAMES. One A-league game (suspense) and one over 50-league game (less suspense, more comedy) at the softball field. Between evening tutoring (5:30-7:30, M-Th) and my evening softball games through the week and weekends, this is a rare night off for me.
- 7:45 THINK, "I SHOULD CHRONICLE THIS DAY." And I begin to write some of this.
- 8:30- RECALL. All inmates back to your assigned housing units. I'm already in the unit, so this is just a heads-up that I can't go back outside and that count time is in an hour.
- 8:30-9:30- READING- Read the Christian Science Monitor. A friend receives this. Neither of us are Christian Scientists, but it's a really good weekly magazine with some good long-format, positive articles. Also read Texas Monthly. I saw the BBQ issue of this magazine and thought it was a really good magazine. Subscribed. However, after having received it for a year, I realize that the BBQ Issue (and the Food Issue) are by far the best issues.
- 9:30 STANDING COUNT- Just like 4 PM, we stand quietly in our cubes, and the C.O.s come around and count everyone. We're all still here.
- 9:45- LIGHTS OUT- Lights are supposed to go out at 10, but they turn them out at 9:45. Who cares, really? Put on sleeping mask and headphones, start up MP3 player, and fall asleep listening to music.
- SOMETIME IN MIDDLE OF NIGHT- Take off headphones and put them away.

Wake up the next morning and begin Day 1,115 at Elkton FSL. Since almost all of them are identical to the one before, I expect much of the same. Lather. Rinse. Repeat.



CHANGING THE DIRECTION OF THE WIND

CHANGING THE DIRECTION OF THE WIND

Initially, this Update Letter went to just friends and family. Then, when I began to see the need (or at least perceived need) to share my experiences and address issues of prison conditions and sentencing reform, I began to send the letter to activists, journalists, legal writers, law school academics and especially Senators and Congressmen. I figured that since Congress makes our laws, I should contact them, right? Naive? Probably. Sometimes I would receive a boilerplate response from Washington that my letter had been received, but I knew that reaching Congressmen this way would be tough and a stretch. By the way, not to minimize those responses. I was glad to get them.

Then I began to have small experiences that suggested that maybe I was shooting too high or even just firing in the wrong direction. First, a tutor that I work with in Education here shared with me that he was a former Capitol Hill staffer. He pointed out that when constituent letters arrive in D.C., that they are noted and filed, but that's about all. And if the return address is from a federal prison...well...ya' know.

Second, I realized that my letters were probably viewed as a lone, self-interested voice in the wind. Would that letter be better sent to an "opinion maker"? A policy analyst? A writer? Someone who could fold my thoughts into a bigger, broader message--and one with a louder voice--that wouldn't seem as personally invested. Maybe it could. In fact, maybe that's the way the whole system was designed to work and should work.

Another thing that caught my attention was a quote from Thomas Piketty, the French economist whose recent book, Capital in the 21st Century, is all the rage. What caught my attention was what he said about his book, "I wrote the book not for policy makers but for people who read books. In the end, they are the people who decide what politicians do, and it's important to convince them."

Even the other side of the political aisle from Piketty seems to agree. In referring to one of the arch conservative Koch brothers, we have this quote, "Politicians, as one of Charles' [Koch] advisers once put it, are stage actors working off a script produced by the nation's intellectual class."

The most crass statement about the increasingly dysfunctional law-making apparatus in D.C was shared by Lisa Baron, the author of Life of the Party. She opines, "Our nation's capital is a parallel universe where men are measured by the size of their lapel pins and where self-worth is based on for whom you work, not who you are. It's survival of the trickiest in a political jungle where self-promotion reigns supreme. Nora Ephron wrote in "I Remember Nothing," "...people in Washington don't talk to anyone who doesn't live in Washington, and that's the truth." It is the truth, and that is what's most troubling. Laws should be enacted here, but not made here because what was happening in this microcosm of egos and bad comovers was not representative of what was happening in the real America." There's a great statement there worth repeating: LAWS SHOULD BE ENACTED HERE, BUT NOT MADE HERE.

And every now and then, we are shown that the voice of the people can trump all else. It's a small, recent example, but when you get too far off script or too far from your base or both (as Eric Cantor recently learned when he was caught reading off the wrong [multiple] scripts and forgetting his base), you are voted out of office.

So, these are largely examples that call for a bottom up instead of a top down approach. We have to build momentum to build movements. We have to make the laws and demand the laws that Washington enacts. And a single letter from me can't do it.

The positions that I'm staking out in my letters about sentencing, prisons, and re-entry are largely supported by the evidence. I have to believe that if one says the right things often enough and frame them correctly, the arguments will gain traction and eventually people will catch on, right? The argument will carry the day. I can only hope that they will.

Politicians put their fingers in the air to gauge the direction of the wind. Our jobs as citizens/activists sometimes involves changing the direction of the wind.

When it comes to crime and punishment, we're all expected to toe the line. As citizens, we have to follow laws. And in coming to prison, I admit that I didn't. However, when laws are broken, we have to make sure that our response is measured appropriately and fairly. Our punishments can't be so draconian that their response is worse than the crime itself. Still, life isn't always fair, and we all know that.

But there is some unfairness we don't tolerate. We don't tolerate people stealing and getting away with it. We don't tolerate bribery. We don't tolerate companies that sell goods that injure people.

Our sense of fairness changes over time. We used to think that it was fair for children to work long hours on assembly lines. Then we didn't. We used to think that it was fair for companies to pollute our rivers and skies. Then we didn't. We used to think it was fair to leave our dog's poop on the sidewalk. Then we didn't.

As citizens of a democracy, we get to make these decisions. We need to be reflective and make necessary changes when advisable. When we talk about the responsibilities of freedom, these are some of the responsibilities that we're talking about.

LEGAL UPDATES

LEGAL UPDATES- HAPPENINGS IN COURTS AND LAWS THAT AFFECT US ALL

CHICAGO- A recent Chicago headlined titled "Chicago police fail to register sex offenders 601 times in just three months" begins like this [Thanks to Access Legal Aide for bringing this story to my attention]:

On February 13, 2014. Bruce Harley went to the Chicago Police Dept. Headquarters to register as a sex offender. He was one of 22 people who was turned away that day because the office was simply too busy. That's according to police records. A month later, on March 21, Bruce Harley was approached by Chicago Police officers on the West Side of Chicago.

According to an arrest report, Harley wasn't doing anything illegal but was "loitering in an area known for narcotic activity." Officers ran Harley's name and found he had failed to register. Harley told the officers he had tried to register on February 13 but had been turned away. He was arrested anyway and is now in the Cook County Jail, where it costs taxpayers \$52,000 a year to house him [What about the issue of his lost freedom for no good reason?]

I first heard about sex offenders being prevented from registering a few months ago. I spent several days waiting in line with offenders outside the criminal registration office at Chicago police headquarters. I couldn't believe it when officers came out of the office and told dozens of men who had been waiting for hours that they might as well go home because the office was too busy to register them at all. Then the officers warned the men that they could be arrested for failing to register even though they'd just waited for hours in line to do just that.

I went back several times and saw the same scenario play out. [Weird. Surreal. Intentional(?). Unsurprising]

Second Circuit rejects array of challenges to federal extension of sex offender requirement.

The Sex Offender Notification and Registration Act (SORNA) is an act recently produced in D.C. that essentially coerces states to extend their sex offender registration requirements from where they are presently set. I say "coerce" because states that fail to do make their registries more demanding stand to lose federal dollars, even though the extra federal dollars often don't even cover the costs of the extra expense of the mandate. SORNA isn't a law that the public demanded, but Congress decided that they would proactively create a piece of tough-on-crime legislation because no Congressman has ever been hurt by being harder on criminals...even ones that have already served their time.

John Doe, a level-one sex offender who had been charged with a misdemeanor from possessing a few child porn images, was scheduled to serve 10 years on the sex offender registry and then be removed. However, SORNA extends that requirement to 20 years and removes the ability of level-one offenders for petitioning from relief from the registry.

Doe pursued an array of constitutional claims including that these changes violate his Ex Post Facto Clause and the Fourth amendment and deprives him of due process and equal protection under the Fourteenth Amendment. However, the Circuit Court sided with the District Court in upholding SORNA, and John Doe lost.

[Connect.The.Dots.With.Chicago.Above.And.Extend.To.Everywhere.Else]

The Seventh Circuit of the Federal Court has come out with a list of "Best Practices" for post-release supervision. Many of the ideas include rethinking unreasonable demand or prohibitions that include vague language. Some of them are prohibitions that I face. Some of the "best practices" address issues like the ones below

- 1)Nudity- Some sex offenders are barred from "possessing or having under his control any material, legal or illegal, that contains nudity." Judge Posner in the case asked, "Does that mean he can't go to an art museum and look at a picture of the Venus de Milo? That doesn't make any sense."
- 2)Coffee- The court also targeted a condition barring the defendant from buying, possessing, or using "mood altering substances" which the court interpreted could include items such as coffee, cigarettes, sugar, and chocolate.
- 3) Lifetime Internet ban- A condition of supervised release that imposed an unconditional lifetime ban on Internet access by a sex offender who had no history of using the Internet to lure children for sex was so overbroad as to constitute plain error.
- 4) Dating rules- Requiring a man convicted of possessing child porn to notify the probation office whenever he embarked on any "significant romantic relationship" was vague and insufficiently related to the purpose of sentencing. The defendant was also required to notify the probation office if he were to enter into any significant romantic relationship and to inform his romantic partner about his sexual criminal history.

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5) Improper delegation- Allowing a probation officer to choose whether the defendant would undergo inpatient versus outpatient sex offender treatment was deemed an improper delegation of authority. Inpatient counseling is tantamount to delegating a decision on the nature or extent of punishment.

The court recommended a five-point fix for these problems. Included in these five points is that "the defendant should be given a brief hearing on the eve of his release to be reminded of the condition of supervised release." "That would also be a proper occasion for the judge to consider and modify one or more of the conditions in light of any changed circumstances brought about by the defendant's experience in prison."

The state of Kentucky is thinking of paroling all elderly inmates to private nursing homes where they can be cared for. This isn't driven by a great amount of compassion for elderly inmates as much as the shift in cost to the federal government. Inmates who are in state prisons have to be cared for by state tax dollars. Paroling them and moving them to nursing homes would make them eligible for Medicaid. As the article noted, longer sentences and a bulging Boomer population has left many prisons full of elderly prisoners. Between 1995 and 2010, the number of inmates over 55 quadrupled.

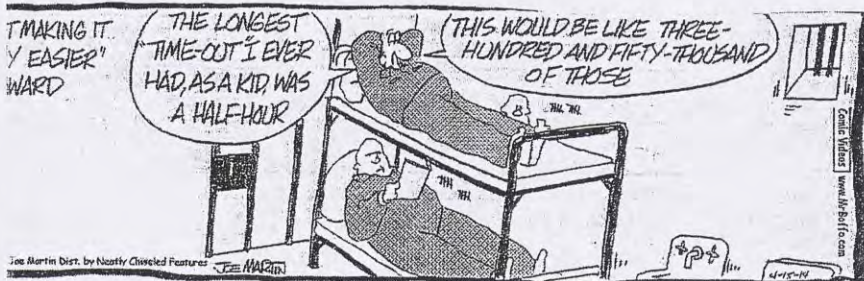
Alabama state Senator Cam Ward notes that being at 192% capacity (double their capacity), Alabama prisons are the nation's most overcrowded. He notes that they are overcrowded, underfunded, and not well-respected. They are also on the verge of falling into federal receivership. Alabama doesn't have the political will to raise taxes to support these prisons. [How about prison reform and alternatives to sentencing? One idea: Eliminating bail/bond for all but the most dangerous criminals and those most likely to flee would be a free, painless, almost mindless step toward moving thousands out of jails. You're welcome.]

Canada continues to reject mandatory minimum sentencing. In response to the possibility that a Vancouver man will face a 1-year mandatory minimum, activists noted that in 1997, the Canadian Supreme Court struck down the only previous attempt at automatic incarceration for a drug crime: a 7 year term for drug trafficking. So far, mandatory sentences for non-violent drug offenses are illegal in Canada.

In a June 3 letter to the House and Senate members, over 1,100 clergy and faith leaders urged Congress to pass legislation reducing federal mandatory sentences for drug offenses (Smarter Sentencing Act).

Last year, the US Sentencing Commission submitted a 450+ page study that determined that federal child porn sentences were overly harsh and observed that judges in over 50% of child porn cases had departed downward from the recommended sentencing guideline range. [Example: My judge departed downward from a 9-11 year recommended range in giving me a 6 year sentence]. In spite of this, a recent federal appeals court decision decided these observations, recommendations, and actions did not show that a previous, within-guideline-range sentence was automatically unreasonable.

The only thing worse than a bad idea is replicating it. Cleveland Mayor Frank Jackson wants to create a series of laws to combat gun violence including creating a registry of those convicted of gun crimes. Since sex offender registries don't make any difference [see Update Letter 21], let's create another registry that also won't make any difference in people's lives other than the waste,scarce police resources,and time. [Throw.Stuff.Against.Wall.See.What.Sticks]



"My mother sends her 'I told you so.'"

QUOTES/READING

QUOTES- INSPIRATION AND THINGS PEOPLE ARE SAYING THESE DAYS

"Countries can exercise influence through the scale of their ambition and the strength of their ideas, rather than the size of their armies." --Alex Salmond commenting on the potential loss of the UK's nuclear capabilities and Scotland's anti-nuclear ambitions if Scotland secedes from the UK following an independence vote.

"If you keep thinking what you've always thought, you'll keep doing what you've always done. And, if you keep doing what you've always done, you'll keep getting what you've always gotten" --Kevin F. [REDACTED]

"Why is this [gays] our focus as a country? When I walk around this land, I see poverty, hunger, potholes on the roads, uncollected garbage everywhere. I see dilapidated schools and hospitals, and corrupt government officials driving gleaming cars past unemployed people devoid of hope. This country's problem isn't gays. It is Mugabe's corruption, intransigence, greediness, and incompetence." Zanda Shumba in NewZimbabwe.com as noted in [The Week](http://TheWeek.com) [Me: Why shouldn't Mugabe use gays as a scapegoat for the country's real problems and why should we be surprised? Carl Rove crafted Baby Bush's re-election strategy around an anti-gay marriage platform? And it worked!! I'm often struck that we're perplexed to see folks using the very phenomena that we created and succeeding.]

"I mean, the Riverside Country Sheriff's Dept, they taught me to buy pot." --Jesse Snodgrass, an autistic student who was befriended by an undercover cop in his high school and coerced to buy the agent pot and subsequently charged. The same [Rolling Stone](http://RollingStone.com) article noted that a special-needs 15 year-old student at another school who reads at a 3rd grad level was arrested for selling a single Vicodin pill for \$3. The arrest was part of what a school superintendent called "an unqualified success" (April, RS)

"I think they exemplify what type of organization you should expect when you have nothing but attorneys and in particular former prosecutors running the show. There is a culture of trying to win not trying to find justice. There is a culture of looking to find their next job." --Mark Cuban, owner of the Dallas Mavericks, after his trial and acquittal on federal charges

"All great things must first wear terrifying and monstrous masks in order to inscribe themselves on the hearts of humanity" -- Friedrich Nietzsche

"He still thinks legal weed is his greatest legacy. He's a romantic, and I love him still. But, dude, your greatest legacy? Your proudest achievement? Most people say, 'My children.' I wish he did, too." --Tony Dokoupil, NBC News journalist and son of "Big Tony" Dokoupil, a large scale marijuana smuggler in the 1970's and 80's.

"Let me put it this way: it's not possible for a corporation to break the law without someone inside the corporation breaking the law." --Sen. Elizabeth Warren (D-MA) on whether corporate heads should be prosecuted by federal authorities for financial malfeasance.

"Interior decorating is rock-hard science compared to psychology being practiced by amateurs." --Antonin Scalia in a '92 case on public prayer.

"The exhilaration of discovery, the excitement of new and interesting perspectives, of personal growth, and coming to find hard work a pleasure, and developing a discerning eye and an empathic spirit and a sturdy backbone and optimism about someday achieving enough wisdom to be of benefit to others." --David McCullough Jr., teacher and author of [You are Not Special and Other Encouragements](http://YouAreNotSpecial.com) in answering the question "What's the point?" (USA Today)

"A great many people think they are thinking when they are merely rearranging their prejudices" --William James

"There is no right in our democracy more basic than the right to participate in electing our political leaders." --Chief Justice John Roberts following the 5-4 vote for [McCutcheon v. Federal Election Commission](http://McCutcheon.v.FederalElectionCommission.com) [So all felons should be allowed to vote, correct?]

"You can recognize a small truth because its opposite is a falsehood. The opposite of a great truth is another great truth." -- physicist Niels Bohr

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'Don't raise your voice. Improve your argument.' --Bishop Desmond Tutu in Montreal Gazette

'The study of the human mind is fundamentally a study of place.' --Jesse Prinz, Professor of philosophy and director of the CUNY Graduate Center [And that's why we need to seriously consider why we put so many people on battle fields, in prison, in refugee camps, and in solitary confinement and then wonder why they turn out so much worse for the experience.]

'A real baller doesn't have to tell you how much his watch cost.' --chef in Bon Appetit discussing why he prefers to let his dishes speak for themselves versus talking about the 'quality of ingredients.'

'I looked into that turtle's eyes and saw something that was alive before my grandfather was born, and I didn't want to end that journey.' --Chinese fisherman Cai Tu on releasing a 100 year old, 200 pound sea turtle instead of selling it for food. [In a nutshell, that answers, "Why conservation?"]

'Lots of people want to ride with you in the limo, but what you want is someone who will take the bus with you when the limo breaks down.' --Oprah Winfrey

'You can tell more about a person by what he says about others than you can by what others say about him.' --columnist Leo Aikmant

'Life is like a play: It's not the length but the excellence of the acting that matters.' --Seneca

'We don't see things as they are, we see them as we are.' -- misplaced attribution [I like it though.]

'If we really want transformation, we have to slog through the hard stuff (history, economics, philosophy, art, ambiguities, contradictions)...Instead of dumbing down the future, we need to raise the level of general understanding to the level of complexity of the systems in which we are embedded....more Copernicus, less Tony Robbins. --Benjamin Bratton, University of California at San Diego professor in his TED talk on, ironically, the idiocy of TED talks. [Keep reading my pithy quotes.]

'It's a primitive, very backward system.' --Larry F. Wood, discussing Alabama's Tutwiler Women's Prison where over one-third (1/3!!) of the staff have admitted to having sex with inmates in exchange for basic necessities such as toilet paper and tampons ("Troubles at Women's Prison Test Alabama" New York Times). [Wow, toilet paper and tampons...Regular Romeos down here.]

'The drug laws took innocent diseased people, locked them up, educated them in criminal behavior and dumped them back in the hood without a chance for employment or any opportunity to be good parts of society. That's why I occupied (Wall Street). That's why I slept in the park. Only once. I live across the street.' --Russell Simmons on the question of is it the drug laws or the prevalence of drugs that's an issue. (Tim² March, 24, 2014)

'The doodle is the soul of an idle pen.' --Dan Kieran, author of In Pursuit of Idle Pleasures

'To truly laugh, you must be able to take your pain and play with it.' --Charlie Chaplin quoted in the Sydney Morning Herald

'What matters in life is not what happens to you but what you remember and how you remember it.' --Nobel Prize winning Colombian author Gabriel Garcia Marquez [His 100 Years of Solitude is still one of the best books that I've ever read..is also one of the most difficult.]

'While foreign policy concerns have often led America to prop up dictatorial regimes, we need a new rule: no democracy, no aid.' --William Easterly, head of NYU's Development Research Institute.

'We wrote the book. You published the papers.' --ad for Life Technologies' fluorescently labeled antibodies used in research science. [I love a good pun.]

'Being realistic is the most commonly traveled road to mediocrity.' --Actor Will Smith

RECENT READING

Stuart Woods- Doing Hard Time

Dragnet Nation- Julia Angwin

BLOTTER

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THE BLOTTER- CRAZY LEGAL AND JURISPRUDENCE NEWS FROM AROUND AMERICA....

- DALLAS, TEXAS- The Christian Science Monitor (June 2) carried an article titled "When the Guilty...Aren't." It highlighted The Conviction Integrity Unit within the Dallas Prosecutor's office that examines problematic and questionable convictions achieved during prior administrations in Dallas. The article points out that the office is effective if unusual. Sometimes innocent people are convicted of crimes: Sometimes it's simple error. Sometimes prosecutorial misconduct is involved. According to the Center for Prosecutor Integrity, of the 3,625 times where misconduct has demonstrably occurred nationwide in the last 4 decades, prosecutors have been disciplined in less than 2% of the cases. [A quote from the article suggests, "Prosecutors may someday be judged not on their conviction rate but on whether they have served "justice."]

Speaking of guilt and innocence in Dallas, Josh Brent, a former Dallas Cowboy football player, has been released after six-months in jail for the DUI death of his teammate. Brent was sentenced to 10-years but had to only serve 6 months. The rest will be under probation. [Different.Rules.For.Special.People.Especially.Athletes.]

ROME, GA- Jon Taylor McGee walked away from the Floyd County Work Release Center. He was captured a short time later. Amazingly, this is the third time in the past year that McGee has fled or escaped a corrections facility. In January, McGee escaped from the neighboring Polk County jail when he slipped out of a jail side door and climbed over the razor-wire topped fence. In December, he had also escaped from Polk County police custody. In answering why a former escapee was allowed to participate in a work-release program, a police spokesperson said that the history of escape attempts does not weigh as much as their criminal history in determining placement. So McGee was in jail on petty crimes, right? Not unless you count previous weapons, drugs, and obstruction charges as petty crimes. [Huh? And I'm the one considered dangerous? Explain this one to me...]

- TALLADEGA, AL [Thanks for a relative for sending these two back-to-back comparison articles to me]- Roger Lynn Johnson, 41 and a registered sex offender, was arrested on a series of charges for violating portions of Alabama's Sex Offender Registry laws. He is on the registry for raping a 15 year old girl. Registry violation charges include taking unauthorized trips out of state, opening an unauthorized Facebook account, and living within 2,000 feet of a day care center. He faces between a year and 10 years in prison for his crimes, class C felonies. If one didn't read the article carefully, he might miss that the sexual assault crime occurred in 1992. 22 years ago. When he was 19. According to my relative, this might have been rape. It might have been a teen relationship gone awry. Or maybe the parents became involved and called police. Regardless, Johnson was punished. He shouldn't have violated the registry laws, and I'm not excusing that, but at some point, a crime that occurred nearly a quarter of a century ago between teens needs to become history. Roger Lynn Johnson is probably no longer a threat (if he ever was) to the community-at-large and needs to be able to get on with his life without the government being in the middle of it.

Meanwhile, Jason Stewart from nearby ODENVILLE, AL was sentenced to 10 years in prison but will only serve 18 months for criminally negligent homicide for the motor vehicle accident that left two people dead. Not only was Stewart under the influence of a controlled substance at the time of the accident, but, after his arrest and on bond, he continued to drive his vehicle. He will serve the remainder of his time on probation. [Sorry, but a registry violation for a rape that occurred 22 years ago should not get you more jail time than killing two people. You can bounce back from rape. Two people don't recover from "dead."]

- CHICAGO-Deon Patrick was convicted of a double killing in 1995 that he long maintained he didn't commit. After 21 years in prison he was released in January. Patrick claims that Chicago police and Cook County prosecutors created a false confession and forced him to sign it. His attorney pointed out the Chicago's own police records show that he was locked up on disorderly conduct charges at the time the two people were killed in their apartment. [Pretty rock solid alibi, I'd say. He's suing the city. Taxpayers will pay. No police or prosecutors will be charged. Most importantly, Deon Patrick loses a third of his life. Why do we keep hearing stories and cases like these from Chicago over and over?]

- SCHAUMBURG, IL- Another story from the Chicagoland area makes one wonder why men here at Elkton on child porn charges could possibly come to prison longer than this guy (I got 6 years)...Robert Sobczak, 20, admitted to sexually assaulting a local teen at the Willow Creek Special Friends program between Dec. 2012-March 2013. The teen he assaulted is blind, autistic, and developmentally disabled. In addition to assaulting this teen, he also admitted to molesting an 8 year-old girl with special needs at the same church. He was sentenced to an 8 year prison sentence. Lastly, he admitted to sexually molesting a boy at the same church [Can you say "serial sexual predator"?]. For the crime against the boy, he was given 24 months

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probation. [I'm serving time with guys who are serving over a decade for child porn, and this guy gets 8 years for serially assaulting society's most vulnerable children from a position of authority...mind-boggling]

WATERBURY, CONN- Federal authorities at this women's prison have arrested Kisha Perkins, a 42 year old case manager, on charges that she attempted to take bribes in exchange for arranging the early release of inmates. She asked for bribes between \$5,000 and \$20,000 to make the releases possible. Another employee that she approached turned her in and helped record subsequent conversations with Perkins.

PHILADELPHIA- I've not been kind to federal Prosecutors in the BLOTTER. The Supreme Court of the US (SCOTUS) joined in admonishing prosecutors for charging a Philadelphia-area woman, Carol Anne Bond, with a section of an International Chemical Weapons Treaty. Bond had tried to poison a romantic rival and was charged with violating a law that was part of 1997's Chemical Weapons Convention. The court recognized that this crime should have been charged in state court and that federal charges went against the spirit of the law and was overzealous prosecution [At least we know where the WMDs were...in her rival's coffee!!]

WATERTOWN, SD- Denise Trively, 43, was convicted of embezzling \$100,000 from a local school district. She was sentenced to 10 years in prison and fined \$10,000. [Let's see, 10 years @ 30,000/year equals \$300,000. South Dakotans are going to spend far more taxpayers' money to punish the theft of the taxpayers' money than the theft itself. Arguably, this case would have been cheaper and South Dakotans better off if this crime had gone unsolved.]

BRIDGEPORT, CONN- Another officer at Danbury prison is being sentenced for sexually abusing a female inmate. Steven Wolff of the Bronx plead guilty to the crime. In return for sex in a boiler room, Wolff provided the inmate with hair dye, candy, greeting cards and over-the-counter medication. He also provided contraband to an inmate who served as a "lookout." Wolff faced up to 15 years in prison at the publication date. [Wow, hair dye, candy, and cards....Must be Valentine's Day!!!!....]

COLORADO- Two cantaloupe farmers were sentenced to home detention and probation for their role in a Listeria outbreak that killed 33 people in 2011 [no jail time].

IOWA- Similarly, two egg farmers were forced to pay a \$6.8 million fine after their actions caused a massive, national Salmonella outbreak. The two paid a cash bribe to a USDA inspector to allow knowingly tainted eggs ("red tagged") to be sold rather than being destroyed. They plead guilty to 1 count each of bribery, rebranding food with intent to defraud, and selling adulterated food. [They received no jail time. Do you remember all the brainstorming after 9/11 about all the ways our country was vulnerable to terrorist attack? You remember our fears of terrorism and food security? People openly asked, "What if Muslims poison the food supply or contaminate our drinking water?" Who needs Islamofascists to do it when we have Americans willing to poison us themselves? Sheesh...]



"Would you like turndown service?"

The END...



"Good trial." "Good trial." "Good trial."