

TEXAS STYLE CRIME & PUNISHMENT - REPRISAL & RETALIATION

There is an old saying that a society is judged by the way it treats the least of its citizens. I think it was meant to refer to the poor and elderly, although I've often heard it applied to prisoners. Come to think of it, I have only seen three rich prisoners, so I guess that the poor and prisoners are about the same. Then there is another old adage, this one penned by Mark Twain in the 1870's: "The only creature on earth lower than a convict is his keeper." After thirty one l-o-n-g years in prison, I have come to the ironclad belief, based upon first-hand observation and experience that both sayings are absolutely 100 percent, on-the-money true.

Many people call Texas "the Gulag State." I believe this is also true. At the height of Stalin's purges in 1936, one out of every eight Soviet citizens was in the Lubyanka, a gulag or was awaiting execution. U.S. Bureau of Justice statistics for 2012 showed one out of every seven Texas citizens was under some kind of criminal justice supervision or awaiting execution. Sort of reminds me of that television ad "Don't mess with Texas!" Once a person winds up in a Texas prison, he or she will either see or experience how true that ad and Mark Twain's saying really are.

Prison reform movements have come and gone. Prison administrations come and go. From time to time a court will find faults and order remedies that last for a while, only to be reneged on later after the court dismisses the suit. I have witnessed that as far as prisons are concerned, the state NEVER keeps any agreements it makes concerning prison conditions or

prisoners, unless it is to the prisoner's disadvantage.

We live in the era of the 21st century penitentiary, the enlightened and modern age of crime and punishment. In 2011, I was transferred to the Ramsey unit in Rosharon to attend classes given there by the University of Houston - Clear Lake toward a master degree in Humanities. The previous October Ramsey had received a new senior warden by the name of Mossbarger. The prison culture Mossbarger brought with him was one of hatred and enmity toward prisoners. It was not difficult, in keeping with Mark Twain's adage, for this culture to take hard root and spread amongst the unit's staff.

Mossbarger did little, if any, maintenance work on the unit. There is no telling what he did with maintenance budget monies but the unit continued to slide into rack and ruin during his tenure. Wardens usually stay at a unit for three, maybe four years at most. Mossbarger hung on like a case of herpes until he was finally forced to retire in 2016. He left a unit barely standing, functioning at a minimal level with a building captain (Reginald Gilbert) and major (Juan Jackson) who were lesser-ranking carbon copies of Mossbarger, where an overall attitude of unreasonable, intense, outright hatred of prisoners is fostered and encouraged for adoption by the newest rank and file staff members and guards.

The only prisoners in Texas allowed to work for money are those allowed to participate in the craft shops. They purchase their own tools and materials and are provided a secure area where they produce leathercraft, metal work and jewelery, art and

woodwork. Prison guards, administrators and approved members of law enforcement and other state agencies may purchase these crafts, usually at prices barely above the cost of the materials that went into making them. Other items may be set out for visitors to pick up or mailed to family members who sell them. Some prisoners use their earnings to help support their family, others make money to pay for school tuition.

Because of the eventual investments in tools and equipment, craft shop participants are some of the most well-behaved men in prison. One of the consequences of a major disciplinary case conviction is the loss of craft shop privileges. Then, all of a crafter's tools, equipment and materials must either be picked up by a visitor or it will be destroyed, regardless of its value.

I was approved for craft shop participation in June of 2012 to learn leathercraft. After I completed my graduate degree in Humanities I remained a student until I earned my graduate degree in Literature, also earning a life membership in the Rho Omega chapter of the Sigma Tau Delta international honor society for graduate level literature majors. I was blessed to be able to craft full-time afterward and have become fairly proficient in leathercraft.

After Mossbarger finally retired, much to the relief of nearly everyone but Captain Gilbert and Major Jackson, senior warden Doyle and assistant warden Babcock took over. They immediately began a major scramble to fix, repair and update a prison that had seen little, if any, maintenance for the previous six years. Because of problems at other units, Doyle was

reassigned and Babcock was promoted to senior warden at a state jail and left. Neither was at Ramsey more than four months.

Senior warden Butcher and assistant warden Powers replaced the outgoing pair. They continued the frantic push to rehab the unit. About eight months later, Butcher was promoted to a larger unit and was replaced by Virgil McMullen. McMullen is a man of small stature with a noticable Napoleon complex, but did an excellent job of continuing to repair and rehabilitate the unit with a zeal I thought had long since ceased to exist among top prison officials many, many years ago.

The unit's showers were repaired, heaters and ventilation systems were repaired, all of the broken windows were replaced, and electrical wiring was updated as much as the budget would allow. McMullen and Powers were also accessible. They exhibited a level of humaneness I had also thought no longer existed amongst top level prison officials.

McMullen had a bad habit of choosing a pet peeve of the week to prosecute. One week would see the confiscation of sleeveless T-shirts, the next would be clear vinyl I.D. card holders. His main peeve was the improper storage of prisoner personal property. Texas Department of Criminal Justice (TDCJ) policy for this was not strictly enforced at Ramsey, an older prison where storage boxes were mostly 1.6 cubic feet. A few lucky men have a 1.75 cubic foot box. Imagine, if you can, having to keep ALL of your worldly possessions in a box the size of two large shoeboxes. That is what Ramsey prisoners have to deal with.

McMullen's mindless insistence on compliance with this policy motivated Captain Gilbert to impose a disciplinary case quota of 4 cases per officer per shift for improper storage. A few minutes later, Major Jackson responded favorably to this in an email on the unit's intranet. The enormous number of these cases swamped the shift lieutenants, who had to hold court on them. In some instances, because of their most recent disciplinary histories, prisoners received major level cases that resulted in the loss of time earning and custody level class and good conduct and work time; rather than normal minor punishment. Because of this, Gilbert later halved the number of disciplinary cases he had initially required in a subsequent email.

During this period, another irritant was being dealt with. Prisoner Neil Guise had some serious physical problems that medical staff were ignoring at times and improperly treating at others. His mother had become a thorn in McMullen's side because of her complaints to the TDCJ's ombudsman's office and the state medical board on Neil's behalf. The turning point came when Neil obtained proof that nurse Powell had been falsifying entries in his medical records, then the grievance coordinator destroyed the copy of Neil's documented proof along with the grievance that was submitted with it.

Major Jackson gave the order to Lieutenant James Thomas to take care of this problem in the usual way. Thomas was also the ranking member of the field squad. He recruited Sergeant Marcus Gallegos and prison guard George Wolfe, also field squad members. On the agreed day, Wolfe entered Neil's cell and planted a

screwdriver under Neil's mattress. A few minutes later, Sergeant Gallegos announced a shakedown for extra clothing on the wing. Wolfe entered Neil's cell and "found" the screwdriver. This was the third time in less than a year that this particular crew had done this on 1 wing, the ONLY cellblock in Ramsey's general population covered 24/7 with video cameras, one of which was mounted on the wall directly opposite of Neil's cell. WHAT were those prison guards thinking...?

On the evening of April 2, 2018, inmate Jeter Gomez, a known thief who worked on the night utility clean up squad, was in Captain Gilbert's office, searching his desk for anything of interest. Inmate George Johnson, who worked on the unit's door crew, was holding watch in the hall for Gomez while mimicking working on the door mechanism. Gomez found a hard copy of the email halving the disciplinary case quota. Gomez and Johnson went to the craft shop, which was open that night. Inmate Christopher Gray fed the email into the scanner, making dozens of copies. Some were given to Neil, Guise, some to Nanon Williams who had been removed from the craft shop for misconduct and Gray kept a copy for himself. Guise and Williams sent copies of the email to their attorneys. The attorneys got copies of the email to reporter Keri Blakinger of the Houston Chronicle. Around this time, one of the shift lieutenants had an attack of conscience and got copies of both emails to the Chronicle.

Christopher Gray personally disliked and wanted to get rid of the craft shop's prisoner clerk, Larry Gross. Gray sent a copy of the email to Senior Warden McMullen with a letter telling

him that Gomez and Johnson had stolen it and Gross made copies, which were given to Guise and Williams, who were going to send them to the American Civil Liberties Union. McMullen, probably feeling like a new bride entering the honeymoon suite -- knowing what was coming -- but having NO idea how hard it was going to be or how long it was going to last; sent out emails condemning the quota system, ordering its immediate cessation and locked down the unit for a major shakedown. Nanon Williams was found to be in possession of hard copies of the second email during that search. McMullen now had strong circumstantial evidence that inmates from the craft shop were complicit in the theft of the hard copy of the second email. He told everyone in the craft shop that if any copies of that email surfaced on the outside, he would close down the craft shop, permanently.

On Friday, May 4, 2018, the first of many articles about the disciplinary case quotas began appearing in the Houston Chronicle. The Texas House and Senate Criminal Justice Committee Chairmen strongly condemned disciplinary case quotas, the TDCJ's spokesman, Jeremy Desel, admitted it was against prison policy, but was isolated to the Ramsey unit while Jennifer Erschabek of the Texas Inmate Family Association (TIFA) told the Chronicle that disciplinary case quotas and bogus disciplinary cases have been a consistent occurrence in Texas prisons for decades.

Amid this furor, Neil Guise's mother and her lawyer began to pressure the TDCJ's Office of the Inspector General (OIG) to investigate the screwdriver that was planted by Wolfe in Neil's cell. They would find that even though Texas's record retention

laws specify two to five years depending on the type of record, budget constraints only allow for 20 days of video storage. But, just as there was a lieutenant with a conscious concerning the disciplinary case emails, another ranking staff member at Ramsey found hers. Captain Norma Smith had preserved the video of Wolfe entering Neil Guise's cell, planting the screwdriver, then returning later to "find" it.

The OIG is made up of certified peace officers with statewide jurisdiction and arrest powers. This is necessary because their jurisdiction consists of 104 prison units spread out across the state of Texas. While Investigator Sanchez went to work on the screwdriver planting case, the prison system lowered the boom on the quota personnel. Captain Gilbert was demoted to sergeant and reassigned to the Darrington unit while Major Jackson was demoted to lieutenant. He initially declined the demotion so he could retire as a major. Upon reconsideration he decided to accept the demotion and transfer to the prison's hospital in Galveston, a decision he would come to regret. Later in May, it would be announced in the Chronicle that an audit of the TDCJ found similar disciplinary case quotas in place at three other units, but nowhere near as pervasive as Ramsey's was. So much for Desel's earlier statement of this being an "isolated incident."

On Monday, June 4, 2018, KTRH news radio AM 740 and the Chronicle began reporting the dismissal of Lieutenants Juan Jackson and James Thomas, Sergeants Darryll Winston and Marcus Gallegos and prison guard George Wolfe in connection with the

screwdriver that was planted in Neil's cell. TDCJ's Desel would again tell the Chronicle that this was an isolated incident, one connected with "that major," referring to Jackson. McMullen immediately ordered the unit to be locked down and for another major shakedown to be performed, this one to be carried out in as punitive a manner against the prisoners as possible.

This unit shakedown was performed as ordered. I heard a lot of horror stories but can only comment on what I experienced. A black, racist female guard by the name of Hamilton went through my property. She taunted me, calling me nearly every racial slur imaginable. She questioned my manhood and sexual orientation, all in an effort to make me lose my temper. I continued to keep in the forefront of my mind the investment I would lose if I were to negatively respond while I watched her destroy small property items and source materials for articles I was writing for Prison Legal News and Criminal Legal News with notes and manuscripts for two books I was in the process of writing. Frustrated that she could not get me to rise up, she called Lieutenant Joe Lopez to the table. Lopez told her to confiscate my multi-outlet electric extension cord. I have property papers on this outlet, having purchased it from the prison commissary. Lopez said he did not care and called me a puto (spanish for queer). I continued to hold my peace and was finally told by Hamilton to "Take yo shit and go on yo motha-fuckin' ho assed honky."

On June 7, 2018, in the midst of the unit lockdown/shakedown a new twist was added. Each prison region has a travelling search team. Their job is to go from unit to unit, performing a

minute, in-depth search of a dorm, cellblock, work area, etc., as may be needed. The Region III's search team was tasked to do a minute, in-depth inventory/search of each of the 118 work stations in the craft shop -- ONE work station at a time. The stated reason for this was to find the crafter who is missing a screwdriver from his inventory, which would be the one prison guard Wolfe planted in Neil Guise's cell. The REAL reason is reprisal and retaliation against everyone in the craft shop because of inmates George Johnson and Jeter Gomez stealing the hard copy of the second quota email from the captain's office and inmate Christopher Gray's false allegation that Larry Gross made copies of it that Gray himself had actually made.

Region III's search team is made up of six searchers and one supervising sergeant. Instead of using these six highly trained searchers to each inventory six work stations or 3 teams of 2 searchers or even 2 teams of 3 searchers with the sergeant supervising them -- Huntsville specifically ordered the sergeant to do the inventory one work station at a time with the crafter present while the six searchers idly sat back and watched. This amounted to between two and four work stations being completed each day. Whenever the search team was needed on another unit to perform searches there, which was their primary job, there would be no craft shop searches done for that day. This would be a virtual guarantee for this inventory/search to last for several months.

Immediately after the unit's reprisal shakedown was complete McMullen was transferred to the Johnston unit, a 500 man substance

abuse treatment facility. Although he retained his senior warden title, the pay scale for the Johnston unit is less than it is for Ramsey, a much larger 1,300 man unit. McMullen's reassignment is considered to be a demotion. Assistant warden Powers was reassigned to the Darrington unit as assistant warden.

A week or so after the unit's reprisal shakedown I was called to the property office. The property officer, a vulgar, racist black female cussed me for all she was worth, calling my multi-outlet "fucking shit" and told me I would never get it back. I explained to her that the TDCJ had agreed with the former Chairwoman of the Texas House Criminal Justice Committee to let us keep our outlets. She replied, "That ho ain't in the House no mo an' I don't give a fuck what some god-damn politician says anyhow." As I left her office she called me a "white bread son of a bitch." I sent letters to the Chairmen of the House and Senate Criminal Justice Committees about this. As the snail-slow craft shop searches continued, Larry Gross lost his job as the shop's clerk, one more innocent victim of this debacle.

On Thursday, June 5, 2018, a Brazoria County grand jury indicted Jackson, Thomas, Gallegos and Wolfe for the third degree felony of tampering with government records and class A misdemeanor of official oppression. On Friday, June 6, 2018, arrest warrants were issued for the four. The grand jury did not indict former Sergeant Winston because he refused to actually participate in the scheme. His dismissal from the TDCJ would stand because he knew about the scheme but did not report it to higher prison officials or the OIG. Jackson's opportunity to

draw a state retirement check, diminished by his earlier dismissal, became close to non-existent with his felony and misdemeanor indictment and arrest that occurred on July 9, 2018.

On Friday the 13th of July, 2018, a compilation article of the Ramsey disciplinary case quota scheme and evidence planting was published in the Chronicle. Even though the TDCJ announced after each was first reported on that they were "isolated incidents," the article pointed out that "over the past five years there have been more than 75 arrests or charges of tampering with evidence or records filed against TDCJ officers," as well as other disciplinary case quota schemes at three other prisons. "Isolated incidents," as opposed to what, exactly?

The government commits crimes, lies about them whenever they are exposed and is NEVER held accountable -- just like this case. Sure, a few lower officials were fired and arrested for it -- but they had to have learned this behavior from someone else, most likely their former supervisors who are now directors. Probably the directors who order reprisal types of retaliatory shakedowns to punish everyone subject to them because their evil deeds were exposed. Not unlike reprisals by the Nazi or Soviet era occupying forces against the communities at their mercy. The continuing snail's pace inventory/search at Ramsey's craft shop is a prime example, not to mention the damages done to so many of the men at the unit's reprisal/retaliatory shakedown during the June lockdown.

I believe that all people WANT to believe our government is really an overall good and fair one, like the allegiance pledge

says about the "liberty and justice for all," thing. But, thirty-one years ago I was convicted of a murder I did not commit by a trial judge who is the deceased's father-in-law. Ever since I entered prison shortly afterward, I have seen more evil from the hands of prison guards -- government employees, and therefore representatives -- than I have ever seen from other prisoners. Actually, notwithstanding the recent events here at Ramsey, it still remains one of the best of Texas's 104 prisons. Sadly though, regarding prisons, even in this enlightened era of the 21st century; the 19th century wisdom of Mark Twain still prevails, "The only creature on earth lower than a convict is his keeper."