

July 14, 2020

Thoughts on the Injustice of the Criminal Justice System

In July of 2014 I was arrested and charged with threatening another man's life. I had never been in trouble with the law previously. I knew positively that I had not threatened my accuser's life. I believed in truth and justice and so I believed that the matter would be sorted out in short order and that I would be released and the charges dropped.

The public defender came to see me in the jail visiting room about two days after my arrest. He introduced himself and told me that he was leaving shortly for a ten-day Hawaiian vacation; so he would waive my right to a speedy trial and he would see me when he got back. I was given no option in the matter.

Some weeks later the public defender came and told me that I would be attending a probable cause hearing. He did not explain the purpose of the hearing or what to expect. I sat there at the hearing and heard my accuser tell various untruths from the stand. I wanted to testify but the public defender advised me not to. I asked how the judge was going to know my side of the story. All the public defender would say for the record was to stick his advice for me not to testify. I did testify and shortly thereafter the deputy D.A.

added the charge of premeditated attempted murder, with a premeditated like sentence now hanging over my head. I was shocked - nothing the public defender had said or done the previous months prepared me for this. I did fake some sobers when a sheriff's deputy told me that the attempted murder charge was an overcharge. I never thought I could possibly get convicted of attempted murder when I had not hurt anyone at all, not fired a shot from my gun or even aimed or pointed it at anyone.

I went to trial with a criminal defense attorney hired by friends to represent me. The new lawyer did not prepare the case other than to receive notes I sent from jail. He was no match for the hyper-aggressive assistant D.A. who stretched my words into crimes when there were no crimes. My attorney set them and allowed this to happen. I was convicted of everything but premeditation, although my attorney made no argument against premeditation at the trial. I was sentenced to 13 years in state prison despite a recommendation from the county probation dept. for an 8 year sentence.

Six years have passed. I am still trying to get a new trial via the habeas process. In the eyes of the prison

Statt, I am a violent felon because attempted murder is included on a list of violent crimes in the penal code. Because I am considered to be a violent felon, I have to serve 85% of my sentence before qualifying for parole. My points cannot go below 19 points, so I do not qualify for five comp or other minimal security custody.

I have never harmed any other soul in my life, and I have not been violent in prison - even when a few people have tried to provoke me.

The District Attorney likes to get convictions by any means. Truth or justice mean nothing to the D.A. I am sure that her investigators must have taken a close look at my life, my social networks such as Facebook. There is plenty of evidence about my character - all ignored. Even 60+ letters from many friends to the judge had no effect.

The prison industrial complex is like Pac-Man - devouring souls caught in its grasp. I have met guys in prison who were sentenced to life - 90 years ago. They can't even recall all the details of their crimes. And this is held against them and parole denied. My incarceration

has probably cost the taxpayers of California
between \$ 300,000 and \$ 400,000 and counting.

All this almost makes me sympathetic with Donald Trump
and that Kentucky senator who wants to let the states
go bankrupt. It would save all the prosecutors
and judges and even public defenders right to lose
their pensions when their states go bankrupt and
cannot honor their commitments.

I have Stage 4 prostate cancer and may not even
survive ~~my~~ my sentence. If I die in prison, I will
die knowing I was innocent of the charges that
put me behind bars, but I gained some things. I
am stronger than ever before emotionally and spiritually.
I know exactly who my friends are and I have a
lot of them. I have peace of mind. They cannot
take that away from me. But I would like to
see the whole system reformed from top to bottom.