

A Letter From Pocahontas State Prison

by David Annarelli, Prison Journalism Project
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To Whom It May Concern,

My name is David J. Annarelli, housed at the infamous prison, Pocahontas State Correction (PSCC). PSCC is a level 2 / 3 low-medium security facility, operating as a 4 / 5 maximum security camp. Then COVID-19 came along and it all became so much worse. PSCC went from 16 to 17 hours of lockdown to 21 to 22 hours of lockdown each day. The two to three hours out, which includes approximately 60 minutes of outdoor time every other day, fall short of the legal mandatory amount of time out of cells. To my knowledge, that is 20 hours of maximum cell time each day. This is an 8th Amendment violation.

This is, we are told, part of the mitigation technique of social distancing. Here, that's no more than a bad joke. For those three hours out of the cells, the inmates, who are separated by top and bottom tier, are right on top of each other, sharing stainless steel tables, phones, kiosk, microwave, ice machine, playing cards and close quarter-spaces. There is no social distancing in this prison.

There are more restrictions. Access to the law library has been all but eliminated. We're allowed to order a case file and pay for the copies, but we're not able to go and review the case beforehand. For the indigent as well as those working for 27 cents an hour, paying for copies that might be of no use is out of the question. PSCC is not enforcing this "rule" out of some altruistic sense of our well-being since the law library doesn't support more than five people at one time. This is a measure designed and implemented for the purpose of preventing an array of lawsuits from popping up over constitutional and human rights violations.

The irony is that denial of meaningful access to legal literature and materials is another violation, two, actually — due process violation, and the right to access the courts... but this is nothing new for PSCC. Try Googling this facility, hidden deep in the mountains of Virginia, a few hours from the city of Charlottesville, at the dead end of a Wrong Turn Rd. But it is also Virginia Department of Corrections' (VA DOC) crown jewel.

The VA DOC has violated state and federal laws before. In a 2016 settlement, Scott et al v. Clarke USDC (W.D.VA) Case №3:12-cv-00036, the VA DOC was required to meet 22 healthcare standards. The VA DOC did not meet any of them contributing to the deaths of at least 12 inmates by January 2019. Currently, the VA DOC has reached another settlement with the ACLU regarding healthcare in the time of COVID-19. That settlement was reached a couple of weeks ago.

One example is "enhanced showers" which we have all come to understand means "more showers, more often," but at PSCC, we are getting less showers, coupled with the threat of retaliatory charges for being in the shower even one minute past a lockdown.

Even though the current mitigation techniques are a total failure in prisons across the country, there is no real hope of the VA DOC changing course. On April 22, the VA General Assembly met in an emergency session during which they gave the VA DOC full discretion to begin releasing captives due to the severe threat to life COVID-19 would present. The VA DOC publicly said it would release those with a "year or less." To date, we have not heard of a single inmate who was released more than six weeks early. In fact at PSCC, most of them had less than two weeks on their sentence.

The food, now served in our pods, has taken a nose dive in both quality and portion size, with the latter becoming more and more a problem as the weeks have dragged into months. Not that that affects me. I've been forced to buy my own food for over two years. Why, you might ask. Because even after a grievance line and a number of letters all the way to the DOC in Richmond, the system cannot test me for a simple nut allergy that has almost killed me two dozen times since I was an infant. I have to pay for my own food to protect my life.

Virginia stopped reporting daily numbers a couple weeks ago, opting to deliver updates about twice per week.

So here we sit... on a virtual death row... Virginia provides sentencing guidelines; mine were 1.8 to 4.8 years/months, and I am in for 45 months, of a maximum of 56. The judge who sentenced me gave me 15 years. No criminal history of any kind at 40 years old... a lifetime of mental health issues, and a brain injury that damn near killed me. I am hoping the Fourth Circuit grants my habeas...

In Good Faith and Solidarity,
David Annarelli

PS. I've kept extensive logs on PSCC, as well as a journal, totaling close to 5,000 pages, detailing a laundry list of violations, as well as my struggles with mental health, which have gone without help and have been exacerbated by the intensive stress and traumas of incarceration. Very few believe I should still be held.

David Annarelli sent the Prison Journalism Project this piece on May 21, 2020.

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