

Coalition For Prisoners' Rights Newsletter

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BUT IS IT RETROACTIVE ?

In 2012, the U.S. Supreme Court in the case *Miller v. Alabama*, ruled that mandatory life sentences for juveniles violated the Eighth Amendment ban on cruel and unusual punishment. Under that decision, Life Without Parole (LWOP) sentences remain permissible for youth, but only after individualized consideration. It was left to each state to decide on what that "individual consideration" would be and thus when they could be considered for parole.

Three years later it has become apparent that different states have decided differently whether or not LWOP sentences apply retroactively for juveniles who have already received them. The state Supreme Courts of Illinois, Iowa, Massachusetts, Mississippi, Nebraska, New Hampshire and Texas have ruled in favor of retroactivity. In contrast, those of Louisiana, Michigan, Minnesota and Pennsylvania have rejected retroactivity

And so, the U.S. Supreme Court has picked for review the case of *Toca v. Louisiana*, to decide for all states whether the LWOP defendants deserve a new sentencing hearing.

The district attorney for Orleans Parish maintains that there are "practical reasons" to reject retroactivity. He believes that it would be too difficult -- as much as 30 years after the initial sentencing -- to accomplish the individualized inquiries now called for. That a psychological exam conducted prior to conviction that specifically addressed issues of "youth and attendant characteristics" and evidence of "diminished culpability and heightened capacity for change" and "greater prospects for reform" would now be impossible.

So far, no one, who has received a LWOP sentence for events that occurred when a juvenile has received parole or otherwise been released from prison.

The Dollar Value of a Stolen Life

When it has been agreed by the authorities that the government has wrongfully convicted and imprisoned someone, cash is the currency used to make amends.

In 30 states the District of Columbia and the federal government, there are laws providing for monetary compensation to those considered "wrongfully convicted." The amounts range from \$5,000 per year of imprisonment to \$80,000 per year in Texas. Overall, almost a third of those exonerated get nothing. And those who do get something most often have to jump through multiple hoops to do so. For example, they must demonstrate that they are innocent or prove that there has been intentional misconduct by the police or prosecutors.

Under New York State's compensation law, a judge determines the amount of money to be paid, a process that can take years to complete, as can federal civil rights lawsuits.

THE MEANING OF NUMBERS

I. In 2008, incarceration cost U.S. taxpayers almost \$75 billion--about as much as the food stamp program in 2014. U.S. incarceration rates have recently declined by about 10% from their peak. In Texas, it's down by 18%.

II. There have been at least 385 people shot and killed by police nationwide during the first five months of 2015. This is more than twice the rate of fatal killings tallied by the federal government over the last 10 years. Two-thirds of the victims were African-American or Hispanic. Nearly a quarter were mentally ill. Most were poor.

III. Now experts admit that "erroneous testimony" on hair analysis was given in more than 250 federal cases reexamined out of a total of 3,000 from before 2000. Bite mark identification and arson science are also suspect.

**WE STAND IN SOLIDARITY WITH ALBERT
WOODFOX OF THE ANGOLA 3-RELEASE HIM NOW!**

CRIME OF THE MONTH

On April 15, 2013, a bomb exploded near the Boston marathon finish line. Three people were killed. Dzhokhar Tsarnaev has been given a federal execution sentence for his involvement.

Just two days later, in Texas, a fertilizer plant filled with tons of ammonium nitrate exploded and killed 14 people, left 200 others with serious injuries, and destroyed many buildings.

Two years later, there have been no arrests and little investigation.

For years, Donald Adair had owned that plant. Few knew that it was a potential bomb. In Texas, there is very little inspection of industrial sites. The plant did not have a required sprinkler system. This might have prevented the explosion, as the plant had had a fire in it for over an hour before the explosion. The company claimed that there was no fire danger in the fertilizer plant.

The Department of Homeland Security requires reporting if a plant contains more than 400 pounds of ammonium nitrate. This plant had 540,000 pounds, but no one had been notified.

The fertilizer was supposed to have been stored in a fireproof structure. It was stored in wooden bins in a wooden building. Ten firefighters died. None had had special training on how to fight fires in fertilizer plants.

Manslaughter is the crime, with a terrorism enhancement. The plant owner, and the public officials are the perps.

To receive our Newsletter by postal mail monthly, send us self-addressed, stamped envelopes (with the CPR return address) -- up to 12 at one time.

Please continue to send us address changes and renewal requests, in order to be sent the yearly holiday card/ new calendar each January.

Also, please note that the only address to use to be sure to reach us continues to be: PO Box 1911, Santa Fe NM 87504. There are resource listings which, unfortunately, use an incorrect address.

Remember: NONE OF US ARE LAWYERS OR LEGAL WORKERS. It is important not to mark any envelopes sent to us as "legal mail."

Many, many thanks to the Real Cost of Prisons Project for making our monthly Newsletter project available on-line for free downloading and distribution. It is at: <http://www.realcostofprisonsproject.org/coalition.html> -- this is a GREAT site!

We depend on our readers' donations & thank you for your support!;Mil gracias!

Cuba y Estados Unidos

EE.UU. retira a Cuba de la lista de países que respaldan el terrorismo y Cuba aspira a preservar su soberanía e independencia.

Estados Unidos acaba de sacar formalmente el nombre de Cuba de la lista de países que financian el terrorismo, retirando un obstáculo importante para la restauración de los vínculos diplomáticos con La Habana, por primera vez en más de cinco décadas. Cuba fue incorporada a la lista de países que financian terrorismo en 1982 Cuando La Habana apoyando las luchas de liberación en Africa y América latina. Si bien Cuba hoy ya no está en la lista mencionada, la mayoría de las sanciones estadounidenses sobre dicho siguen vigentes.

Mientras Estados Unidos toma medidas para normalizar las relaciones con Cuba, se espera que más de un millón de estadounidenses visiten la isla este año.

Durante los últimos 25 años, Cuba desarrolló un sistema agropecuario en gran medida orgánico a partir de la necesidad. Cuando la ex Unión Soviética colapsó, Cuba perdió sus principal proveedor de fertilizantes y pesticidas.

VOICES FROM INSIDE

Airway Heights WA January 30, 2015

Washington State prisoners who were transferred from the Monroe Corr. Complex to another DOC facility and had property shipped via FedEx may be due a refund for excess charges. Most 20-25 lb standard boxes should have been charged approximately \$6.50, however many were charged \$10.00 or more. Check your records and file a request for refund or tort claim. I was credited, per my request, with \$35.11, for overpayment.

Susanville CA February 6, 2015

As America seemingly has overnight militarized all of its police agencies, instituting tactics employed by the gestapo and the black shirts during world war II in the fulfillment of the prison industrial complex, the supposed citizens of America must now begin to question the government of this camouflaged version of modern slavery.

Ocala FL May 29, 2015

The majority of lifers without parole are women under 25, 75% are the codefendant, 85% have a history of drug abuse, 95% are victims of sexual, verbal, physical and mental abuse.