Florida Prison Legal Perspectives

VOLUME 5, ISSUE 1 ISSN# 1091-8094 JANUARY - FEBRUARY 1999

FEMALE PRISONERS' DEATHS QUESTIONED

MONTICELLO, FL - During November '98 the *FPLP* staff received several letters from correspondents at Jefferson Correctional Institution (JCI), located in Monticello, FL, expressing concern about the circumstances surrounding the hanging "suicide" of a female prisoner in the confinement unit at the institution. Something wasn't right, the letters warned. There was more to the death than prison officials wanted to be known, the letters informed. Rumors were flashing among the other prisoners, it may not have been a suicide or if it was something forced it, and officials were trying to keep what really happened secret.

It's hard to keep a secret in such a closed environment though, and this one proved impossible to keep as more letters were written and answers begin to be demanded. The full truth still is not known, but the details that did surface in late November were enough to spark outrage from many in Florida and lead to calls for a full-scale independent investigation of the Florida Department of Corrections (FDOC) and prisoner abuse and conditions of confinement in particular.

The incident began routinely enough (for Florida prisons) when Florence Krell, an attractive 40-year-old female prisoner found herself in solitary confinement at Jefferson CI after she had filed complaints with prison officials alleging brutality and harassment by prison guards.

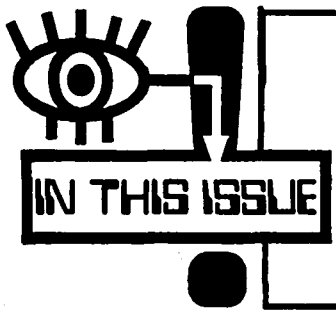
This was Florence Krell's first time in prison, she had no significant prior record. She was on probation for burglary in early 1998 when her boyfriend reported her to police for failing to return his rental car. Krell, who lived in Hollywood, FL, was then convicted for grand theft and sentenced to 18-months in prison for the rental car incident. She became another of the many hundreds, if not thousands, of women sentenced to prison in Florida for relatively minor non-violent offenses.

Krell was sent to JCI in September of 1998. Almost from the start she was labeled a trouble-maker by prison staff. She apparently could not believe the world that she had been thrown into and what was allowed to go on in it. She mistakenly believed that it was okay to speak out about it, as anyone would who has no knowledge about how widespread it is becoming in the FDOC for prison staff and officials to use any means to suppress any complaints by prisoners under the "get tougher" policies. Krell apparently did not understand that many prison guards and officials believe that they can treat prisoners any way they desire now that prisoners have had their access to the courts almost totally cut off, and amid the retribution-not-rehabilitation "get tougher on prisoners" political demagoguery that encourages prisoner abuse.

Krell, the mother of two children and the daughter of a former police detective, perhaps thought she had some "right" to speak out. Sadly, she soon learned the truth the toughest way of all. In mid-October Florence Krell was found hanging dead in her prison cell.

No one seems to know exactly what started Krell's problems. FDOC grievance records document that she had frantically and repeatedly filed grievances asking higher officials to stop guards from harassing her. All of those were denied. In a letter, that was later confiscated by prison officials, Krell wrote that she "lost it" on Sept. 17. She allegedly threw all her possession into the hallway and threatened to jump off her top bunk unless the guards quit harassing her.

In response to this guards, pumped pepper spray into her cell until she al-



most could not breathe and her skin and eyes burned. Then guards entered the cell and took her mattress and clothing. "I laid down naked on the metal, no blankets, nothing to cover up," she later wrote. "I laid in that room until the next morning they gave me a blanket."

After several days of these conditions Krell asked a confinement officer to allow her to speak to a higher official. Little did she know that such a request often triggers retaliation. In Krell's case, two male guards accompanied by two female guards suddenly showed up at her cell door after the request.

She had "contraband" they said, in the form of "toilet paper and a plastic cup." They demanded that she stand naked before them while they recovered the "contraband." "I said 'No,' because I was naked and the two male guards were present," Krell later wrote in one of her formal grievances filed with the FDOC. The guards claimed that she was on a "suicide watch," but records later obtained by the *Tampa Tribune* did not confirm this. But when Krell refused to stand up, "[t]he two males pulled me off the bed by my feet and legs. I tried to go under the bed ... and the female sergeant grabbed my ankle and twisted it," her grievance continued.

Overpowered, Krell tried to retain what little human dignity she had left. She apparently could not conceive that she would be forced to put herself on display nude before two male guards. That is when the struggle begin.

The incident ended predictably against such overwhelming odds; Krell was forced to the floor by all the officers, she was handcuffed behind her back, and left laying naked on the bare concrete floor of the cell. She later wrote that she was left that way for days-without water.

FDOC officials refuse to say much about Krell's death. They refused all comment about it to *FPLP* staff. They reported Krell's death as a "suspected" suicide, but have refused to release an autopsy report.

What is known is that the day before Krell died she had written tormented, desperate letters to Broward Co. Judge Robert Carney, who had sentenced her to prison, and to her mother describing what had been done to her and expressing her fear of further harm, while asking Judge Carney to please investigate and help her. Prison records document that before she could mail the letters, however, that they where "confiscated" by guards asserting that they had the right to seize them-because she failed to write "legal mail" on the envelope to the judge. No explanation has been given why her letters to her mother were confiscated.

Although JCI prison officials could not verify that Krell was under a suicide watch before her death, records verify that she had been assigned to a prison psychologist, as all prisoners in confinement are suppose to be. But further inquiry into that revealed some disturbing facts. Reporters from the *Tampa Tribune*, who worked closely with *FPLP* staff as this story unfolded, discovered that the prison psychologist assigned to Krell, David A. Schriemer, had no valid credentials to practice psychology.

Schriemer, it was discovered, had nothing but a mail-order doctorate, from a non-accredited school. He, however, was listed not only as a psychologist at JCI, he was the "senior" psychologist at the institution.

The FDOC claims that it had twice tried to demote Schriemer because of his lack of educational and professional credentials. Yet, each time, inexplicably, Schriemer was reinstated by the state Public Employees Relations Commission; decisions that records show the FDOC did not appeal. No one has explained how Schriemer was hired in the first place with such bogus credentials. No one has been held accountable for his being hired or promoted to "senior" psychologist.

Other disturbing facts continued to come to light in the investigation of Krell's death. Apparently Schriemer's situation was "overlooked" in October when the state Correctional Medical Authority (CMA), which is responsible for overseeing the FDOC's medical services, cited JCI for a number of deficiencies. The CMA found several problems with JCI's mental health care services, including prisoners being prescribed powerful, mood-altering, psychotropic drugs-without their consent. Without the autopsy report, it is not known if Krell was one of those prisoners or not.

In early Dec., after it became known that the investigation was being contin-

FLORIDA PRISON LEGAL PERSPECTIVES
P O Box 660-387
Chuluota, Florida 32766

Publishing Division of:
FLORIDA PRISONERS LEGAL AID ORGANIZATION, INC.
A 501(c)(3) Non Profit Organization
(407) 568-0200
Web: http://members.aol.com/fplp/fplp.html

FLORIDA PRISON LEGAL PERSPECTIVES is published bi-monthly by Florida Prisoners Legal Aid Organization, Inc., 15232 E. Colonial Dr., Orlando, Fl 32828, Mailing Address: FPLAO, P.O. Box 660-387, Chuluota, FL 32766.

FPLP is a Non Profit publication focusing on the Florida prison and criminal justice systems with the goal of providing a vehicle for news, information and resources affecting prisoners, their families, friends and loved ones, and the general public of Florida and the U.S. Reduction of crime and recidivism, maintenance of family ties, civil rights, improving conditions of confinement and opportunities, promoting skilled court access for prisoners, and promoting accountability of prison officials, are all issues FPLP is designed to address.

The information in FPLP does not necessarily reflect the opinions of the volunteer staff. Publication of FPLP is made possible by You, the reader and supporter, through subscription and general donations. Requested donations for a one year subscription are $5-prisoners, $10-free citizen, $25-institutions or businesses.

FPLP readers and supporters are invited to contribute articles, news information, and suggestions for possible publication. Subscription donations will be acknowledged by the subscriber's receipt of the current issue of FPLP. FPLP's non-attorney volunteer staff cannot respond to requests for legal advice. Due to volume of mail and staff limitations all correspondence cannot be responded to, but all mail does receive individual attention.

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ued by mainstream media reporters, several officials were called on to comment on Krell's death. Howard Simon, executive director of the Miami Chapter of the ACLU, called for an independent investigation, stating, "I just don't think you can trust the system to investigate itself. If you allow the system to investigate itself, nobody should be surprised when, six months from now, the Department [of Corrections] comes back and says that, though it was a regrettable outcome, nobody from the Department of Corrections *did anything wrong.*"

Called upon to investigate, Leon Co. State Attorney Willie Meggs said he will review Krell's death to see if criminal charges were warranted. Gov. Chiles said, through a spokesperson, that he would not start an independent investigation until the FDOC finished their investigation and issued a report. Gov.-elect Jeb Bush said that he "might" intervene in the state's inquiry into Krell's death.

State Sen. Ginny Brown-Waite, newly appointed chairwoman of the state Senate Criminal Justice Committee, commented that she would seek further info on Krell's death from the FDOC.

The *Tampa Tribune* first reported on Krell's death on Nov. 29th. This was followed by a report in the Dec. 1st Miami Herald. While the politicians formulated their comments as above, and the FDOC hurried to defend itself by claiming that this was the first female prisoner suicide ever in Florida, on Dec. 3rd '98, another female prisoner was found hanging in a Jefferson CI confinement cell.

Stunned? So were the *FPLP* staff and others who had rallied for the disclosure of facts surrounding Krell's death. On Dec. 4th, as the Tampa Tribune went to press with more facts in Krell's situation, it was only able to report that FDOC officials were reporting another female prisoner's attempted suicide, while not naming her pending family notification. The "attempt" was successful, the prisoner died on Dec. 5th in a Tallahassee hospital.

Her name was Christine Elmore, a 25-year-old Polk County woman. Elmore's death did not create the stir that Krell's did but the circumstances of her death have not been fully explored yet. What is known is that she was in prison for murder and robbery with a life and a fourteen year sentence that she had received in 1996. She also had a record from 1994, where she had served community supervision for other charges.

The FDOC has not released much information about Elmore's death. Silence seems to have been selected as the best defense; they state they are still "investigating" her death.

FPLP staff contacted Christine Elmore's father, who stated that he does not believe that she would have killed herself. He told *FPLP*'s publisher Teresa Burns that he had just talked to Christine on the phone a few days before she died and she did not seem depressed or upset about anything then. He considers her death suspicious.

Following this second death, the Miami office of the ACLU, through its executive director, Howard Simon, wrote a belated letter to Gov. Chiles condemning these tragic events and again calling on Gov. Chiles to appoint an independent panel to review conditions of confinement for female prisoners in Florida.

Simon wrote, "While there is still considerable secrecy with regard to the death of Christine Elmore, facts already established with regard to the death of Florence Krell raise serious questions about the treatment of the 886 female inmates at that institution." Simon continued, "For a number of reasons, - we believe that the incidents at the Jefferson Correctional Institution may reflect systematic mistreatment of female prisoners at that facility and the three other state prisons for women."

It is notable that the Florida ACLU had "reasons" to believe that female prisoners were being mistreated before Krell's and Elmore's deaths, but had did nothing about it. Simon stated in his letter to Gov. Chiles that both the Miami ACLU office and the national office have been receiving complaints by women prisoners in Florida alleging physical and emotional abuse, but to *FPLP*'s knowledge this is the first letter or action taken by the Miami office to even admit there is a problem.

The Miami ACLU, however, intends to pursue this matter. On Dec. 24th Simon announced that the U.S. Justice Department had begun a preliminary inquiry into Krell's and Elmore's deaths. "It's at the preliminary stage. I have had a discussion with the people in the Civil Rights Division, and they are looking at it to see if an investigation is warranted," said Simon.

Simon also repeated his call for an independent investigation into prison conditions for women. To Florida's new Inspector General, Marcia Cooke, he wrote noting the Justice Department's inquiry and that his office had received anonymous contact from prison staff reporting "practices which include sexual activity between inmates and correctional officers, significant sexual abuse and harassment, deliberate medical mistreatment, and unnecessary violent activity directed at women prisoners." But, he noted, the Miami ACLU had not confirmed these reports.

The day before Simon's announcement of the Justice Department inquiry, it was not surprising when the Leon Co. State Attorney sanctioned an FDOC report finding that Krell's death was a suicide. Elmore's death continued to be "investigated" by the FDOC.

During December, outgoing FDOC Secretary Harry Singletary rejected an offer by the Florida Department of Law Enforcement to assist the FDOC in the investigation of the two deaths.

This situation has highlighted the need for an independent and impartial body with the power to investigate the operation of the FDOC. *FPLP* has been warning of sexual abuse and harassment and mistreatment of female prisoners in Florida for quite a while now. But, the problems are certainly more widespread. While conditions in the female prisons certainly need attention and correction, there is an apparent epidemic of abuse in our prisons, especially in the confinement units. *FPLP* staff has received recent information that a prisoner in confinement at Charlotte CI had his neck broken in a "use of force" by prison guards. This information comes only a few months after 10 prison guards at Charlotte CI were indicted by a federal grand jury for the torturous beatings of an HIV+ prisoner with him being deliberately allowed to bleed to death, chained to a steel confinement bed, after slashing his wrists.

In a letter to her mother, confiscated by JCI guards the day before she died, Florence Krell's words echo far beyond her death, martyring her in the struggle

occurring in our prisons, and demanding more response than just words or posturing. "I will be 41 this Thursday.... I'm not a little girl anymore and not all that grown yet, but ... in any fight I don't like to be down on the ground.... I will tell the people of Florida this until they find out what they are doing and have done to me." - BOB POSEY ■

FROM THE EDITOR . . .

Over the past four years *FPLP* has grown from a hand-typed, photocopied flyer with less than 10 subscribers to a computer lay-out, professionally printed newsletter that is approaching 2500 subscribers, with perhaps three to four times that number of actual readers. Not bad! What is even better is that it has become more than just a newsletter, one of the initial goals was to form a network and that is being achieved. The importance of this, in this era of "I can get tougher than you" and "lock them up and throw away the key" knee-jerk policies and demagoguery, cannot be overstated.

I would like to take this opportunity to personally and publicly thank those who I know have worked the hardest to make *FPLP* possible and help achieve the goals. THANK YOU, to Teresa Burns, my wonderful wife and the life-force in many aspects of *FPLP*, and to John Oaks, for his enduring loyalty and excellent layout work over the years. THANK YOU, to Lisa Faulkner, assistant non-pareil, and to Tracie Rose, Sherrie Johnson, Darryl (Spock) McGlamry and David Bauer, Esq., for all your work and faith. THANK YOU, to *FPLP*'s advisors, who have helped guide the way and set the goals, and to all those who have contributed to keep *FPLP* going strong.

In December an important goal was realized. *FPLP*'s parent organization, Florida Prisoners' Legal Aid Org., Inc., was granted 501(c)(3) federal non-profit status. As *FPLP* is a project of the organization, donations to either are now tax deductible with the IRS. This is also going to allow reduced postage costs and other benefits to help the organization grow in the long run.

The directors are looking at modifying the by-laws to include membership into the organization with subscription to *FPLP*. This, if adopted, would include voting rights in the direction the organization takes and in the projects taken on. Any input on this is welcome by the staff. The general consensus is that it will be adopted soon.

Another change, that is basically unavoidable as the paper and organization grows, beginning May 31, 1999, there will be a slight increase in subscription rates for *FPLP*. One year subscriptions for prisoners will change the least, from $5 to $6. Rates for non-prisoners, free citizens, will go from the current $10 to $12, and business/institution rates will go from $25 to $30 per year. Low-income family members or friends of Florida prisoners who cannot afford the increased rates can obtain a subscription for whatever they can donate.

Until May 31st, you may still subscribe to, or renew and extend your current subscription, to *FPLP* at the current rates of $5, $10, or $25, respectively. After May 31st, however, any subscriptions received paying the "old" rates will be pro-rated, with such subscribers receiving 5 instead of 6 issues per year subscription. New U.S. postage stamps will still be accepted after May 31st for subscriptions in an amount at least equal to the new rates.

During September and October '98 a few FL prisons attempted to reject *FPLP* going to prisoners. The staff did not receive any official notice of this attempt. When prisoners wrote informing the staff of the attempt, an immediate appeal was filed to the central office and the rejections were subsequently overturned. All prisoners should have received Vol. 4, Issues 4 and 5. Issue 6 was held up at some institutions in November and December for almost two weeks as mailroom staff apparently waited to see if another institution would reject it before giving it to subscribers. This practice needs to be challenged if it continues. It is immaterial if another institution rejects, rejections must be based on the conditions of your particular institution and can only be made by your particular superintendent or his/her designee. Please inform the staff if you experience rejection or problem with receiving *FPLP* and use the appeal procedures to challenge any and all publication rejections.

In the immediate future there are some more changes that are expected. Staff is working now to increase the number of pages in each issue of *FPLP*. This should occur in the next issue or so. We are also looking for someone interested in operating the *FPLP* Website. There are currently two *FPLP* sites on the Internet, but they only carry basic information. That is because we do not have a Webmaster with the time to post info to the site and keep it updated. Anyone interested in serving as *FPLP*'s Webmaster please contact me directly at: *Rt. 7, Box* 376, Lake City FL 32055. It is very important that the news is distributed on this valuable medium.

Well, that's about all for this issue. I would asked that you enjoy this issue, except for the fact that it contains some very disturbing news. It will continue to get more disturbing unless we continue to work together for change. Encourage others to subscribe and get involved and those changes will come. Prisoners, encourage your family members and friends to attend the Tallahassee Rally on March 11th. Yours truly, BOB POSEY, Editor ■

NEWS BRIEF

On September 28, 1998, the FDOC had a total prison population of 66,861 and a total bed capacity of 71,580. The Florida Criminal Justice Estimating Conference determined in a meeting held September 28, 1998, that no new prison beds will be needed until 2002.■

GET TOUGH' HARD-LINER NAMED AS NEW FDOC SECRETARY

by Teresa Burns

TALLAHASSEE- On December 30th Florida's new governor - Jeb Bush - named Michael W. Moore to replace Harry K. Singletary as the head of the Florida Department of Corrections (FDOC). Moore will have to be confirmed by the state Senate before taking over the position, but with a Republican majority it is likely there will be no problem. If confirmed, Moore, in many opinions, is exactly what the FDOC does not need: an anti-program, get tough conservative, who has a controversial history in corrections.

Michael Moore, 50, has served since 1995

as the head of South Carolina's prison system. Shortly after taking over there he was credited with a riot involving 1,100 prisoners at the Broad River Correctional Institution behind new get-tough-on-prisoners policies. As soon as Moore took over in S.C. he began dismantling decades-old policies and programs, many of which benefited prisoners in helping them reintegrate into society upon release.

Among the new S.C. policies, Moore forced prisoners to be clean shaven and wear short hair, regardless if it conflicted with religious practices or medical needs. He also abolished a college education program and prisoner work-release program. As the S.C. director, he stopped prisoners from receiving packages from family members, banned personnel clothing, and increased mail and publication censorship.

Criticized by civil rights groups and even moderate Republicans in the S.C. legislature, Moore originally a native of Houston, worked as a regional director of the Texas DOC before going to South Carolina. An informed source within the FDOC claims that Moore's appointment by Jeb Bush is politically motivated and connected with Bush's brother being governor in Texas. Bush chose Moore over several qualified Floridians who were interested in the top FDOC position, yet who were more moderate.

As soon as Bush named Moore to take over the FDOC the *FPLP* staff began receiving email and faxes from S.C. advising strong opposition to his confirmation. According to that information, family members, friends and advocates of S.C. prisoners were forced to organize to have Moore removed from the S.C. DOC position. They credit organized political lobbying and voting in a Democrat governor during the last election with Moore's desire to find a new job in Florida. He will take an approximate $20,000 loss in pay by coming to Florida, but would still receive over $100,000 per year.

Despite his known history, Moore's potential appointment drew weak or naive responses from some of Florida's supposed prison watchdog groups. The executive director of the Miami ACLU, Howard Simon, cautiously commented that Moore needs to remember that prisoners need to be productive citizens when released. John Fuller, executive director of the Florida Corrections Commission, that was formed to oversee the FDOC, said that Moore should "feel right at home here." Whether this was a reference to Moore being good-ol-boy material was not acknowledged, but is suspected. "I don't know how you can get much stricter. We're pretty tough down here already," Fuller continued. Obviously Fuller doesn't have a clue how far demagogues and knee-jerk ambitionists can or will go.

Moore defended his actions in S.C. on Dec. 30th, explaining that the S.C. prison system "was about 30 years behind, and the inmates controlled it."

During early January *FPLP* staff contacted Jeb Bush's office expressing opposition to Moore's appointment, and disappointment that Bush would start out by going backwards. ■

FL CORRECTIONS COMMISSION 1998 ANNUAL REPORT

The Florida Corrections Commission released its annual report for 1998 on November 1st. The Commission was created by the legislature to oversee the operation of the corrections system in Florida and to make reports and recommendations, independent of the Florida Department of Corrections (FDOC), to the Governor and Legislature on issues concerning the state prison system. The Commission has been in existence now four years. Each year the Commission reviews several areas of the FDOC's management and operation and issues a report on its findings. In this latest report the Commission reviewed nine separate areas.

The areas reviewed by the Commission in 1998 include: (1) Execution Methods Used by States; (2) Inspections and Investigations in FL Jails; (3) Conditional Medical Release Program; (4) Youthful Offender Program; (5) HIV/AIDS in Corrections; (6) Change of Private Prison Company at Gadsden CI; 7) Special Risk Retirement for CPOs; (8) Comparison of Programs for Male and Female Offenders; and (9) FDOC Legislative Budget and Substantive Requests.

Fully summarizing this 268 page report is not possible in the space available in *FPLP*. This report contains much useful and interesting information, however, so some of the most important areas reviewed and findings of the report will be covered here.

Youthful Offender Program: The Commission reports that it intensively reviewed the FDOC's Youthful Offender Program and found both good and bad news. The good news is that the FDOC continues in large part to separate youthful offenders, who are defined as age 25 and younger and serving their first felony commitment, from adult prisoners; that the program is designed to offer rehabilitation opportunities to youthful offenders; and that the FDOC has several good vocational programs available to this population.

The bad news is that the programs available to youthful offenders are severely underfunded. More than 86% of this population is on waiting lists for placement in academic, vocational and substance abuse programs. The vast majority of this population is released back into the community before they have had a chance to participate in any programming.

The Commission characterized the current youthful offender institutions as "warehouses" and in its intensive coverage of this area concluded that it is essential that the legislature address the lack of funding in this important area.

HIV/AIDS in FL Prisons: The Commission reports that its findings in this area "are disconcerting, *if not* alarming." The Commission found that in 1995 Florida ranked seventh nationally, in HIV/AIDS cases as a percentage of total prison population (3.4%). In that same year, Florida ranked second in the number of confirmed AIDS cases of all state prison systems.

Between 1989 and 1997, AIDS deaths accounted for over half of all inmate deaths in Florida prisons. The Commission emphasized that the HIV/AIDS diagnosed cases are not accurate, and understated, where all inmates are not tested and that many inmates are believed to pass through the system undiagnosed.

In 1997-98 there were a total of 2,274 confirmed cases of HIV diagnosed inmates in the FDOC. During the same period there were 745 confirmed cases of AIDS.

The Commission found that costs for testing and treatment of HIV/AIDS have far exceeded the legislative appropriation furnished for such. The FDOC is estimated to spend over $21 million for HIV treatment alone during the 98-99 year, representing 7% of the total health care budget for the entire prison population. Even this amount was found not to provide for the financial costs needed to address this serious problem.

An approximate $14 million deficit will be experienced in the funding for treatment of HIV/AIDS in Florida prisons during the 1998-99 year. The Commission recommended that additional funds be budgeted in this area by the legislature.

Conditional Medical Release Pro-

gram: This program allows terminally ill or permanently incapacitated inmates to be released from prison prior to completion of their sentence. The authority to grant or deny conditional medical release rests solely with the Florida Parole Commission.

Since the inception of the program in 1992 through June 1998, 271 inmates were referred by the FDOC to the Parole Commission for conditional medical release. Of that number 106 inmates were granted medical release, 133 were denied, 29 died before the Parole Commission could vote on their case, and 3 cases received no action.

The primary problem with this program, according to the Commission, is that neither the Parole Commission nor the FDOC has a policy and procedure directive that sets forth timeframes that must be followed in consideration of an inmate for conditional medical release. This resulted in the high number of inmates who died after being recommended but before the Parole Commission voted on their release.

The Commission recommended that current statutes be revised to provided that inmates serving a life sentence not be eligible for medical release, as death-sentenced inmates are not eligible now, and that the legislature amend current statutes to provide additional criteria that the Parole Commission must consider in medical release cases.

Private Prison: Gadsden CI: The Commission noted that during April of 1998 privately operated prison Gadsden Correctional Institution (female) changed management. Gadsden had been operated by United States Corrections Corporation (USCC) but changed hands when Corrections Corporation of America purchased and merged with USCC. However, Corrections Corporation of America did not notify the FDOC of the change for over a month after the change became effective, and inmates at the institution were never notified of the change in management. The Commission recommended that future contracts with private companies to operate prisons include a clause concerning protocol in management changes.

Program Comparison, Male/Female: The Commission found that female inmates have program opportunities equitable to male inmates, but noted that there continues to be a shortage of full-time job assignments for all inmates who are capable of working. Relying on FDOC statistics, the Commission found that over 7000 inmates who could work do not have a meaningful job assignment [these figures are seriously fudged, FPLP staff estimates that over 50% of FL prisoners have no meaningful work to do-ed].

As it has in the past, the Commission recommended that the FDOC place emphasis on encouraging PIE programs that allow the FDOC under federal law to contract with private companies to operate businesses in the prison system. The Commission also recommended, again, that Jefferson CI, a female prison located in North Florida, be converted to a male institution and a South Florida male institution be converted to house Jefferson CI inmates so that female prisoners from South Florida can be closer to their home.

The Commission also recommended that the FDOC design and provide long distance parenting programs for female prisoners and their children; design programs to assist with the identified needs of female prisoners' children; and, provide domestic violence awareness and education classes to all female prisoners.

The Florida Corrections Commission's 1998 Annual Report is available on the Internet at: **www.dos.state.fl.us/fgils/agencies/fcc.** The Commissions E-mail address is: **fcorcom@mail.dc.state.fl.us.** And the Commission's address is listed on the back of this issue of *FPLP.* ■

NEWS BRIEF

The Florida Department of Corrections (FDOC) is divided into five regions, has more than 29,000 employees, and received a budget in excess of $1.6 billion for the 1998-99 fiscal year.■

FL SUPREME COURT
New Justices

On December 7, 1998, Governor Chiles appointed Miami trial attorney R. Fred Lewis to the Florida Supreme Court. Lewis replaces retiring Justice Gerald Kogan. The following day, December 8, 1998, both Governor Chiles and Governor-elect Jeb Bush jointly appointed Peggy A. Quince, a Second District Court of Appeal (DCA) judge, to replace Justice Ben Overton who will retire in January 1999.

Justice Peggy Quince is the first Black woman to be appointed to the state's highest court. Quince, age 50, joins Barbara Pariente as the second woman on the seven judge court. She is a native of Norfolk, Va., and has sat as an appeal judge in the Second DCA since 1994. She graduated from Howard University in 1970 and earned her law degree from the Catholic University of America in 1975.
Quince worked for the state attorney general for 13 years under Jim Smith and Bob Butterworth, with 3 years exclusively defending death penalty prosecutions, before moving to the court of appeal. ■

PENDING CHALLENGE TO FDOC RULE

In 1996, the FL legislature amended the Administrative Procedures Act (Ch. 120, F.S. [1997]) which, in part, modified the standards that authorize state agencies to make rules. Under the new Act, an agency may only adopt a rule that implements a specific law (Sec.120.52(8)(g) and 120.536, F.S. [1997]).

During March 1998, Capitol News Service and reporter Mike Vasilinda filed a petition with the Division of Administrative Hearings (DOAH) asserting that Rule 33-15.002, F.A.C., disallowing the electronic or mechanical recording of executions, is a invalid exercise of delegated legislative authority, as no specific statute authorizes such rule.

During the 1998 legislative session, the FL House of Representatives' Committee on Corrections filed HE 4819 that would have adopted Rule 33-15.002, F.A.C., as a law. That bill, however, died without passage when the session ended on May 1, 1998.

Even so, the DOAH dismissed the case brought by Capitol News Service without a hearing. The plaintiffs petitioned for reinstatement of the case, and again the DOAH denied a hearing. As of October 1, 1998, the plaintiffs filed an appeal in the 1st DCA of the DOAH's action and a ruling on this issue is pending.

The resolution of this case should be watched for. The FDOC's general rule-making authority at Sec. 944.09(1)(r), F.S., was repealed during the 1998 legislative session. Right now it appears that many of the department's rules, that had been

adopted under that former general authority, where no other specific statutory authority exists validifying them, are potentially invalid exercises of delegated legislative authority.

In a couple of recent prisoner-initiated challenges to rules without specific statutory authority the FDOC is attempting to maintain that the general and vague provisions of Sec. 944.09(i)(a) and (e), F.S., still gives them the authority to adopt any rule they wish or keep rules that were adopted under the former 944.09(1)(r). This does not appear to comply with the intent of the new section at 120.52(8)(g) or 120.536, F.S.

If Capitol News Service is successful in their challenge, this may open the FDOC up to challenges to invalidate many of the current rules of the department. For a further understanding of the recent Sec. 120.52(8)(g) and 120.536, F.S., requirements see: *The Florida Bar Journal*, March 1997 issue, "Legislative Oversight," by Patrick Imhof and James Rhea, page 28-34. -ed ■

CRIME RATES CONTINUE TO DROP

A U.S. Department of Justice final report released November 22, 1998, shows that violent crime rates dropped in 1997 for the sixth consecutive year. Overall, the number of violent crimes, including murder, rape, robbery and aggravated assault, dropped 3.2% in 1997. Murder rates dropped to the lowest in 30 years.

Nationwide, since 1991, murder rates have fallen almost 28%, rape is down 13%, and robberies have plunged 29%.

In Florida, overall crime rates fell 3% and violent crime rates fell 2.6% in 1997.

In preliminary statistics released by the FBI on December 13, 1998, figures show that violent crimes were down 7% and property crimes down 5% in the first six months of 1998 as compared to the first six months of 1997. ■

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FDOC MAIL RULES AMENDMENTS RE-PROPOSES

In the last issue of *FPLP* it was reported that the FDOC had withdrawn its proposed rulemaking to make numerous changes to the department's rules concerning routine, legal and privilege mail that is sent to or mailed by FL prisoners. (See: Vol.4, Iss.5, "FDOC WITHDRAWS PROPOSED MAIL RULES.") That report was correct. However, in a rare occurrence (just two days after the last *FPLP* went to the printer) on November 25, 1998, the FDOC inexplicably re-proposed amendments to the same rules. They restarted rulemaking to amend these rules-again.

These new proposed amendments are notable in that they contain several significant provisions than what the department initially proposed, and received much opposition about, earlier during 1998. Most significant are the new proposed changes to the routine mail rules. This new proposal would allow prisoners to continue receiving postage stamps through routine mail. They also would allow up to 10 sheets of blank paper, envelopes, or greeting cards to be included in each item of mail. These proposed provisions are good and create a needed standard to guide mailroom personnel who in the past have arbitrarily, in cases, refused to allow the receipt of such material. Those are the positive proposals.

The negative new proposals are that routine mail would only be allowed to contain up to 5 pages (8½" x 11") of additional written/printed materials. This would included any other type material besides the actual correspondence in the envelope and include newspaper clippings, etc. Also, only 5 photographs per envelope would be allowed and counting towards the 5 page additional material limit. These proposed provisions are the same as proposed in the initial rulemaking that was withdrawn. It is now being re-proposed.

The main problem with the "5 pages of additional material" proposed provision is that it will almost guarantee that prisoners will not be able to receive legal materials or documents from family members and friends through routine mail. Often prisoners no longer have an attorney and must depend on family members/ friends to obtain and send them legal documents such as transcripts, pleadings, discovery reports, from the courts. Or the prisoner may have such materials stored at home and need it to be sent to work on his/her case. The *provisions of this* new proposed rule amendments would appear to prohibit that, unless it is less than 5 pages, or someone takes the time to send 5 pages per envelope of what may be a 500 page transcript. The proposed amendments would make no exception to the 5 page additional material provision.

Another apparent problem that has existed for years and that is not addressed in the November 25th rulemaking proposal is the FDOC practice of immediately returning mail to the sender whenever it contains alleged inadmissible correspondence or other materials-before the prisoner or sender has an opportunity to appeal the censorship to a person other than the person making the decision to return the mail. This historical practice that occurs at almost all FL prisons does not comport with the required constitutional procedural due process protections established in Procunier v. Martinez, 94 S.Ct. 1800 (1974). In that Supreme Court case three minimum due process procedural protections were established that must be followed by prison officials whenever mail is censored. First, the inmate must be notified of the rejection of a letter sent to or written by the inmate; second, the author of the letter must be given a reasonable opportunity to protest the rejection decision; and third, that objections (appeals) of the decision to censor the mail must be referred to a person other than the original rejection decision maker.

When mail is immediately returned both the prisoner and sender of the letter are prevented from any reasonable opportunity to have the rejection decision reviewed by someone other then the original rejector, thus violating the third Martinez due process protection. The department's "oversight" to address this in these new proposed amendments needs to be brought to the department's attention in written comments and objections by prisoners. Prisoners filing comments or objections should review Rules 33-3.006(1)(a)4. and (7)(e), FAC, which

mailrooms are not following when mail is *immediately* returned. A clear provision to hold such mail until grievances are exhausted should be included in any proposed amendments to the routine mail rules.

Concerning the proposed amendments to the legal mail rules, the FDOC is clearly determined to further curtail FL prisoners access to the courts and their attorneys. The department has again re-proposed the same amendment as before to require indigent prisoners to pay all legal mail postage costs or have a lien placed on their account for such costs and reduce the account to zero if and when the indigent prisoner ever receives any money to satisfy the lien.

This proposed provision must be vehemently objected to in written comments by all prisoners. This is a clear attempted violation of Bounds v. Smith, 97 S.Ct. 1491, 1497 (1977) (it is indisputable that States must provide indigent inmates at State expense with some legal mail postage); and, Fla. Stat. Section 944.09(1)(o) (FDOC may not adopt rule requiring prisoners to pay any postage costs that the State is constitutionally required to pay).

Or if the FDOC wishes to maintain that following Lewis v. Casey, 116 S.Ct. 2174 (1996), that the Bounds provision is no longer good law (by some twisted reading of Lewis) and that legal postage costs are no longer constitutionally required to be paid by the State, then see Section 944.516(1)(g) (FDOC may establish a limit on inmate accounts and deduct money exceeding that limit to pay for costs of mail postage that State is not constitutionally required to pay, limiting the FDOC's discretion in rulemaking concerning this subject.) This last requires a minimum amount of money received not to be taken for any mail postage costs not constitutionally required to be paid by the State. The department is ignoring all the above in these new proposed amendments.

Looking at the privilege mail proposed amendments, this is mail sent to or received from legislators, government entities, news reporters or agencies, the department is again re-proposing that such mail be prohibited from containing anything except correspondence. This

(Continued on page 12)

1999 ANNUAL STATE CAPITOL ROTUNDA RALLY

A CALL TO ACTION FOR: PRISONERS' FAMILY MEMBERS/FRIENDS/LOVED ONES AND ADVOCATES

MARCH 11, 1999 7:00AM TO 7:00PM

This past year, during April, approximately 100 family members, friends and advocates of Florida's prison population met in Tallahassee during the legislative session to attend a rally and demonstration project in the rotunda of the state capitol building. Organized by *Florida Prison Legal Perspectives*, and other groups affiliated with the Florida Prison Action Network (FPAN), that event was a great success. There were displays and information booths set up that examples many of the problems and unaccountable policies of the Florida Department of Corrections. Informational flyers and displays exposed how the families, friends and loved ones of Florida's prisoners have been and continue to be targeted by policies that have serious financial impact on what are largely low-income people, and that serve in cases to unnecessarily obstruct family and friend relationships. The range of topics covered family visitation to monopolization and gouging involved in the prison collect telephone situation.

During March 1999 another such capitol rotunda event is going to be held-bigger, better, and more powerful! YOU are invited and needed to be there, or to support the effort. If you have a family member or loved one incarcerated in Florida, this is your chance to join with others to demonstrate to our elected officials in Tallahassee that our voice will be heard. If you are an advocate of the civil and human rights of the incarcerated, this is your opportunity to meet with and network with others on the front line in this crucial work. For prisoners, this is the time that you can stand up and be counted, by encouraging your family members and friends to attend this event and be your voice, and it is the time that your direct support is needed through donations.

We can no longer be silent and hope it gets better, or wait for someone else to do something. Without opposition, there are those in power who intend to make it much worse. We all saw the political campaign ads this election based on "getting tougher on prisoners." It is time to make our voices heard above those who promote "get tough" prison policies for political gain or job security platforms. It is time that accountability be demanded of a prison system concerned only with perpetuating itself at the expense of lost lives and opportunities to change. It is time to come together and speak out against abuse and corruption in the system; speak out against the disregard and arbitrary treatment that prisoners' family, friends and loved ones are increasingly subjected to; and time to speak out against the double-taxation, gouging and monopolization that the Department of Corrections is increasingly engaged in.

Alone, not much can be done. That is why we call on YOU to join US to work together for ALL. Efforts are being taken to arrange car-pools and other transportation for those wishing to attend this upcoming Tallahassee event. Suggestions for displays and information booths are invited from free citizens and prisoners alike. Those unable to attend can support this effort by donations, every little bit helps as all the groups involved are non profit and will be depending on your support to make this event even more effective. Working together, change is possible. For more information, contact:

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NOTABLE CASES
by Sherri Johnson and Brian Morris

FL Supreme Court Approves Sheley, Limits Review of Mandamus Denials Concerning Quasi-Judicial Agency Actions to Certiorari

The Florida Supreme Court, prompted by the First District Court of Appeal, has issued an opinion that significantly changes the remedies available to prisoners seeking judicial review of quasi-judicial actions taken by the Parole Commission and the Department of Corrections. This change is important and should be understood by every law clerk and pro se litigator in the system.

In *FPLP*, Vol.4, Iss.3, a fairly extensive article entitled "En Banc First DCA Limits Prisoners' Appeals" was run concerning a case out of the First DCA: Sheley v. Florida Parole Commission, 703 So.2d 1202 (Fla. 1st DCA 1997). In that case the First DCA held that prisoners are not entitled to a full appeal to the DCA following the denial of a petition for writ of mandamus in the circuit court that concerned a quasi-judicial decision of a state agency. Quasi-judicial agency decisions are those that are made by an agency, such as the Parole Commission or DOC, that are determined during or following a hearing in which due process is afforded. Examples in the prison context are parole hearings, disciplinary hearings, CM hearings, etc. For many years the normal judicial remedy sought by prisoners to challenge quasi-judicial actions of the Parole Commission or DOC has been by a petition for writ of mandamus in the circuit courts. Following a denial of such petition, historically prisoners had been allowed to proceed with an appeal to the DCA of the mandamus denial.

However, the First DCA in Sheley disapproved prisoners being allowed to proceed with what is termed a "plenary" or "full" appeal in the DCA. Essentially, the court held that since the original hearing of the agency is like a trial and the petition for mandamus is like an "appeal" of that trial, then prisoners are not entitled to obtain a "second appeal" in the DCA. The court held that only certiorari review is available in the DCA in such a case. And, certiorari review is strictly limited to review of (1) whether the circuit court failed to afford due process of law, or (2) whether the circuit court failed to observe the essential requirements of law. The merits of the underlying cause that initiated the petition for mandamus often will not even be considered under the certiorari review, only whether the circuit court afforded due process and complied with the essential requirements of law in denying the petition for mandamus.

The First DCA in Sheley certified conflict with another court that had held that a full appeal should be allowed. This resulted in the Florida Supreme Court accepting jurisdiction to resolve the conflict, which it has now done, upholding and approving the First DCA's decision. That Court stated, "[W]e hold that once an inmate has had a full review on the merits of a Parole Commission order in the circuit court, he or she is not entitled to a second plenary appeal of the order in the district court." See: Sheley v. Florida Parole Commission, So.2d, 23 FLW S556 (Fla. 10/22/98).

[Comment: Do not be confused and believe that Sheley does not apply to DOC quasi-judicial proceedings just because Sheley only concerned a parole hearing. Following the above decision by the FL Supreme Court the First DCA quickly moved to deny several appeals pursuant to Sheley that were filed against the DOC. E.g.: Spencer v. Singletary, DOC, 23 FLW D2403; Rodgers v. Singletary, 23 FLW D2404; Harris v. Singletary,DOC, 23 FLW D2404. As noted in the above mentioned article in FPLP Vol.4, Iss.3, it is essential that the difference between seeking review of a quasi-judicial agency action and seeking to compel performance of a ministerial duty (that did not involve a quasi-judicial proceeding) be fully understood by all Florida prisoner litigants following Sheley. It may be however, that the First DCA will refuse to recognize the distinction, and hold that only certiorari is allowed in the DCA even though there was no underlying quasi-judicial proceeding. Since it is felt that the true purpose of Sheley was to reduce the prisoner case load of the First DCA, then this may very well happen. Regardless, if federal constitutional issues are raised in every step of the state remedies sought, denial of a petition for certiorari review by the DCA will serve as final state exhaustion and allow the federal courts jurisdiction to again reach the merits of the claim[s]. -sj]

Error to Deny Writ Without Opportunity to Serve Reply

The Fifth District Court of Appeal held, and the Parole Commission conceded, that prisoner Charles Minott should not have had his petition for writ of habeas corpus denied before he was given an opportunity to file a reply to the Commission's response. Citing Bard v. Wolson, 687 So.2d 254 (Fla. 1st DCA 1996) (Where response does not contain mere denial but sets forth matters in the nature of affirmative defenses or avoidance's, appellant should have been allowed 20 days to serve a reply. If the response had contained mere denials, no reply would have been authorized. In that circumstance, the trial court would have been required to hold hearing to resolve factual disputes.), the Court vacated the order of the circuit court denying Minott's petition and remanded with instructions for the lower court to allow Minott twenty days to file a reply to the Parole Commission's response. See: Minott v. State of Florida, et al., 718 So.2d 381, 23 FLW D2290 (Fla. 5th DCA 10/9/98).

[Comment: This is a common problem. Circuit courts often will deny habeas and mandamus petitions without allowing a reply to the respondent's response. Although not cited by the Minott court, Rule 9.100(k), F.R.App.P., concerning petitions for extraordinary relief of all types, provides that a petitioner has 20 days in which a reply, with a supplemental appendix, may be filed following a response (containing affirmative defenses or avoidance) to a show cause order by the opposing party. -sj]

Prison Release Re-offender Act Not Ex Post Facto

Prisoner Joe Plain was released from prison after serving time on a prior charge before the Prison Release Re-offender Act, section 775.082(8)(a), F.S. (1997), became effective on May 30, 1997. The Act, provides for greater penalties for new offenses committed within three years of being released from a Florida correctional facility (Section 775.082(8)(a)1.).

Plain picked up new charges on August 4, 1997, for burglary of a dwelling w/battery and aggravated battery and had the Act applied to his sentencing because he had committed a felony within three years of his prior prison release.

Plain appealed, arguing that the Act, as applied to him, because his prior sentence was completed before the Act became effective, was an unconstitutional ex post facto application of the law. The 4th DCA disagreed.

The Court determined that the "Act increases the penalty for a crime committed after the Act, based on a conviction which occurred prior to the Act." And that "[i]t is no different than a prisoner receiving a stiffer sentence under a habitual offender law for a crime committed after the passage of the law, where the underlying convictions giving the defendant habitual offender status occurred prior to the passage of the law. (Cites omitted)." Plain's conviction and sentence was AFFIRMED. See: Plain v. State, ___ So.2d 23 FLW D2309 (Fla. 4th DCA 10/14/98).

Mandamus Will Not Lie to Compel Private Attorney to Furnish Court Documents Free of Charge

Prisoner Greg Donahue filed a petition for writ of mandamus to try to get the court to compel his former private attorney to furnish him, free of charge, copies of legal documents that the attorney had compiled during the apparent course of representing Donahue on a criminal case. The circuit court denied the petition and Donahue appealed.

The DCA correctly noted that the files of a private attorney, except for documents given to the attorney by the client to hold, are the property of the attorney. Pleadings, investigation reports, subpoena copies, reports, and other case preparation documents are property of the attorney, not the client.

Second, the DCA noted that even if Donahue's attorney had been appointed or a public defender, that Donahue still would not have been entitled to the documents free of charge citing Woodson v. Durocher, 588 So.2d 644 (Fla. 5th DCA 1991), rev. den., 598 So.2d 79 (Fla. 1992). The only exception would be documents like trial transcripts that were paid for at public expense.

Third, the DCA, again correctly, noted that mandamus is not the proper remedy to compel a private citizen, like a private attorney, to perform a "ministerial duty" required by law. Only government officials have "ministerial duties" created by a law or rule.

Forth, the DCA correctly noted that even if Donahue could require the production of "records" without payment (as if from a public defender, or other government official), it would only be for plenary (direct) appeals, not for post-conviction proceedings. The DCA cited numerous cases in support of its conclusion that Donahue's petition was properly denied. See: Donahue v. Vaughn,___So.2d___, 23 FLW D2369 (Fla. 5th DCA 10/23/98).

[Comment: If Donahue had did even a minimal amount of research into this matter before litigating it he would have known that not only was mandamus the totally improper remedy, but that it is well-settled in Florida that you either pay for such copies or you don't get them. What a waste of time and energy. This is a perfect example of the need to thoroughly research each and every issue and remedy sought BEFORE litigation. -sj]

Transcripts of Collateral Proceedings Free to Indigent Defendants

In this case, Joseph Colonel successfully argued that he has a constitutional right to a free transcript of the evidentiary hearing conducted with respect to his Rule 3.850 motion and that, under the circumstances of this

particular case, Miami-Dade County is responsible for paying the costs of those transcripts.

The Third DCA found that "[T]he U.S. Supreme Court, in Griffin v. Illinois, 351 U.S. 12, 17-18 (1956), held that a State may not discriminate against convicted defendants because of their poverty by denying an indigent appellant a free transcript in his direct appeal." The Third DCA also found that, approximately ten years' later, the U.S. Supreme Court held, "in Long v. District Court of Iowa, 385 U.S. 192, 193 (1966), that an indigent appellant was entitled to a free transcript in a State postconviction proceeding." Finding that an indigent defendant has a constitutional right to have court cost, including costs of transcripts paid for by the government, the Third DCA held that "Colonel is entitled to a free transcript of the hearing on his 3.850 motion." See: Colonel v. State, 23 FLW D2593 (Fla. 3d DCA, 11-25-98).

Counsel's Reference to Statutory Maximum Without Reference to Guidelines Undercuts Voluntariness of Plea

After entering his plea and being sentenced to a seventeen year prison term to be followed by a three year period of probation, Rodolfo Delacruz sought postconviction relief under Florida Rule of Criminal Procedure 3.850. Delacruz argued, among other things, that his plea was not voluntarily entered because his trial attorney had misinformed him with regard to the penalty he faced if he proceeded to trial and was found guilty. Delacruz claimed that his attorney told him he could receive a twenty-five to thirty year term of imprisonment if found guilty of both DUI manslaughter and leaving the scene of an accident involving serious injury or death. It is true that for these two second degree felonies, absent the sentencing guidelines, the statutory maximum penalty that Delacruz could have received is thirty years imprisonment. However, "according to the guidelines Delacruz could receive no more than nineteen years' imprisonment absent a valid departure sentence." Significantly, in his Rule 3.850 motin, Delacruz demonstrated prejudice by claiming that he would not have entered the plea had his attorney properly advised him with respect to the maximum potential penalty pursuant to the guidelines. When the trial court denied relief without attaching records to refute this involuntary plea claim, the Second DCA expressly noted that "[a] reference by counsel to the statutory maximum without an explanation of the guidelines paints an unrealistic picture of the true exposure a defendant confronts." REVERSED AND REMANDED. See:
Delacruz v. State, 23 FLW D2511 (Fla. 2d DCA 11-13-98)

AEDPA One Year Filing Limitation Runs From Effective Date of Act For Both 42 U.S.C. Sec. 2254 and 2255

Florida prisoner Jessie Wilcox filed a petition for writ of habeas corpus on June 24, 1996, in the federal court challenging issues that he had raised in a direct appeal in the state court and that became final when the direct appeal was denied and a mandate issued on July 2, 1992. The federal district court dismissed Wilcox's 42 U.S.C. Sec. 2254 habeas petition as time-barred under the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA) one-year provision in 28 U.S.C. Sec. 2244(d), that became effective April 24, 1996. The district court reasoned that although Wilcox filed his petition two months after the AEDPA's effective date, that Wilcox's petition was time-barred under Sec. 2244(d)(1)(A) because it was not filed within one year of the state court of appeal denying his direct appeal back in 1992.

Wilcox appealed to the 11th Circuit Court of Appeal arguing that the district court erred in retroactively applying the AEDPA one-year filing provision to his petition, where the AEDPA was not enacted until more than five years after his conviction became final in the state court. The 11th circuit reversed the district court's dismissal and held that, as previously noted with approval in a similar case involving a federal prisoner's Sec. 2255 habeas petition, Goodman v. U.S., 151 F.3d 1335 (11th Cir. 1998), that the one-year filing limitation in the AEDPA "d[oes] not begin to run against any state prisoner prior to the statute's date of enactment."

The 11th circuit appeal court REVERSED and REMANDED Wilcox's case to the district court for further proceedings. See: Wilcox v. Fla. Department of Corrections, ____ F.3d ____, 12 FLW Fed. C229 (11th Cir. 10/29/98).

Not Double Jeopardy to Subject Prisoner to Both Criminal Charges And Disciplinary Action

On October 29, 1998, the federal 11th Circuit Court of Appeal determined that it is not double jeopardy when prisoners are subjected to both criminal charges and in-prison disciplinary action for the same incident.

During October 1995 there was a riot at Federal Correctional Institution (FCI) Talladega, AL. Between 200 and 300 prisoners participated in the riot. The resulting damage was estimated at $3 million. Following the riot and an investigation, several prisoners were charged with in-prison disciplinary violations of the rules and regulations during the riot. They were subjected to disciplinary transfers, confinement, loss of good time, temporary loss of privileges and visitation after being found guilty in prison disciplinary proceedings.

Following the disciplinary action, the prisoners also were charged in criminal indictments returned by a grand jury. The prisoners pled not guilty, and moved to dismiss the criminal charges on double jeopardy grounds as they had already been subjected to in-prison disciplinary action for the same conduct. The district court, accepting the magistrate's recommendation that the motion to dismiss be denied, overruled the double jeopardy objections and denied the motion to dismiss. The criminal cases went to trial, where the prisoners were shackled in the courtroom after the district court found that they had histories of violent behavior and in-prison disciplinary problems.

At the trial held in 1996 the prisoners were found guilty on a variety of charges and sentencing followed. The prisoners appealed on several grounds, of which the 11th Circuit Court of Appeals only considered two: the double jeopardy claim and whether the prisoners were denied a fair trial as a result of being shackled in the courtroom.

In a lengthy opinion, the 11th Circuit determined, essentially, that in-prison disciplinary sanctions are "civil" in nature and do not constitute criminal punishment for double jeopardy purposes. Therefore, the Court "decline[d] to classify the regulations [disciplinary] as 'criminal.'" The Court affirmed the district court's denial of the motion to dismiss on the double jeopardy grounds.

Next the Court examined and determined that the district court did not abuse its discretion in requiring the prisoners to be shackled in the courtroom, and that even if discretion had been abused that the prisoners had failed to show any prejudice as a result. The Court noted that the district court took care that the jury never saw the shackles. See: United States of America v. Mayes, Harris, et al., ____ F.3d ____, 12 FLW Fed. C231 (11th Cir. 10/29/98).

PLRA Provision Requires Administrative Exhaustion of Remedies Even if Futile or Inadequate

Michael Alexander, a federal prisoner housed in Florida, filed suit against prison officials claiming that their enforcement of the Ensign Amendment that prohibits federal prisoners from receiving sexually explicit materials violated his First Amendment rights. Alexander sought an injunction, declaratory relief, and monetary damages. He did not exhaust the Bureau of Prisons' (BOP) grievance process claiming the same relief before proceeding to federal court. The Middle District Court of Florida dismissed Alexander's action for failure to exhaust administrative remedies as required by the Prison Litigation Reform Act of 1995 (PLRA), 42 U.S.C. Sec. 1997e(a).

Alexander appealed the district court's dismissal of his action to the 11th Circuit Court of Appeals raising two issues: (1) that section 1997e(a) only applies to state prisoners because it addressed only section 1983 actions involving state action; and, (2) that the BOP administrative remedies are futile and inadequate because the BOP has no authority to award monetary damages or declare the Ensign Amendment unconstitutional.

Addressing Alexander's first issue, the 11th Circuit determined that section 1997e(a) expressly provides that its exhaustion requirement applies to actions brought "under section 1983 . . . or any other Federal law," and as such section 1997e(a) applies to federal prisoners' Bivens actions (the federal prisoner equivalent to state prisoners' section 1983 actions). The Court also found that legislative history "makes clear that Congress intended PLRA section 1997e(a) to apply to both federal and state prisoners."

Turning to Alexander's second issue on appeal, that exhausting BOP administrative remedies would have been futile and inadequate in his case, the Court held, in effect, that was immaterial.

Examining prior case law, the Court noted that before the PLRA was adopted it had been established in some instances that where administrative exhaustion of remedies would be futile or inadequate that such was not necessary in either section 1983 or Bivens actions, especially where the only remedy sought was monetary damages. But, the Court noted that in Irwin v. Hawk, 40 F.3d 347 (11th Cir. 1994), and Caraballo-Sandoval v. Honsted, 35 F.3d 521 (11th Cir. 1994), where both monetary damages and injunctive relief were sought, then administrative exhaustion was required.

The Court then went on to note and clarify that any pre-PLRA "judicially recognized futility and inadequacy exceptions do not survive the new mandatory exhaustion requirements of the PLRA."

The Court determined that the only remaining exception allowing non-exhaustion of administrative remedies is where there are no administrative remedies available to exhaust (apparently some states do not have grievance procedures). Where there is an administrative remedy system in place, however, the Court held that those remedies must be exhausted, even if futile and inadequate or "even if the relief offered by that program does not appear to be 'plain, speedy, and effective,'" it still must be exhausted.

The 11th Circuit agreed with the district court, and essentially held that even if administrative remedies do not provide monetary or injunctive relief or declaratory relief, still, under the PLRA, it is necessary that such claims be presented administratively before those claims can be raised in federal court. The dismissal of Alexander's complaint for failure to exhaust administrative remedies was AFFIRMED. See: Alexander v. Hawk, 12 FLW Fed. C235 (11th Cir. 11/5/98), 159 F.3d 1321.

[Comment: This case is IMPORTANT and needs to be read and understood by every prison litigator. -sj] ■

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ABOUT GARY "AL" PICCIRILLO

Gary "Al" Piccirillo has served over 14 years in such state prisons as Sing Sing and Raiford. While incarcerated, he became a popular jail house lawyer successfully advocating the rights of his fellow prisoners. See *Department of Corrections v. Piccirillo,* 474 So.2d 199 (Fla. 1st DCA 1985); *Department of Corrections v. Adams & Piccirillo*, 458 So.2d 354 (Fla. 1st DCA 1984); *Piccirillo v. Wainwright*, 382 So.2d 743 (Fla. 1st DCA 1980), and *Adams & Piccirillo v. James*,784 F.2d 1077(11th Cir. 1985).

Following his release, from the Florida State prison system in 1983 and after years of education and hard work, his criminal lifestyle has changed. He is now the President of Piccirillo & Son, Inc., the Editor and Publisher of The Florida Post-Conviction Relief Update, Co-Author of Florida Post-Sentencing, Practice and Procedure, Capital Legal Publishing (1995) and Florida Department of Corrections Law Clerk Training Manual (1996). He has written articles relating to access to courts and post-conviction relief in such legal publications as the Florida Defender and the Informant. He has lectured in Keiser College on the subjects of post-conviction relief and the history of guideline sentencing in Florida.

He has served as an expert witness and consultant for the Florida Department of Corrections in matters relating to access to courts and post-conviction relief, and has served as a Qualified Representative before the Department of Administration, Division of Administrative Hearings successfully representing prisoners in administrative hearings. He has served as an Executive Director for a residential transitional inmate release programs with grants awarded by the Governor's Office of Criminal Justice Services for Ohio, and the United States Department of Justice. He has over 25 years of experience in post-conviction relief, criminal appeals, and corrections related matters. He has testified before the United States District Court, Middle District of Florida as an expert on access to the courts and such related matters as post-conviction relief in the civil rights case of *Hooks v. Singletary,* 775 F.2d 1433 (11th. Cir. 1985).

While with the law firm of Daley & Associates, he coordinated the litigation in such cases as *State v. Leroux,* 689 So.2d 235 (Fla. 1996); *Maddry v. State*, 702 So.2d 1314 (Fla.1997), and *Guisasola v. State, 667 So.2d 248 (Fla. 1st DCA 1995).*

Mr. Piccirillo has been recently retained to work with the law firms of Mark Lane out of Washington, D.C., and William Sheppard, out of Jacksonville, Florida to provide services as a expert consultant in matters relating to post-conviction relief in Florida.

(Continued from page 8)

would mean, if adopted, that a government office or official would have their privilege mail returned to them if it contained a booklet, or form, or other written/printed material.

The same would be true for news reporters or organizations; their privilege correspondence would be returned to them (rejected) if it contained clippings they wished to discuss with the prisoner, or drafts of potential articles the reporter or journalist might be considering that are confidential. This proposed rule amendment has no purpose except to further cut FL prisoners off from the outside world and should be objected to in written comments to this proposal.

The November 25th notice was a Rule Development notice, the first stage in the rulemaking process. The department will be required to post a (final) Rulemaking Notice on these proposed amendments before adoption. That second notice can be expected to be posted during January or so.

At that point FL prisoners will have a 21 day opportunity to submit comments and objections to the FDOC central office concerning these proposed mail rule amendments. All prisoners are encouraged to do so, and have your family and friends on the outside send comments and objections, or if you have an attorney, ask them to file objections.

As many FL prisoners filed comments and objections the first time around on some of these same proposed amendments, and forced the FDOC to reconsider same and make changes, it needs to be done again. Encourage and assist others in filing comments and objections. While some of these new proposals are good, some are not and will seriously affect FL prisoners and their correspondents if not challenged and defeated or modified-again.

The *FPLP* staff will be filing objections to the proposed provisions noted in this article and working to organize outside opposition. Hopefully, it will be possible for our staff to request and attend a public hearing in opposition to these proposed provisions. It is time that we all must work together again, so get those pens warmed up. The name and address at the central office of who to address your comments and objections to is: *Perri Dale, Attorney, Dept. of Corr., 2601 Blair Stone Rd., Tallahassee FL 32399-2500.* ■

POLICY RESCINDED

In November '98 the *FPLP* staff was notified that Sumter CI had implemented a new policy prohibiting prisoners on Close Management (CM) status from receiving postage stamps through the mail. The staff contacted Florida Institution Legal Service's Executive Director, Glen M. Boecher, Esq., about this, who in turn contacted Sumter CI officials. It was subsequently determined that the policy exceeded Chapter 33 rules and the policy was rescinded. Prisoners on CM status have the same mail privileges as open population and can receive postage stamps from family and friends for correspondence purposes per Chapter 33 rules. The staff thanks those who informed us about the "policy," and Mr. Boecher who assisted in correcting the problem. ■

NEWS BRIEF

In 1998 both Kentucky and Tennessee enacted legislation that allows prisoners in those states who are sentenced to death to elect lethal injection over electrocution, and provides that lethal injection will be the sole means of execution for crimes committed after specified dates. Legislative bills filed in the FL legislature to enact a similar measure died without being passed. This leaves Florida, Georgia, Alabama, and Nebraska as the only states with electrocution as the sole method of execution. ■

AROUND THE NATION

Alabama- On Aug. 10 '98 a federal district court in AL held that prison officials in that state had violated prisoners' constitutional rights prohibiting cruel and unusual punishment by chaining them to a "hitching post" for refusing to work or punishment. The court found that prison officials had left prisoners chained to the rail all day-in cases with their hands above their heads, had refused to provide them water, refused to allow them to use the restroom, and had chained prisoners with valid medical problems to the rail because they were unable to work. The court found the prison officials' use of the hitching rails to be malicious and sadistic. See: Austin v. Hopper, 15 F.Supp. 1210 (M.D.Ala. 1998).

Arizona- During Nov. '98, Maricopa Co. Sheriff Joe Arpaio opened the nation's first tent jail for juveniles. Prisoners as young as 14 and sentenced as adults for up to one year in the county jail will be housed in the tents and fed spoilt sandwich meats, according to Arpaio. The U.S. Justice Dept. sued Arpaio in 1997 over excessive use of force in his county jail. That case was settled when Arpaio agreed to stop having prisoners hog-tied. Prisoners have had to file over 800 lawsuits against Arpaio.

-During June '98, an unidentified transsexual prisoner filed charges against Maricopa Co. jail guard George Back, alleging that Back had forced him to perform oral sex in a cell. Back resigned after the allegation, with the jail claiming the sex was consensual.

-On July 2 '98, the federal 9th Cir. Court of Appeals, ruling on a case out of Maricopa Co., AZ, held that the county prison's regulations banning sexually explicit materials/publications that depict "frontal nudity" were over-broad and unconstitutional. See: Mauro v. Arpaio, 147 F.3d 1137 (9th Cir. 1998).

California- In July '98 Ronnie Hawkins was ordered shocked by a 50,000 volt stun belt by Long Beach Municipal Judge Joan Camparet-Cassani for interrupting her during a court hearing. Several attorneys filed complaints about the incident and an investigation was started by the CA Judicial Commission. Hawkins, represented by an attorney, has filed suit over the incident.

-The *Los Angeles Times* reported in early Oct. '98 that CA's prisons system is the only system in the U.S. that uses deadly force to break up fights between prisoners. Since late '94, 12 prisoners have been shot and killed and 32 wounded by prison guards armed with assault rifles. Lawsuits over the deaths have so far cost CA $6 million.

-On Sept. 1 '98, the CA DOC banned smoking and tobacco possession at 12 prison reception centers. Gov. Pete Wilson ordered the ban as the first step in totally banning smoking in CA prisons. The ban will reduce prison health care costs and arson, claims Wilson.

Dist. of Columbia- On Sept. 15 '98, the federal appeal court for the Dist. of Columbia overturned a district court ruling that had held that the "Ensign Amendment" that had banned federal prisoners from receiving publications like *Playboy* and *Penthouse* was unconstitutional. The appeal court held that the lower court should have focused on whether the ban had a rational goal, not on whether it violated the First Amendment. The appeal court noted that the restrictions only extended to pictorial materials. The prisoner and publisher plaintiffs have failed to be discouraged by the appeal court reversal and are proceeding with a separate challenge arguing the law is vague. That challenge will go back to the lower court. Until the issue is decided, the Bureau of Prisons has said it will not enforce the ban. See: Amatel v. Reno, 156 F.3d 192 (D.C. Cir. 1998), overturning 975 F.Supp. 365 (DC D.C. 1997).

Florida- A couple formerly from Pinellas-Pasco Counties in FL, Mindy and Joe Meager, filed suit

in Oct. '98 against former Ch. Investigator of those counties' State Attorney Office, Alexander Murphy, for trying to negotiate a light sentence in exchange for sex with the wife. The couple was arrested on drug charges in 1996 for prescription pain-killers and subsequently offered a "deal" by Murphy, who reportedly had powerful influence with the State Attorney, if Mindy Meagher would consent to sex. Instead of consenting, the couple set Murphy up in a motel room, with the husband busting in with a video camera after Murphy was stripped to his underwear and trying to intoxicate the wife with alcohol. Murphy allegedly threatened to kill the husband about the video tape, but it was taken to authorities by the couple's attorney. Murphy was charged with taking unlawful compensation and in May '98 pled no contest and was sentenced to two years probation. The couple, who now live out of state, claim in their lawsuit that even though they have only given their new phone number to authorities, and keep changing the unlisted number, they now are receiving nightly harassing phone calls about the incident from an unidentified person.

-The Battered Women's Clemency Project shut down Dec. 31st for lack of funding, leaving nearly 100 clemency cases unresolved, officials said. The project was designed to help get reduced sentences or release from prison for women who had killed men who had abused them. Before closing down, the project assisted 17 women prisoners in being released.

Louisiana- A settlement was reached in Sept. '98 that will end the federal court's oversight of the state penitentiary at Angola. The agreement is scheduled to be signed in Feb. '98 and will end litigation going back to 1971.

-A U.S. Justice Department report released in July '98 provided details of inhumane living conditions and physical abuse by prison guards against juveniles at the privately-operated Tullulah Correctional Facility for Youth in Tullulah, LA. The investigation found that the food being fed the juveniles was not adequate to maintain health, that there was not enough clothes or shoes provided, that educational programs were very poor, and that even though more than one-forth of the juveniles were documented as mentally ill or retarded, there was almost no psychiatric care being provided.

Additionally, the investigation found that physical beatings by prison guards were routine, with almost every juvenile at the facility having perforated eardrums from severe beatings. Following the Juvenile Justice Project of LA filing a lawsuit about the conditions and the Justice Dept. investigation, the state took control of the facility from the private company. In December it was announced that Florida based Correctional Services Corporation (CSC) will take over the facility. CSC promises to decrease the violence, add educational programs, and improve the mental and medical care at the facility.

New Hampshire- A judge found two state laws that barred prisoners from voting to be unconstitutional. The ACLU litigated the case for NH prisoner David Fischer, who was allowed to vote in the November elections by absentee ballot. [Only five states allow prisoners to vote, they are: ME, MA, NH, UT, and VT.-ed]

New Jersey- On July 21, '98, a federal district court in NJ ruled that a legislatively created state ban against sexually explicit materials sent to imprisoned sex offenders was a violation of free speech rights. The court thoroughly examined the difference that is owed prison officials, but determined in this case that the DOC did not create the ban, the legislature did, and evidence showed that such material is used in cases to treat sex offenders. The court issued a permanent injunction against the ban and the state attorney has appealed. See: Waterman v. Veriero, 12 F.Supp.2d 364 and 378 (D.N.J. 1998).

New Mexico- A federal judge in NM determined on July 2, '98, that a correctional officer, Danny Torrez', who worked for private-prison company Corrections Corporation of America, was a "state actor" but not a state employee immune from compensatory and punitive damages in a civil rights suit filed by NM female prisoner Tanya Giron. Giron alleges that Torrez' entered her cell on May 26, '94, at the NM Women's Correctional Facility in Grants, NM, and forcibly raped her. Torrez' has admitted the rape. However, the court also held that neither CCA nor the warden of the facility were liable in the suit and dismissed them from the case. Evidence in the case showed numerous incidents of sexual impropriety had occurred at the same prison between male guards and female prisoners both before and after Tanya Giron was raped. See: Giron v. CCA, 14 F.Supp.2d 1245 and 1252 (D.N.M. 1998).

Ohio- During mid-Dec. '98, parole officials agreed to re-release American Indian and prison activist Timothy "Little Rock" Reed after he had been returned to OH from NM. Reed, who is half Lakota Sioux, and who served 10 yrs. in OH prisons, fled parole in OH in 1993 when he claimed that OH officials threatened to put him back in prison for speaking out about prison abuses. Reed was especially critical of the American Correctional Association and the role it plays in "selling accreditation" to state prison systems. Reed was arrested in NM in 1996, but the NM state courts refused to turn him over to OH for extradition. The U.S. Supreme Court overruled the NM courts and Reed had been returned to OH on Dec. 2nd. Now that OH has released Reed, he says he will resume pursuing degrees in Amer. Indian issues and criminal justice in Cincinnati and return to NM as an Indian advocate.

Oklahoma- During Nov. '98 family members and friends of OK prisoners claimed that a new OK DOC ban on packages to prisoners and high collect telephone rates are designed to gouge money out of those who have a loved one in prison.

Pennsylvania- The federal 3rd Circuit Court of Appeals ruled on Aug. 25, '98, that PA prison officials must stop reading the legal mail of condemned journalist Mumia Abu-Jamal and that they cannot enforce a rule prohibiting him from writing professionally or conducting a business by such writing while on death row. Abu-Jamal is on the PA death row for the alleged killing of a PA police officer in 1981. The court noted that Abu-Jamal is a prolific writer who has had articles appear in such noted publications as the *Yale Law Journal* and *The Nation*. See: Abu-Jamal v. Price, et al., 154 F.3d 128 (3rd Cir. 1998). On Oct. 29, '98, the PA S. Ct. upheld Abu-Jamal's 1982 conviction with his attorney promising to appeal to the federal courts.

-Family members of PA prisoners are calling for an organized boycott of all 1,277 prisoner telephones in PA's 24 prisons for the entire month of May '99. The boycott is being called to protest the excessive telephone rates of PA prisons. In 1997 alone, the PA DOC gouged over $6 million in kickbacks from its telephone contract with AT&T from prisoners families and friends. More info: P.O. Box 474, Harrisville PA 16038.

Texas- Attorney General Dan Morales, who is leaving that office after 8 years, stated the state's clemency program must be made more open to the public and that officials need to study racial bias in death sentences in TX. With 446 people on the TX death row, 32% are white, compared to 61% of the state population; 46% are black, 12% of the state's population; and 20% are Hispanic, 26% of the state population.

Utah- On April 29, '98, the UT DOC settled a class action lawsuit brought by UT prisoners against a policy banning prisoners from "ordering, receiving, or possessing" any written or printed materials that contain nudity or partial nudity. The UT DOC agreed to withdraw the policy and pay the prisoners' attorney, Brian Barnard, $15,000 in attorney fees. This is an unpublished case. Perry v. McCotter, US DC Utah, Case No: 97-CV-0475C.

Virginia- During mid-Dec. '98, Senior Warden Patti Leigh of the Fluvanna Correctional Center, the largest women's prison in VA, refused to enforce a VA mascara and other cosmetics. Warden Leigh stated, "I just don't see a security issue." ■

DID YOU KNOW?

Currently, more than 1.8 million individuals are incarcerated in adult correctional facilities in the United States and at least 100,000 juveniles are incarcerated.

According to recent U.S. Department of Justice statistics, nationwide, more than 70% of people entering state correctional facilities have not completed high school, and 46% have had no high school education at all.

A 1997 study by the Center on Crime, Communities and Culture found that of the estimated 97% of offenders who are eventually released back into the community, those who receive an education while incarcerated have a significantly better rate of employment-between 60 and 75%--than those who do not participate in education programs. The study also reported that inmates with at least two years of post-secondary education have a 10% re-arrest rate, compared to a national re-arrest rate of approximately 60%.■

EDUCATION IS THE KEY TO FREEDOM
Get It Anyway You Can

LITERATURE REVIEW

Family, Friends, Loved Ones

OUTSIDERS LOOKING IN: How To Keep From Going Crazy When Someone You Love Goes To Jail

by Toni D. Weymouth, Ed.D., and Maria Telesco, R.N., B.A.

OLINC Publishing (Pub.) (1998) 351 pg. Paperback

Where can you turn to when a family member or loved one is accused or convicted of a crime? Why is it that family members, friends, and loved ones, who have committed no crime, often become the forgotten, invisible victims of the criminal justice system? How can you deal with a system that you know nothing about, where can you get answers, how can you deal with the stress and problems, and what can you do to help? *OUTSIDERS LOOKING IN* answers those questions and many more. If there is a primer for addressing the cares, concerns and questions of the increasing numbers of family members, friends and loved ones of the criminally accused and convicted-it is this new book.

An excerpt from the introduction reads:

The perplexity of the court process, along with reports of perils lurking in overcrowded institutions, set the stage for confusion and fear. This cripples the family system, and makes it difficult to develop strategies for the future of the family unit. Children whose parent or parents are in prison experience prolonged instability and uncertainty, and are three times more likely than their counterparts to run afoul of the law as they grow older.

Those who enter the court and prison systems go through periods of anxiety, trauma, shame, guilt and terror. These feelings can cause physical and mental illness and severely impair their ability to function effectively. Demystification of the process prepares the family and the accused to cope during the trial and afterwards. Learning about rules, regulations, social aspects and day to day prison life will help families conquer their fears and regain control of their lives.

Inmates, ex-convicts, family members, attorneys, correctional staff and others who work in, or have had contact with the criminal prosecution and detention system have contributed to this work, and we are grateful to them all for their assistance and input. They relate their feelings and experiences, talk about the emotional impact of incarceration, and offer practical advice and tips on dealing with the system.

An invaluable source of information, *OUTSIDERS LOOKING IN* seeks to empower those who love someone who is in prison or jail. The insights are powerful and accurate, while the tips and advice are practical and obviously from others who have "been there and done that."

In one source, this book takes the reader through the arrest, court and sentencing process in non-technical, everyday language, explaining things both the accused and family needs to know. How to deal with the stress, lawyers, courts, prison rules and officials, are all covered within the 351 pages of this well written book.

Available from: OLINC Publishing, P.O. Box 6012, Fresno CA 93703-6012. Price: $21.95 ($19.95 + $2.00 S&H, California residents add sales tax). ■

NEW ADMISSIBLE READING MATERIAL RULES

On 10/20/98 the FDOC adopted new rules at 33-3.012(5)(c) and (6)(b), F.A.C., that provide that if a prisoner receives notice of a publication/reading material rejection and intends to appeal the rejection, then in order for the material to be held while the appeal process is exhausted the prisoner, in addition to filing an appeal, must also send the superintendent of the institution a **notice of intent** to appeal the rejection. This notice of intent is to be submitted on a DG3-005 Request Form within 15 days of the date of the notice of rejection.

Another rule that was amended on 10/20/98, at 33-3.012(11), F.A.C., provides that "books, periodicals or other publications" can now be received from "wholesale or mail order distributors or bookstores." This changed the former rules that had only allowed books and publications to come from the publisher. This amendment also removed the former prohibition that prevented FL prisoners from receiving books from book clubs. ■

SUBMISSION OF MATERIAL TO *FPLP*

Because of the large volume of mail being received by *FPLP*, financial considerations, and the inability to provide individual legal assistance, readers should not send copies of legal documents of pending or potential cases to *FPLP* without first having contacted the staff and receiving directions to send same. Neither *FPLP*, or its staff, are responsible for any unsolicited material sent.

Readers are requested to continue to send news information including newspaper clippings (please include name of paper and date), memorandums, photocopies of final decisions in unpublished cases, and potential articles for publication. Please send only copies of such material that do not have to be returned. *FPLP* depends on YOU, its readers and supporters to keep informed, so that everyone can be informed. Thank you for your cooperation and participation in helping to get the news out. Your efforts are greatly appreciated.

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Web Site: www.dc.state.fl.us

Harry K. Singletary, Secretary.....488-7480
(Personal Secretary, Suzanne Powell)
Information.....488-0420
(Info Director, Kerry Flack)
Correspondence Control.....488-7052
Inspector General, Fred Schuknecht.....488-9265
Interstate Compacts.....487-0558
Health Services.....922-6645
(Charles Matthews, MD, Asst. Sec.)
Assistant Secretary for Security/Inst. Management
Stan Czerniak.....488-8181
Inmate Classification.....488-9859
Sentence Structure.....413-9337
Victim Assistance.....488-9166
Population Mgt.....488-9166
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Region III.....(407)245-0840
Region IV.....(954)202-3800
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The Florida Corrections Commission is composed of eight citizens appointed by the governor to oversee the Florida Department of Corrections, advise the governor and legislature on correctional issues, and promote public education about the correctional system in Florida. The Commission holds regular meetings around the state which the public may attend to provide input on issues and problems affecting the correctional system in Florida. Prisoners families and friends are encouraged to contact the Commission to advise them of problem areas. The Commission is independent of the FDOC and is interested in public participation and comments concerning the oversight of the FDOC.

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David F. Harvey, Sheriff, Wakulla County
Alma B. Littles, MD
Guy Revell, Jr.-Former Parole Commissioner
Ray Sansom, Okaloosa County Commissioner
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Chief Inspector General.....922-4637
Citizen's Assistance Admin.....488-7146
Commission/Government Accountability
to the People.....922-6907

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(850)488-2952
Coordinator: Janet Keels

Florida Parole/Probation Commission
2601 Blair Stone Rd., Bldg C
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(850) 488-1655

Department of Law Enforcement
P.O. Box 1489
Tallahassee FL 32302
(850)488-7880
Web Site: www.fdle.state.fl.us

Florida Resource Organizations

Florida Institutional Legal Services
(Florida Prison Action Network)
1110-C NW 8th Ave.
Gainesville FL 32601
(352)955-2260
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Web Site: www.afn.org/fils/

Families with Loved
ones In Prison
710 Flanders Ave.
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Restorative Justice Ministry Network
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Injustice anywhere is a threat to justice everywhere. - Martin Luther King,

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