

# Perspectives

VOLUME 14 ISSUE 2

ISSN# 1091-8094

MAR/APR 2008

## Tents Used to Scare Legislators Into Funding More Prisons

Shortly after the Florida Legislature went into its regular session in March of this year, with deep cuts in agencies' budgets expected in the face of a state budget shortfall, the Florida Department of Corrections came out fighting for an increase to its budget to continue building more prisons.

The FDOC's first blow was a right cross, the department's secretary warned legislators that large budget cuts will lead to more cramped and dangerous prisons and a rise in crime around the state.

In January the FDOC was riding high, Gov. Crist's proposed state budget urged lawmakers to give the prison system \$343 million more to build more prisons this year over and above its \$2.3 billion budget. That, however, was before the outcry really took off that Florida is facing a budget crisis and that deep cuts are going to have to be made in all areas.

As the legislative session progressed it was made clear that the FDOC was going to face cuts too. Legislators said that despite a surge in prison admissions the budget crunch could mean scaling back prison construction and expansion. The FDOC responded by claiming that with the current 96,000 state prisoners the system is already at 97.3 percent of capacity and pointing out that it is expected the prison population will reach 105,000 by mid-

2009 and overcrowding if new prisons aren't funded.

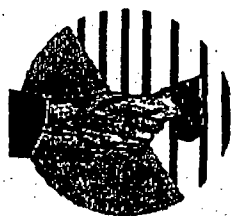
Lawmakers hung tough, some suggesting hanging extra bunks in cells housing non-violent and elderly prisoners (without regard to space requirements). Another suggestion was made to send Florida prisoners to prisons in other states, which other states with overcrowding problems have been doing for years. The FDOC swung back, saying it has no plans to send prisoners out of state, but it does have plans to buy metal buildings that can be readied quickly for prisoners and surplus military tents to house prisoners.

In fact, punching quickly, by the end of March the FDOC announced that it was already putting up tents at eight prisons around the state. Uping the rhetoric, the FDOC justified the tents claiming the system was getting "dangerously close to reaching 99 percent capacity," at which point state law will mandate early release for certain prisoners. That state law is the result of federal court intervention in the 1980's and 90's when Florida was forced to reduce its prison overcrowding and fold up tents that it was housing prisoners in then.

Using the tents as a threat, the FDOC raised 24 of them at eight sites in March. An FDOC spokesperson said the department plans on erecting 108 of the tents during the next 18 months.

Each of the tents measure 18 by 24 feet, cost \$20,000 each and house 22 prisoners. They feature ceiling fans, a large exhaust fan, a heat pump and wooden floors. Separate shower and bathroom tents will also be erected and prisoners will eat in the existing food service buildings at the prisons where the tents are located.

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## Florida Prison Legal Perspectives

### FLORIDA PRISON LEGAL PERSPECTIVES

P.O. Box 1069  
Marion, North Carolina 28752

Publishing Division of:  
**FLORIDA PRISONERS' LEGAL AID ORGANIZATION, INC.**

A 501(c)(3) Non-profit Organization

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The department claims the tents are a temporary solution, just to get them by until the budget crunch is over.

The legislature seemed to be unfazed by the FDOC historically dangerous tactics, by mid-April there were proposals to cut the FDOC's \$2.3 billion current budget by \$160 million. That reduction would come from gutting prisoner education, vocational and drug rehabilitation programs, a direct reversal of what FDOC Secretary Walter McNeil and his predecessor, Jim McDonough, have advocated.

In line with what McDonough had proposed before his unexpected retirement in January, McNeil said keeping those programs means lower costs for oversight of low-risk prisoners who are making the transition back to public life. It also means that prisoners with drug problems or a lack of working skills are better able to make a permanent return to public life.

Without them, McNeil said, "my suspicion is that there is going to be an increase in crime in our state" as prisoners unprepared for life outside of prison are released.

Undeterred, the Legislature countered with an uppercut, proposing that between 1,400 and 2,000 jobs may have to be cut in the department. While suggesting to cut prisoner programs, which likely will lead to increased crime, didn't stir up much objection, the suggestion to cut jobs for FDOC probation and correctional officers sent a stream of them reeling to Tallahassee to protest outside the Capital building.

It doesn't take a Don King to figure out that whatever happens Florida prisoners are going to experience some hardships in the future. But the big loss will be to Floridians as the crime rates will increase with the expected cuts to public education, when Florida already has one of the highest dropout rates in the country, and with the continued refusal by legislators to implement and fund proven programs that would reduce prison recidivism. ■

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**-Federal Habeas Corpus-  
Title 28 U.S.C. Section 2254  
Standard of Review**

by Dana Meranda

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) amended the statutory provisions that govern fact review. State court fact findings, if fairly made, will be accorded a presumption of correctness and section 2254(e)(1) now provides that the burden of rebutting the presumption of correctness is by clear and convincing evidence. *Addington v. Texas*, 99 s.ct. 1804 (1997) (discussing the "clear and convincing" standard of proof).

Courts have generally equated section 2254(e)(1)'s concept of "clear and convincing evidence" with the "clearly erroneous" standard appellate courts use to review district court fact findings. *In re Heidnik* 112 F.3d 105, 12 (3<sup>rd</sup> Cir. 1997).

28 U.S.C. sections 2254(d)(2) and 2254(e)(1) govern habeas corpus fact review. Courts that have interpreted and applied these amended sections to situations where the state courts made no finding of fact on a determinative issue, *Bell v. Cone*, 125 s.ct. 847, 856 (2004), or if a state court finding was the product of unfair procedures, or is not supported by the state court record, the federal court is free to reach its own independent judgment on the question. *Wiggins v. Smith*, 123 s. ct. 2527, 2539 (2003); *Taylor v. Maddox*, 366 F.3d 992, 1000, 1014 (9<sup>th</sup> Cir. 2004).

Under the AEDPA, federal habeas corpus review of state courts' legal and mixed legal-factual rulings is subject to the amended section 2254(d), which provides that a state prisoner's habeas corpus application shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings, unless the adjudication of the claim:

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

Section 2254(d)(1) places a new constraint on the power of a federal habeas court to grant a state prisoner's application for a writ of habeas corpus with respect to claims adjudicated on the merits in state court. Under section 2254(d)(1), the writ may issue only if one of the two conditions is satisfied. *Williams v. Taylor*, 120 s.ct. 1495, 1523 (2000).

Some Federal courts have concluded (for purposes of section 2254(d)) a summary state court opinion that fails

to articulate its analysis of the federal constitutional claim is not an adjudication on the merits. Treating the state court's decision as the focus for analysis, the Eleventh Circuit has reached the opposite conclusion in *Wright v. Sec'y. Dep't. of Corrections*, 278 F.3d 1245, 1254 (11<sup>th</sup> Cir. 2002), (joining circuits that have concluded that the summary nature of a state court decision does not lessen the deference that it is due).

The amendments to section 2254(d)(1) have changed federal habeas corpus review in three basic ways. First, the statute provides that the federal court is to review the state court "decision" that denied the claims now raised in the habeas corpus petition, as opposed to adjudicating those claims independently of the state court decision. Consequently, section 2254(d)(1) eliminates the prior rule of adjudication de novo (or from scratch) and makes the state court decision (rather than the specific claim raised in the habeas petition) a primary focus of federal court review. *Jackson v. Coalter*, 337 F.3d 74, 83 (1<sup>st</sup> Cir. 2003).

The federal court should examine the merits of the claim first, then, if there is merit to the constitutional issue, the court should review the state court's decision to determine whether the criteria of section 2254(d)(1) precludes a grant of federal habeas corpus relief.

Second, in reviewing the state court decision to determine whether section 2254(d)(1) limits relief, the federal law to which the state court decision is compared is limited to clearly established federal law, as determined by the Supreme Court of the United States. *Hart v. Attorney General*, 323 F.3d 884, 893 n.16 (11<sup>th</sup> Cir.) cert. denied, 540 U.S. 1069 (2003).

And third, amended section 2254(d)(1) establishes certain limitations upon relief in those cases in which the federal court finds constitutional error. The federal court cannot grant federal habeas corpus relief unless its review of the state court decision on the basis of clearly established Supreme Court law reveals that the state court decision was defective in one of two ways—either (1) that the "decision was contrary to clearly established Supreme Court law"; or (2) that the "decision involved an unreasonable application of clearly established Supreme Court Law."

*The state court decision is the central focus of the federal review process.*

A state court decision will be contrary to clearly established precedent if the state court applies a rule that contradicts the governing law set forth in our cases. *Penry v. Johnson*, 121 s.ct. 1910, 1918 (2001), (quoting *Williams v. Taylor* 120 s.ct. at 1519).

A state court decision will be contrary to our clearly established precedent if the state court confronts a set of facts that are materially indistinguishable from a decision of this Court and nonetheless arrives at a result different from our precedent. Accord *Penry v. Johnson*, 121 s.ct. at 1918.

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In construing the "unreasonable application" clause, the Court explained "a state-court decision that correctly identifies the governing legal rule but applies it unreasonably to the facts of a particular prisoner's case would certainly qualify as a decision involving an unreasonable application of clearly established federal law." *Wiggins v. Smith*, 123 s.ct. at 2534-35.

The unreasonable application inquiry should ask whether the state court's application of clearly established federal law was objectively unreasonable.

The question under the AEDPA is not whether a federal court believes the state court's determination was incorrect but whether that determination was unreasonable—a substantially higher threshold. *Schriro v. Landrigan*, 127 s.ct. 1933, 1939 (2007).

Some increment of incorrectness beyond error is required. *McCumbridge v. Hall*, 303 F.3d 24, 36 (1<sup>st</sup> Cir. 2002) (en banc). The increment need not necessarily be great, but it must be great enough to make the decision unreasonable in the independent and objective judgment of the federal court. *Francis S. v. Stone*, 221 F.3d 100, 111 (2<sup>nd</sup> Cir. 2000).

Despite the foregoing analysis, the "objective unreasonableness" standard awaits definition by the Court in future cases.

The Supreme Court has made clear that AEDPA does not require a federal habeas court to adopt any one methodology in deciding the only question that matters under section 2254(d)(1)—whether a state court decision is contrary to, or involved an unreasonable application of, clearly established Federal law. *Lockyer v. Andrade*, 123 s.ct. 1166, 1172 (2003).

Acquiring relief from the federal courts in the current era is almost nonexistent. This is illustrated in FPLP Vol. 13, Issue 5/6, pg. 1-2 (A study conducted by Vanderbilt University) that "of 2,384 non-capital cases examined, only 7 petitioners won relief in the federal courts." Nonetheless, it is important that the petitioner stay abreast of current and developing case law when contemplating the pursuit summarized above. ■

## FDOC Lt. Sentenced To Life In Prison

by Melvin Pérez

A Marianna judge sentenced a former Liberty County lieutenant, Julian Jack Shiver, to life in prison on January 29, 2008.

Shiver was involved in a shooting that took place at Cottondale residence that left his wife dead, Lisa Shiver who worked at Calhoun CI.

Authorities say that Shiver knocked on the door of the residence and asked for his wife. A man later identified as Paul Barber Jr., who also worked at Calhoun CI, told him to leave. Shiver then kicked in the door, shot his wife in the head with a 9 millimeter and then turned and fired at Barber.

Thereafter, Barber ran and got a shotgun and fired back, shooting Shiver twice in the torso. Barber then called 911 and emergency workers arrived at the scene which found Shiver and his wife on the floor. Shiver's wife died in a Dothan hospital six days later.

Shiver waived his right to trial, after admitting he shot his wife and Barber, then entered a guilty plea. The charges included second degree murder, attempted second degree murder, burglary while armed with a firearm, and shooting into an occupied dwelling.

Before sentencing Shiver, the judge addressed him and stated: "[t]he bottom line, by pleading guilty to the charge of second degree murder, which is a first degree felony punishable by life since a fire arm was used, you would serve a natural life term, do you understand that?" Shiver replied "[y]es, sir." In Florida, life means life, said Judge Grammer from the office of the State Attorney.

Bob Sombathy, Shiver's attorney, requested that his client be allowed to serve his time in federal prison instead of having to serve time in the same system he worked for as an officer. The case would be reviewed, said the judge. ■

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## Soy Patties, Reduced Calories for Florida

### Prisoners

by Teresa Burns Posey

During March '08 as the Legislature went into session and talk about big budget cuts in Florida state government increased, becoming the theme of the

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session, Aramark Corporation, a private for-profit company which has had a contract to feed the majority of state prisoners since 2001, chimed in on how to save taxpayers money—feed prisoners veggie burgers and fake chicken nuggets.

Aramark, which has a \$70 million-per-year three year contract with the state, proposed a variety of what it claimed were cost-cutting measures to help the state deal with an expected \$2.7 billion budget shortfall next year. Trinity Food Services, Aramark's competitor in prison food service vending, also has a contract with the Florida Department of Corrections. Trinity gets \$25 million per year. Together the two private for-profit companies feed all of Florida's 96,000+ state prisoners.

Aramark's "altruistic" suggestions came shortly after calls were made for an investigation into the company's contract with the state (see related story in this issue of *FPLP*) and in apparent response to word that state legislators were discussing various ideas on ways to cut the FDOC's budget, including reducing the amount of food/calories that prisoners are being fed.

Sen. Victor Crist (R-Tampa) (who claims no relation to Gov. Charlie "Chain-gang" Crist), the Senate's powerful chairman of the criminal and civil justice appropriations committee, was the first to raise the idea to cut the amount of calories that prisoners are fed. He said that 3,200 calories a day is too much.

But former FDOC Secretary Jim McDonough strongly objected to such an idea shortly before he left office in February. He called it "absurd" in a letter to Crist and other lawmakers. That's because prisoners are required to perform some sort of labor, such as work squads, unless they have a medical excuse.

Current Secretary Walter McNeil also expressed his opposition to cutting prisoners' food, saying that a calorie-cut should be the last resort. An FDOC spokesperson said that, "Secretary McNeil will not compromise the basic nutritional needs of our inmates, nor the quality of the food served." Prison officials also expressed concern that reducing prisoners' diets could lead to violence in the prisons.

However, Aramark appeared to be unconcerned with such objections in its eagerness to pander to "get tough" ideologies in the Legislature and in a possible effort to avoid an investigation into its lucrative contract to feed prisoners. Aramark proposed cutting the daily calorie intake over 30 percent to 2,100 per day. Aramark told legislators that such a move could save taxpayers \$15 million a year.

Even Victor Crist wasn't willing to go that far, but he did suggest a cut to 2,700 calories a day, saying that most states are giving prisoners 2,700 calories and that's what nutritionists recommend.

In actual fact, the average daily caloric intake for male prisoners is about 3,000. Texas, at the low end, gives 2,400 to 2,700. Arkansas, on the high end, provides 3,000

to 3,500. And Florida is actually providing between 2,900 and 3,100, depending on Aramark's unauthorized manipulation of the menu it is suppose to be following.

And contrary to Crist's assertions, dieticians say that the healthy weight of a 37-year-old male—the average age of Florida prisoners—who is 5 feet 9 inches tall is 160 pounds. To maintain that weight with daily living activities, and just one hour of exercise or labor, requires 2,937 calories a day. And more calories are needed, if exercise or labor increases beyond that.

Yet, under pressure to accommodate ideas at least, in March DOC officials bit into veggie burgers and imitation chicken nuggets supplied by Aramark and suggested as replacements for higher-cost, grain-fed products such as hamburgers.

Two thumbs up, DOC officials gave the veggie burger, a big thumb down on the fake chicken nuggets.

"I heard the soy burgers tasted better" than hamburgers, which are greasy because of the low-quality beef from which they are made," said Sen. Crist. But, he cautioned, don't do away with the "chicken tenders" which are "the favorites" of prisoners, he said.

Apparently someone was stretching the truth to influence Sen. Crist. The only hamburgers Florida prisoners have been receiving 3 or 4 times a month have been made from good quality beef, and baked, not fried. And prisoners have never been fed "chicken tenders." The only chicken they receive is an occasional piece of baked chicken that is often undercooked in the Aramark-run kitchens and that frequently has been the direct cause of food poisoning outbreaks in Florida's prisons over the years. Many prisoners won't eat the chicken for fear of getting sick.

Whether Florida prisoners will be deprived of food and calories in order for the private food service companies to boost their profits or to shave money from the FDOC's budget remains to be seen. However, with the economy going in the direction it is and with Florida having to cut its budget, not only this year but for the foreseeable future, it can be expected that conditions in the prisons are going to suffer. ■

## Union/Activists Call for Investigation of Aramark's Florida Prison Contract

In February '08 the Campaign for Quality Services, a joint project of the Service Employees International Union (SEIU) and UNITE HERE, held a rally in Miami where labor, elected and community leaders, and prison activists, including representatives from Florida Prisoners' Legal Aid Organization, Inc. (FPLAO), called for an

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investigation of the Aramark Corporation's food service contract with the Florida Department of Corrections.

The coalition is calling for a state investigation of Aramark's past and current conduct in Florida prisons, especially concerning the gap between meals served and meals billed for, savings to the company from changing the approved menu, and hiring of any state official who approved menu changes.

The coalition says that Aramark should return to the state millions of dollars the private for-profit company made through serving reduced quality food to prisoners and through the resultant drop of over 8 percent in prisoners showing up to eat in the Aramark-run chow halls between 2001 (when Aramark got the contract to feed the majority of Florida state prisoners) and 2007.

The coalitions also called on the state to re-bid Aramark's contract and replace it with a contract (and another company) that maintains stable facility conditions, ensures that savings are passed along to taxpayers, and removes incentives to reduce food quality and nutrition in order to increase profits. Specifically, this would include contractors being paid based on meals actually served rather than the prisoner population, regardless of whether they eat a meal or not, as the Aramark contract has provided.

A spokesperson for Aramark responded to the coalition's call for an investigation saying, "The charges they level about our business in Florida have been proven to be baseless." In support of that claim Aramark points out that the FDOC is still a client, which would not be the case if Aramark wasn't providing top quality, best-value service. In a recent survey, the department scored Aramark very highly when asked if it would hire the company again. However, no explanation was given by Aramark as to why the FDOC suddenly terminated Aramark's contract for the FDOC's Region II and gave it to a competing company, Trinity Food Services, in October 2007.

Aramark's spokesperson also complained that the unions failed to take into account that as part of the accreditation process Aramark is routinely inspected by the American Correctional Association (ACA) and others who require that good meals be served to prisoners. "We couldn't pass these inspections with the incredibly high marks we routinely receive if we didn't," said the spokesperson. Not mentioned was that Aramark always receives advance warning when the ACA is going to inspect a Florida prison, giving it time to clean up the kitchens and prepare better meals that follow the FDOC menus while inspectors are there.

According to one prisoner, Mike C., who recently served several years at Sumter Correctional Institution located in Central Florida, "Aramark has been one of the worse things to happen to the Florida prison system in recent years. When they first took over the food was okay for about six months, after that it got worse. Aramark

constantly doesn't follow the menu or recipes, serves poor quality, poorly prepared food and the sanitation is atrocious. At Sumter the food trays stayed filthy and in the summer you couldn't eat for trying to fight swarms of flies. Guys who could mostly ate out of the canteen, not very healthy, but it beat cabbage and the turkey scrap meat that Aramark uses for everything. Of course, the less Aramark feed the more profit it makes. Something's wrong with that picture."

Aramark claims that since 2001, when former Gov. Jeb Bush ordered the FDOC to give Aramark the contract to feed 90 percent of the state's prisoners, that it has saved Florida taxpayers over \$100 million. Critics say the reality is such savings are smoke, that the starchy, poor quality Aramark food has and will continue to increase medical costs for prisoners, especially with prisoners serving longer terms.

It could be worse for prisoners. There has been some talk about the FDOC taking over food service again. There would go the fruit juices, fresh fruits, fairly fresh salads, and very likely a return to even worse food preparation and sanitation and possible wholesale theft of food by FDOC employees, as was the situation before the food service was privatized. ■

## Land of the Imprisoned

According to a new report released Feb. 28, 2008, by the Pew Center on the States, for the first time in US history, more than one of every 100 adults in America are in prison or jail. Whether per capita or in raw numbers, it is more than any other country in the world, making the US the world's No. 1 incarcerator of its own citizens, the report states.

Using state-by-state data, the Pew researchers found that at the start of 2008 there were 2,319,258 Americans in jail or prison. To incarcerate so many, the 50 states spent over \$49 billion on corrections last year, that's up from less than \$11 billion 20 years ago, states the report.

The report shows how the prison population increased in 36 states and the federal prison system last year. The report singled out Florida to use as an example "case study in growth." Florida is expected to have 99,000 people in its prisons by the end of June this year (it currently has 96,000 in March). Only Oregon spent a larger share of its general revenue on incarceration, the report says.

The report was compiled by the Pew Center's Public Safety Performance Project, which is working with 13 states to divert offenders from prison without jeopardizing public safety.

In related news: In mid-March the US State Department released its usual annual human-rights report that, ironically, condemned Russia, Burma and China for arbitrarily imprisoning too many of their citizens.

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Shortly thereafter, China released its own report on human-rights violations in the US. The report cited the US government's own statistics showing that violent crime, particularly gun deaths, increased in the US last year. It also criticized the high rates of incarceration in the US (which is, per capita, six times that of China), infant mortality, and uninsured families.

### Crotzer Awarded \$1.25 Million

On April 3, 2008, the Florida Senate approved paying Alan Crotzer \$1.25 million for the 24 years that he spent in Florida's prisons for a double rape that he was wrongfully convicted of committing. The Senate voted unanimously for the compensation bill that had already been approved by the House. Gov. Crist said he looks forward to signing the bill into law, finalizing Crotzer's receipt of the compensation.

Crotzer, 47, was convicted in 1982 for allegedly abducting and raping two women from a Tampa home,

despite a lengthy list of evidence that tended to show that he couldn't have committed the crimes. The conviction stood for 24 years until DNA testing proved he didn't do it and he was freed in 2006.

Crotzer is one of nine men in Florida who have now been exonerated by DNA testing. Eight of them were freed, while one died in prison just before the testing proved his innocence.

In addition to the \$1.25 million, Crotzer will also receive free tuition to take classes at a state university, college or career center, if he wants it. He earned his GED while in prison. The monetary compensation that he will receive amounts to about \$137 for every day that he spent in prison.

"Justice can prevail," Crotzer said after hearing the Senate's action. "They showed they can have integrity." ■

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## POST CONVICTION CORNER



by Loren Rhoton, Esq.

My articles usually focus on specific issues relating to postconviction cases. One of the main areas that arise in postconviction cases relates to ineffective assistance of trial counsel. The right of an accused to counsel is beyond question a fundamental right. See, e.g., Gideon v. Wainwright, 372 U.S. at 344, 83 S.Ct. 792, ("The right of one charged with a crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."). Without counsel the right to a fair trial itself would be of little consequence. United States v. Ash, 413 U.S. 300 (1973); for it is through counsel that the accused secures his other rights. Maine v. Moulton, 474 U.S. 159 (1985); See also: Schaefer, Federalism and State Criminal Procedure, 70 Harv.L.Rev. 1,8 (1956); ("of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have."). It is well entrenched that this right to counsel is the right to effective assistance of counsel. Evitts v. Lucey, 469 U.S. 387 (1985); Strickland v. Washington, 466 U.S. 668 (1984). In this article, instead of focusing in depth on just one issue, I would like to give a list of potential ineffectiveness of counsel issues with cites to relevant cases.

As with all of my articles, I recommend that the cases which are cited are checked by the reader to make sure that they are applicable to your particular case. With that being said, here is a list of some potential ineffectiveness of counsel issues:

**-Counsel's Conflict of Interests-** Lee v. State, 690 So.2d 664 (Fla. 1st DCA 1997); Cuyler v. Sullivan, 446 U.S. 335 (1980) [An actual conflict of interest on the part of trial counsel can impair the performance of a lawyer and ultimately result in a finding that the defendant did not receive effective assistance of counsel]. State v. Coney, 845 So.2d 120, 133 (Fla.,2003) [Once a defendant satisfies both prongs of the *Cuyler* test, prejudice is presumed and the defendant is entitled to relief]. Alessi v. State, 969 So.2d 430 (Fla. 5<sup>th</sup> DCA 2007) [Gives in depth analysis to the conflict question and addresses the type of conflicts which Florida has recognized under Cuyler v. Sullivan analysis].

**-Counsel Conceding Client's Guilt-** Although an attorney has the right to

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make tactical decisions regarding trial strategy, the determination to plead guilty or not guilty in a criminal matter is a matter which is left completely to the defendant. Nixon v. Singletary, 758 So.2d 618 (Fla. 2000). The Due Process Clause of the United States Constitution does not permit an attorney to admit facts at trial that amount to a guilty plea without the client's consent. Brookhart v. Janis, 384 U.S. 1 (1966). The constitutional right of a criminal defendant to plead not guilty entails the obligation of his attorney to structure the trial of the case around his client's plea. Wiley v. Sowders, 647 F.2d 642 (6<sup>th</sup> Cir., 1981). And, where defense counsel admits guilt without his client's consent, and thereby fails to subject the prosecution's case to meaningful adversarial testing, such a defendant is denied of his right to effective assistance of counsel and prejudice to said defendant is presumed. Nixon v. Singletary, 758 So.2d 618 (Fla. 2000).

**-Counsel's Failure to Move to Suppress Physical Evidence-** A trial attorney's failure to move to suppress evidence against a defendant can constitute ineffective assistance of counsel. Kimmelman v. Morrison, 477 U.S. 365, 91 L.Ed. 2d 305, 106 S.Ct. 2574 (1986).

**-Counsel's Failure to Move to Suppress Confession-** Jenrette v. State, 761 So.2d 414 (Fla. 2<sup>nd</sup> DCA 2000) [Postconviction claim that counsel was ineffective in failing to move to suppress defendant's confession was facially sufficient where defendant stated that he advised counsel that his confession was made while he was in custody but before he was advised of *Miranda* rights and that he would not have pled guilty to the charge if his counsel had moved to suppress said confession]. Stancle v. State, 917 So.2d 911 (Fla. 4<sup>th</sup> DCA 2005) [When a defendant alleges that his attorney was ineffective for failing to move to suppress a confession based upon faulty *Miranda* warnings, such an allegation states a facially sufficient claim of ineffectiveness of counsel].

**-Involuntary Plea Due to Misadvice of Counsel-** A guilty plea is not voluntary or intelligent if advice given by defense counsel, and on which a defendant relies in entering a plea, falls below a level of reasonable competence such that the defendant does not receive effective assistance of counsel. U.S. v. Loughery, 908 F.2d 1014 (D.C. Cir. 1990). The misadvice of an attorney, in the plea context, as to how long the defendant will have to actually serve on a sentence can constitute ineffective assistance of counsel. Garmon v. Lockhart, 938 F.2d 120 (8<sup>th</sup> Cir. 1991). A defendant's guilty

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plea is considered involuntary if it is induced by a defense counsel's promise which is not kept, and a defendant may withdraw his plea if he was misled and induced to plead by his counsel's mistaken advice. Ricardo v. State, 647 So.2d 287 (Fla. 2<sup>nd</sup> DCA 1994).

**-Cumulative Impact of Defense Attorney's Deficiencies-** The cumulative impact of a defense attorney's deficiencies at trial can prejudice a defendant and thus deprive him of his Sixth Amendment right to effective assistance of counsel. Harris by and through Ramseyer v. Wood, 64 F.3d 1432 (9th Cir. 1995); see also, Mak v. Blodgett, 970 F.2d 614 (9th Cir. 1992). ["...significant errors occurred that, considered cumulatively, compel affirmance of the district court's grant of habeas corpus as to the sentence of death."]; see also, Cooper v. Fitzsimmons, 586 F.2d 1325 (9th Cir. 1972) ["prejudice may result from cumulative impact of multiple deficiencies."]. This is so even where no single error of omission of the counsel, standing alone, significantly impairs the defense. Ewing v. Williams, 596 F.2d 391 (9th Cir. 1979). See also, Henry v. State, 652 So.2d 1263 (4th DCA 1995).

**-Counsel's Failure to Present Mitigation Evidence at Sentencing-** Asay v. State, 769 So.2d 974 (Fla. 2000) [counsel may be ineffective for failing to investigate mitigating circumstances where substantial mitigating evidence could have been presented]; Reed v. State, 795 So.2d 140 (Fla. 5<sup>th</sup> DCA. 2001) [petitioner's claim for ineffective assistance of counsel based on counsel's failure to investigate and present mitigating evidence prior to sentencing was facially sufficient, and thus he was entitled to hearing on petition, where petitioner had history of medical and psychological problems, petitioner alleged he was released from mental health facility after suicide attempt day before committing burglary, assault, and grand theft, and petitioner's guilty plea allowed for possibility of lesser sentence if mitigating evidence were presented]; and, Williams v. State, 529 U.S. 362 (2000) [ineffectiveness of counsel demonstrated where defense counsel failed to present substantial mitigating evidence at sentencing and where, but for counsel's errors, there was a reasonable probability that the outcome of the sentencing would have been different].

The above examples are but a few of the available issues relating to ineffective assistance of counsel. It is in no way exhaustive. If any of the above issues look like they may be applicable to a particular case, it is recommended

that further legal research should be conducted. The examples are merely instructive and hopefully may have enlightened some of my readers as to potential issues which may be available. Nevertheless, this article may be a good starting point for investigating issues for a postconviction motion. In the future, I will endeavor to list additional issues which may be pertinent.

*Loren Rhoton is a member in good standing with the Florida Bar and a member of the Florida Bar Appellate Practice Section. Mr. Rhoton practices almost exclusively in the postconviction/appellate area of the law, both at the State and Federal Level. He has assisted hundreds of incarcerated persons with their cases and has numerous written appellate opinions. ■*

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# NEWS IN BRIEF

**AR-** Officials are planning to open a high-security penitentiary after a study released on January 24, 2008. The penitentiary would be at the Federal Correctional Complex-Forrest City where the Federal Bureau of Prisons already operates three prisons that house about 4,000 prisoners. The new facility could add about 1,000 prisoners.

**CA-** On January 10, 2008, Gov. Arnold Schwarzenegger released his state budget proposal that would begin in July 2008. One proposal calls for the early release of 22,000 prisoners.

**CA-** On January 1, 2008, Sara Jane Moore, 77, was paroled from a federal prison near San Francisco. No details were offered by prison officials for paroling her. Moore was convicted and sentenced to life in prison for an assassination attempt on President Gerald Ford on Sept. 22, 1975. Moore served 32 years in prison before being paroled.

**CO-** Police released a statement on January 27, 2008, that Diago Olmos-Alcalde, 38, had been arrested after a DNA match on a 1997 rape, murder, and kidnapping. Alcalde was a Wyoming prison parolee at the time of his arrest.

**CO-** Jessica Duran filed a lawsuit against Mesa County officials on January 16, 2008, claiming that her privacy and civil rights were violated. Duran argues that guards passed around nude photos of her she sent to her husband while he was incarcerated at the jail. And as a result, she suffered emotional distress and humiliation. Jail officials respond by arguing that they open

inmate mail only to catch contraband.

**DE-** The guardian and a 17 year old girl mistakenly released from the New Castle Detention Center turned themselves in on February 3, 2008. The guardian was asked by jail officials if she was a group home worker, when she replied she was, guards let her and the 17 year old go. Jail guards called authorities after a true group home worker arrived looking for the girl.

**DE-** Calvin Harmon, 44, escaped from DOC personnel on January 6, 2008, at the Beebe Medical Center where he was being treated for a medical condition. Officials say that Harmon was thought to be changing into hospital garb, however, he eluded staff.

**FL-** On February 13, 2008, four Hillsborough County sheriff's officers were suspended for purposely tipping a paralyzed man out of his wheelchair onto a jailhouse floor, said authorities. A surveillance footage taken on January 29, 2008 shows deputy Charlotte Marshall-Jones, 44, dumping Brian Sterner out of his wheelchair. Sterner was arrested on a warrant for a traffic violation. Three officers were placed on administrative leave pending an investigation, Jones was suspended without pay. The names of the three other officers were not released.

**FL-** Lake City officials arrested David Lee Sweet, 51, on January 30, 2008, while checking a business area because of recent burglaries. Sweet had escaped during the month of December 2007 from the Georgia DOC and was found hiding in the

woods near the Longhorn Saloon at about 3:30 a.m.

**FL-** In March '08 Tiffany Cole, 26, officially became the only person on Florida's female death row. Cole received the death penalty after being convicted of the robbery, kidnapping and murders of Reggie and Carol Sumner, both 61. The couple's bodies were found in a shallow grave across the border in Georgia in 2005. Three of the four people arrested in the case received the death penalty. Cole's boyfriend, Michael Jackson, and Alan Wade also received a death sentence. The fourth, Bruce Nixon, received 55 years in prison for testifying against the others. Cole is being housed at the Lowell CI annex where the female death row is located.

**FL-** As of April 20, '08, postcards are the only type of personal mail that prisoners in the Lee County, Florida, jail are allowed to receive. Pictures are required to be printed on postcards, if sent, and envelopes containing any other correspondence aren't allowed unless they contain legal correspondence. The new policy was enacted in response to a biohazard threat that locked down the Charlotte County Jail in February when a mail clerk fell ill after opening a letter containing a white powder substance. The Charlotte Co. Jail has not restricted prisoners mail following that incident, unlike neighboring Lee County. It is doubtful the Lee County restriction will last long, prisoners, especially those in jail awaiting trial, retain significant protections of First Amendment rights, and if not voluntarily lifted, the mail restriction will likely be challenged in court.

## Florida Prison Legal Perspectives

**FL-** A Miami state judge sentenced former Miami police officer, Michael Ragusa, 32, to 10 years in prison on February 12, 2008. The former police officer entered a guilty plea to rape and kidnapping charges. Ragusa was accused of sexually assaulting three women in Miami Beach, last year, while he was in uniform and in his patrol car.

**FL-** The Justice Equality Human Dignity Tolerance Foundation announced on February 12, 2008, that the former DOC secretary, Jim McDonough, had accepted a position with the New York-based foundation that promotes criminal justice reform. McDonough was named a senior fellow for the foundation. The foundation, which was created in 2000, has over \$1 million invested in projects in Florida, including mental health issues for people in the criminal justice system and juvenile justice reform.

**FL-** During the first week of February 2008, Tajuane Dubose, 19, a Duval County Jail inmate, was charged with a misdemeanor offense of violating jail rules. Jail officials say that Dubose was charged because of six disciplinary reports he received for disrespecting officials, disobeying orders, and damaging city property. Dubose is being held at the jail awaiting trial for a murder charge.

**FL-** On February 9, 2008, Kutana Woods was fired from the Juvenile Facility Youth Academy for unnecessarily intervening in a verbal de-escalating dispute between staff and a teenage inmate. Officials say that Woods used an unnecessary degree of force that caused the 16 year old inmate a broken shoulder. Woods was a mental health technician at the facility. The name of the 16 year old was not released.

**FL-** Two Columbia County Jail inmates, Anthony Ward, 34, and

Michael Chaumont, 33, are being charged with escape, battery on a law enforcement officer, and false imprisonment. The charges stem from an incident that took place on January 24, 2008. The two jail inmates tried to escape and four other inmates halted the escape. The names of the four inmates were not released. The four jail inmates were jail trustees. Officials say that at around 1:00 a.m., an officer went to another section to check on a disturbance, when the two inmates came up behind him and grabbed him in a bear hug. The two took the officer's keys, locked him in the dorm and tried to escape through a fire exit where they were stopped by the four trustees.

**FL-** On February 1, 2008, Shaun McFadden, 26, was arrested on two counts of misconduct with female inmates he transported. McFadden worked with the prisoner transport company Transcor. One of the inmates called authorities and notified them that McFadden had taken them to a hotel and had sex with the two. Jail officials say he picked up the two female inmates and told officials he was taking them to a local hospital because they hadn't been cleared medically for transport and needed physicals. Authorities located McFadden and a female inmate in the hotel room.

**GA-** On January 6, 2008, a former correctional officer, Michelle Robinson, was sentenced to three years probation. Authorities say that in July 2008, Robinson was caught having sex with a prisoner at the Coweta County Prison. She plead guilty to violating her oath of office to avoid sexual assault charges.

**GA-** David Yates, 42, the former Luthersville police chief, was sentenced to five years in prison after entering a guilty plea on February 14, 2008, to coercing sexual encounters with two women. One of

the women said she had sex with the former police chief after he promised leniency for her husband in a drunken-driving case. Prosecutors had initially charged Yates with rape.

**HI-** Gov. Lingle requested federal money to put up temporary tent-like structures on the Big Island, Maui, and Kauai in Hawaii, after lawmakers on the outlying islands opposed building a new permanent prison. This announcement was made on January 30, 2008, and came in an effort to ease prisoner overcrowding.

**IA-** A federal lawsuit was filed on January 31, 2008, by Lisa Lambert asserting that the Woodburg County Jail violated her constitutional rights for strip searching her. Lambert had been arrested on a simple misdemeanor domestic abuse and claimed that the strip search was demeaning, dehumanizing, and humiliating.

**IA-** DOC is beefing up security at the Oakdale prison officials announced on January 7, 2008. High-tech fences and outdoor lighting will be installed to prevent escapes at a cost of two million. Officials plan to complete construction by early summer 2008.

**IN-** A prisoner who spent more than two decades in prison for the murder of an 89 year old woman was exonerated on January 28, 2008, after a new DNA test. David Scott, 39, left the Vigo County Courthouse a free man after a judge ordered his release. Officials say that another man has been arrested for the murder.

**KY-** A former state police trooper, who in 2005 admitted that he forced an undercover informant to kiss him and tried to persuade a fellow state trooper to lie to a federal grand jury about the incident, was sentenced to 10 months in prison. Jason O'Bannon plead guilty on January 17, 2008, to

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witness tampering and violating the informant's civil rights.

**KY-** During the last week of January 2008, three former Grant County Jail guards plead not guilty to encouraging a group of inmates to rape another inmate who was 17 years old and cover it up. The three guards are Clinton Shawn Sydnor, Wesley Lanham, and Shawn Freeman. The charges against the three include conspiracy against rights and deprivation of rights under color of law.

**LA-** On December 30, 2007, police arrested one of six teens who had escaped two weeks prior from the Youth Study Center. Three of the teens were captured the same day, while two remained at large. In the last 15 months there have been three escapes at the Center.

**LA-** A prisoner who spent almost 26 years in prison for a rape he did not commit was released on January 15, 2008, based on DNA tests. Rickey Johnson, 52 had been arrested in 1982 and at the time DNA testing wasn't available.

**MD-** A prisoner who was receiving medical treatment at the Laurel Regional Hospital escaped after he overpowered guards. Officials say that Kelvin Poke, 45, briefly took a worker hostage before stealing two getaway cars on January 2, 2008. Poke made his way outside and shot out the window of a car, then drove away. Thirty miles away police found him and Poke tried to flee. Poke then got out of the car and opened fire on officers who shot back and killed him. The hostage was not seriously injured. Authorities gave no information as to where Poke was serving time.

**ME-** The York County Jail and the Maine Civil Liberties Union have settled a federal lawsuit filed by three inmates that were forced to clean up a bloody cell in 2006 without

safeguards. On February 26, 2008, the jail agreed it will no longer force inmates to clean up blood spills without proper training or protection.

**MO-** A prisoner at a St. Louis prison, Norman Lee Toler, filed a lawsuit on January 6, 2008, claiming his soul is at stake because he is Jewish and prison officials refused to serve him with kosher meals in prison. Officials argue that Toler was once labeled a white supremacist, was found with photos of Hitler, and has Nazi-inspired tattoos.

**MS-** In Feb. '08 a former guard at the federal prison in Yazoo County was sentenced to 25 months in prison himself for providing cigarettes to a prisoner for money. The former guard, Victor Dean, pleaded guilty in December to bringing five cartons of cigarettes to the prisoner for \$1,000 which was wired to a friend of Dean's.

**NC-** A prisoner trying to escape was killed by guards on January 22, 2008, at the Johnston Correctional Institution. Officials say that Adelino Nejera scaled two fences surrounding a paint plant and ignored several commands to stop before being shot. Nejera was serving a 10 year sentence for a second degree murder conviction in 2001.

**ND-** Jail inmates from the Rolette County Jail were moved to other facilities on January 9, 2008, after an inspection conducted during the month of December 2007. The inspection concluded that officers at the jail lacked training. Only one out of eight guards had completed the required 120 hour state training program.

**NE-** A Madison County Jail inmate, Emilio Paron, had his lawsuit dismissed on January 2, 2008, for failing to prove deliberate indifference to his health and safety. Paron had filed a civil rights

complaint against the county sheriff in 2005 for emotional injury claiming he found worms in his food prepared by the Aramark Company.

**NJ-** Union County Jail guards took 20 hours to notice that two inmates had escaped during the month of December 2007. One inmate was captured on January 8, 2008 in a basement apartment one mile away from the jail, while the second inmate was reported to be in custody the next day at Mexico City.

**NJ-** A Middlesex County Jail inmate who tried to escape on January 19, 2008, will be charged with escape, said authorities. Timothy Petties, 20, was unable to leave the jail. Officials say that Petties crawled into the ventilation system where he stayed for two days. Jail guards found him using a thermal imaging camera that detected his body heat.

**NM-** Officials charged Tom Havel, 54, who was the head of the San Juan County Detention Center, with kidnapping, aggravated battery, and intimidation of a witness. The charges were brought against him on January 15, 2008. Authorities say Havel beat his wife and held her against her will. Havel was placed on paid leave pending the outcome of the charges.

**NM-** The Bernalillo County Metropolitan Detention Center decided on January 10, 2008, not to accept prisoners who have committed technical parole violations. This move came in an effort to cut cost and make space. Officials claim that technical parole violators are the responsibility of the facility that released them.

**NV-** Prisoners will be transferred to other prisons from the 500-bed Southern Nevada Correctional Center announced the head of DOC on January 15, 2008. This will take place in July 2008 and is part of a plan to cut prison spending by \$25

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million. The director said that this closure will save \$11.5 million.

**NV-** During the first week of January 2008, legislation was enacted to try to reduce prison overcrowding. David Smith, a member of the State Parole Board, said that 1,600 prisoners will be eligible for parole hearings in February. This number is more than double the hearings held monthly for parole eligible prisoners.

**NV-** In a jail that has a capacity of about 2,800 inmates, with an average of two fights a day, TV helps calm the angry masses, said the *Las Vegas Sun*. The Sun reported on the Clark County Detention Center during the second week of January 2008. The jail is about 700 inmates over capacity, however, gangs and rivals are able to sit together nicely and it keeps their mind occupied, reported the Sun.

**NV-** On February 28, 2008, a former Clark County Jail inmate, Daimon Hoyt, 42, pleaded not guilty to charges of trying to hire a hit man to kill the judge assigned to his case, the prosecutor, and a police detective. Officials say that Hoyt offered to pay a fellow jail inmate \$10,000 for each killing.

**OH-** After Major Frank Jackson pledged to crack down on officer misconduct in 2006, more police officers and jail guards were disciplined in 2007 than in the last seven years, said a report released on December 30, 2007 by *The Plain Dealer*. In 2007, 25 officers were given reprimand letters, retraining, and unpaid suspensions or were dismissed.

**OH-** DOC officials said on January 27, 2008, that they plan to add about 450 prisoners to two prisons in Dayton. This move came in an attempt to ease crowding at the Ohio Correctional Institution. These additions will bring both prisons to almost 150% capacity and half of the

cells will have double bunks. Officials say that 32 prisons designed for about 37,000 prisoners are holding almost 50,000 prisoners.

**OH-** A judge on February 27, 2008, sentenced Bobby Cutts to life in prison with a chance of parole after 57 years. Cutts was a former police officer who was charged with killing his pregnant lover, Jessie Davis, 26, and her fetus in June 2007. The former cop claimed that the murder was an accident during an argument. The jury spared Cutts of the death penalty.

**OK-** Authorities charged Custer County Sheriff Mike Burgess with coercing and bribing female prisoners so he could use them in a sex-slave operation run out of the county jail. Burgess resigned Apr. 16, '08, just as state prosecutors filed 35 felony charges against him, including 14 counts of second-degree rape, seven counts of forcible oral sodomy and five counts of bribery by a public official.

**OK-** The head of DOC, Justin Jones, announced on February 14, 2008, that prisons in Oklahoma had reached 98.6% of capacity one week prior. Jones called on lawmakers to provide funding to buy new private prison bed space.

**PR-** A Puerto Rico police officer, Edwin Davila Negron, 41, turned himself in on January 6, 2008, hours later after he shot and critically wounded his wife, Maribel Alvarez, 35, who was also an officer. The incident took place in the town of Nágua and came during an argument between the two in their home. Officials say that Negron used his service weapon in the shooting.

**PR-** On January 13, 2008, Carlos Ramos Santiago, 37, a Puerto Rico police officer, was arrested for killing his wife, Deborah Berrocales Lugo. Authorities say Santiago confessed killing Lugo with his

service weapon during an argument at their home. Lugo in recent years had made two domestic abuse complaints against the officer.

**PR-** A Puerto Rico DOC employee was found murdered on January 2, 2008, in the town of Toa Baja. Officials say that Ana Diaz Vázquez, 50, was found dead in the back of her Ford explorer with multiple stab wounds. Police are investigating a prisoner who did time where Vázquez worked who officials believe killed her. The former prisoner's name was not released.

**RI-** The DOC announced that on January 6, 2008, 20 prisoners at a minimum security prison at Cranston received disciplinary action for participating in an ultimate fighting contest. The prisoners claimed they were gathering in a dorm room to play chess, however, officers later noticed prisoners with bruises on their heads and knuckles.

**RI-** A jury acquitted Ernest Spaziano, a state prison correctional officer, of assaulting a prisoner on January 31, 2008. Spaziano had been charged with a misdemeanor charge of simple assault. The incident took place two years ago. Officials did not say where Spaziano worked nor gave the name of the prisoner assaulted.

**SC-** An undercover officer captured Terry Lowry, 59, who had escaped on January 15, 2008, from the Federal Correctional Institution in Estill. Officials say that Lowry was waiting for a friend of a friend to pick him up, when he inadvertently got into a truck with the undercover officer who had him under surveillance. His arrest took place five days after he escaped.

**UT-** After a prisoner escaped from a doctor's office that left a prison guard dead in June 2007, prison officials have been leading to more specialized treatments inside the state's prison system. During the



## Florida Prison Legal Perspectives

month of December 2007, state prisons began hemodialysis for five prisoners with kidney failure.

**UT-** In an effort to ward off lawsuits after being exonerated from a wrongful conviction, the state Senate approved a bill that would give an exonerated person the average salary of a state worker, now \$35,000 a year. The bill was approved on January 22, 2008, but a cap was included to pay only for a maximum of 15 years for a wrongful conviction.

**VA-** The chairman of the Virginia State Crime Commission said in a statement released on January 13, 2008, that the state must build one prison a year. According to the statement, the prison population is likely to grow about 6,700 in the next five years. This would bring the total prison population to about 44,700. A half-dozen major prison projects costing about \$300 million are in the works to accommodate the increase.

**VA-** State officials announced on February 27, 2008, that a \$62 million maximum-security center for behavior rehabilitation was opened for violent sex offenders. The facility will hold about 300 sexually violent people who have completed their prison sentence and were determined in civil-commitment proceedings to be public-safety risks.

**VI-** Elwood York, the head of the Virgin Islands' prison system resigned on December 30, 2007. His resignation ends a 10-year tenure during which the island was chastised by a federal court for neglecting mentally ill prisoners.

**VT-** Vermont state prisoners have filed a class-action lawsuit against the VT DOC claiming that a food called "Nutraloaf" is so disgusting it should be considered cruel and unusual punishment. The loaf, which is served to prisoners who have allegedly thrown their regular food

trays out of their cells or used the trays or utensils as weapons, is, according to prison officials, made out of bread, vegetables and powdered milk baked into a loaf. Prisoners, however, say the nasty, uneatable loaf is used for punishment and should therefore only be served after a formal hearing is held to determine if a prisoner actually committed an offense or whether guards were just lying to get them on the loaf. An attorney representing the prisoners, Seth Lipschutz, said, "Even in prison you get a little bit of due process."

**WI-** A prisoner, Stuart Ellanson, 38, who held a dental worker in a storage room for about 5 ½ hours at the Waupun Correctional Institution, was sentenced on January 14, 2008 to 15 years. Ellanson was already serving life before the incident took place. The dental worker was released unharmed.

**WI-** In remanding a case back to the lower court on January 29, 2008, the District One Court of Appeals held that Milwaukee County must compensate thousands of inmates who were held for days in poor conditions at its jail. The conditions include: overcrowding, sleeping on the floor next to urinals, and staying in bug-infested areas. The DCA will let the lower court determine the amount the inmates will be paid.

**WV-** DOC officials announced on January 16, 2008, that the prison cost has almost doubled in the last seven years. In 2000 the cost was \$71.7 million and in 2007 \$13.6 million. Officials say a 37% increase in the prison population and health care for prisoners eats up around 14% of the annual budget. Law makers have considered adding around \$15 million to the next fiscal year's budget.

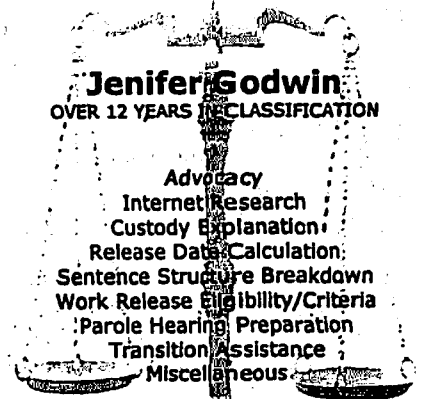
**WY-** On December 30, 2007, the state announced that a lawsuit filed by a former prisoner against the

state, who was a snitch, has been settled. The snitch filed a lawsuit claiming that he was beaten and sexually assaulted by another prisoner at the Rawlins State Prison. Moreover, he told prison officials he feared retaliation for snitching on his cousin, who was at the same prison, and officials housed them together while refusing to transfer him. The name of the snitch was not released and details about the settlement were being kept confidential

**WY-** Wyoming state paid \$350,000 to settle a lawsuit filed by a former prisoner who claimed that he had been sexually assaulted and beaten by another prisoner at the state prison. The WY attorney general and plaintiff's attorney had declined to release the payment amount. The AP had to file a public records request to obtain the information in Feb. See above WY article. ■

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Department of Corrections  
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850/245-6500  
[www.dos.state.fl.us](http://www.dos.state.fl.us)

*Websites contains all state agencies' rules (Florida Administrative Code) and "Florida Administrative Weekly" detailing current agency rulemaking info.*

Office of Executive Clemency  
(Parole Commission)  
2601 Blair Stone Rd.  
Bldg. C. Room 229  
Tallahassee, FL 32399-2450  
850/488-2952

Office of Vital Statistics  
PO Box 210  
Jacksonville, FL 32231-0042  
904/359-6900

*Maintains state birth/death certificates, etc.*

Parole Commission  
2601 Blair Stone Rd., Bldg. C  
Tallahassee, FL 32399-2450  
850/922-0000  
[www.fpc.state.fl.us](http://www.fpc.state.fl.us)

Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
850/413-6055  
[www.floridapsc.com](http://www.floridapsc.com)

*Regulates in-state utilities, including telephone services.*

Florida House of Representatives  
402 S. Monroe Street  
Tallahassee, FL 32399-1300  
850/488-1157 (Clerk)  
[www.flhouse.gov](http://www.flhouse.gov)

Florida Senate  
404 S. Monroe Street  
Tallahassee, FL 32399-1100  
850/487-5270 (Secretary)  
[www.flsenate.gov](http://www.flsenate.gov)

*Websites contain contact info for all state legislators; a copy of all current Florida laws (statutes); and bills that have been introduced in the Legislature and their history, including in many instances "staff analyses" valuable for understanding legislative intent.*

**FLORIDA**  
**Legal Aid / Advocacy Organizations**

Florida Prisoners' Legal Aid Org., Inc.  
PO Box 1069  
Marion NC 28752  
[www.floridaprisoners.net](http://www.floridaprisoners.net)  
[flplp@aol.com](mailto:flplp@aol.com)

*Services: Membership-based organization. Provides information advocacy to state prisoners and their families and advocates. Conducts grassroots organizing of prisoners' families and handles impact litigation concerning civil rights / administrative law affecting prisoners, their families and children. Publishes bi-monthly news journal; "Florida Prison Legal Perspectives."*

Florida Justice Institute  
2870 First Union Financial Ctr.  
200 S. Biscayne Blvd.  
Miami, FL 33131-2310  
305/358-2081  
Fax: 305/358-0910  
[www.FloridaLawHelp.com](http://www.FloridaLawHelp.com)

*Services: Handles civil rights litigation concerning jail / prison conditions. Makes referrals for damage / civil-rights cases. Prison advocacy, lobbying, develops strategies for alternatives to incarceration.*

Florida Institutional Legal Ser., Inc.  
1110-C NW 8<sup>th</sup> Street  
Gainesville, FL 32601  
352/955-2260  
Fax: 352/955-2189  
[www.criminaljusticeforum.com/Prison-Issues-Fites/FILS](http://www.criminaljusticeforum.com/Prison-Issues-Fites/FILS)

*Services: Legal assistances to Florida state prisoners. Post conviction assistance to three prisons only: FSP, UCI and FCI. Impact litigation: conditions of confinement, civil rights, medical, etc. Some individual services.*

JAG Incarcerated Services  
P.O. Box 386 (FPLP)  
Quincy, FL 32353

*Services: Provides assistance/advocacy on Florida DOC/Parole matters. Write for info on services and rates.*

**FLORIDA**  
**Attorneys**

Loren Rhoton, Attorney  
Rhoton & Hayman, P.A.

## Florida Prison Legal Perspectives

412 E. Madison St., Ste. 1111  
Tampa, FL 33602  
813/226-3138  
E-mail: [rhoton167@aol.com](mailto:rhoton167@aol.com)

*Specializes in Florida post conviction, direct appeals, sentence corrections, new trials, federal habeas corpus, 3.850, 3.800*

David W. Collins, Attorney  
PO Box 541  
Monticello, FL 32345  
850/997-8111

*Specializes in all area of post conviction relief, including, appeals, 3.850, 3.800 state-federal habeas corpus, parole hearings, clemency, etc.*

Daniel D. Mazar, Attorney  
2153 Lee Road  
Winter Park, FL 32789  
1-888-645-5352 (Toll free)  
407/645-5352  
407/645-3224 (Fax)

*Provides representation in Direct Appeals, Belated Appeals, 3.850 motions, 3.800 motions, State and Fed Habeas Corpus, Detainers, and other Post Conviction matters. Over 30 yrs. exp. In criminal law.*

Michael Ufferman, Attorney  
2022-1 Raymond Diehl Rd  
Tallahassee, FL 32308  
850/386-2345  
[www.uffermanlaw.com](http://www.uffermanlaw.com)

*Provides representation in State and Federal Criminal Post Conviction Motions. Payment plans available.*

*\*The hiring of an attorney is an important decision that should not be based solely upon advertisements. Before you decide, ask the attorney to send you free written information about their qualifications.*

### FLORIDA

#### Books/Publications/Journals

#### Legal

Continuing Legal Education Publications (CLE)

*CLE publications are produced by the Florida Bar in collaboration with*

*LexisNexis. These are excellent books covering Florida-specific legal topics, such as Administrative Law, Appellate Practice, Family Law, Legal Research Legal Writing, Trial Practice, Civil Law. Rules of Court, etc. To obtain more info and prices for available publications in the CLE series contact: LexisNexis, Attn: Order Fulfillment, 1275 Broadway, Albany, NY 12204 (Ph# 800/562-1197). Ask for Fla. Bar CLE Publication catalog.*

"Post Conviction Relief for the Florida Prisoner"

*A collection in book form of Tampa attorney Loren Rhoten's Postconviction Corner articles based on professional experience, to relevant rules of procedure. Price \$20. To order send money order, cashier's or inmate bank check to Loren Rhoten, Attorney (address listed in "Florida Attorneys" section above) or order online at [www.rhotonpostconviction.com](http://www.rhotonpostconviction.com)*

"2007 Government-in-the-Sunshine Manual"

*Manual covering Florida Sunshine Laws (open public meetings and records laws) published by The First Amendment Foundation. Price \$15.95 check or money order to: First Amendment Foundation, 336 E. College Ave., Ste 101, Tallahassee, FL 32301. Credit card orders call 850/224-4555 or order online at [www.floridafaf.org](http://www.floridafaf.org) Add 7.5% state sales tax to \$15.95 payment.*

### FLORIDA

#### Other Groups / Organizations

Citizens United for Alternatives to the Death Penalty  
177 N. US Hwy 1, Ste. B-297  
Tequesta, FL 33469

*Services: Grassroots organizing of people opposed to death penalty.*

Aleph Institute  
9540 Collins Ave.  
Surfside, FL 33154  
305/864-5553  
[www.aleph-institute.org](http://www.aleph-institute.org)  
[admin@aleph-institute.org](mailto:admin@aleph-institute.org)

*Services: Provides Jewish religious education, counseling, emergency*

*assistance and referrals to Jewish prisoners and their families.*

Kairos Outside  
140 N. Orange Ave., #180  
Winter Park, FL 32789  
407/629-4948  
[www.kiarosprisonministry.org](http://www.kiarosprisonministry.org)  
[kairosjo@aol.com](mailto:kairosjo@aol.com)

*Services: Provides mentoring, religious ministry, family reunification support and weekend retreats for female adults with incarcerated loved ones.*

Prison Connection, Inc.  
1859 Polo Lake Dr. East  
Wellington, FL 33414  
888/218-8464  
[www.theprisonconnection.com](http://www.theprisonconnection.com)  
[seeacon@aol.com](mailto:seeacon@aol.com)

#### NATIONAL Newsletters/Journals

California Prison Focus  
2940 16<sup>th</sup> Street, Ste. B5  
San Francisco, CA 94103  
[www.prisons.org](http://www.prisons.org)

*Quarterly news journal reports on issues/conditions in CA SHU prisons. Some national info. Prisoners \$4 per yr., all others \$20. Sample copy \$1.*

FAMMGram  
1612 K. St., NW, Ste. 1400  
Washington, DC 20006  
[www.famm.org](http://www.famm.org)

*Quarterly news journal focused on fight against mandatory minimum prison sentences. Published by Families Against Mandatory Minimums - a National organization. Prisoners \$10 individuals \$25, professionals \$50. Membership-based organization.*

Fortune News  
53 W. 23<sup>rd</sup> St., 8<sup>th</sup> Floor  
New York, NY 10010  
[www.fortunesociety.org](http://www.fortunesociety.org)

*Quarterly magazine of the Fortune society carrying wide variety of articles and info about prisons, prisoners, criminal justice, rehabilitation, etc. Free to prisoners.*

## Florida Prison Legal Perspectives

Hepatitis C Awareness News  
PO Box 41803  
Eugene, OR 97404

*Bi-monthly newsletter published by hepatitis C Prison Coalition with news and info about Hep C and HIV/HCV. Free upon request, but stamp donations needed and welcomed.*

Justice Matters  
PO Box 40085  
Portland, OR 97240-0085

*Quarterly newsletter published by the Western Prison Project. Prisoners \$7 per year, \$15 all others. Good resource info.*

Prison Legal News  
2400 NW 80<sup>th</sup> St. #148  
Seattle, WA 98117  
Web site: [www.prisonlegalnews.org](http://www.prisonlegalnews.org)

*Monthly journal carries summaries and analysis of recent prisoner rights cases, self-help litigation articles, prison-related news. Prisoners \$18 per year, \$25 others. Sample copy \$1.*

Nolo News  
50 Parker St.  
Berkeley, CA 94710

*Quarterly self-help newsletter covers (non-prison) civil litigation issues. Two-year subscription \$12.*

Upendra Dasa  
P.O. Box 9116  
Boise, ID 83707-9116

*Free materials on Krishna Consciousness*

Liberation Prison Project  
P.O. Box 31527  
San Francisco, CA 94131

*Offers Buddhist materials*

Human Kindness Foundation  
P.O. Box 61619  
Durham, NC 27715

*Free interfaith spiritual books and newsletter.*

Coalition for Prisoners Rights Newsletter  
P.O. Box 1911  
Santa Fe, NM 87504

*Prison-related newsletter published monthly. Free to prisoners and their families, all others \$12 per yr. Donations/stamps appreciated to help with publishing/ mailing.*

### NATIONAL Book Projects

The following sources provide free books to prisoners. However, these projects rely on volunteers and donations to operate. Whenever possible, prisoners should help these projects when requesting free books by sending a few stamps for postage. Requests for specific books can rarely be honored, instead, request books by type, e.g. mystery, legal, historical, novel, etc. Requests are usually limited to 2 or 3 books at a time.

Books Through Bars  
4722 Baltimore Ave.  
Philadelphia, PA 19143-3503

Prison Book Program  
c/o Lucy Parsons Ctr. & Bookstore  
1306 Hancock St., Ste 100  
Quincy, MA 02169

Prison Book Project  
PO Box 396  
Amherst, MA 01004-0396

Prison Book Project  
P.O. Box 1146  
Sharpes, FL 32959

Subterranean Prison Books  
9 E. Gregory  
Pensacola, FL 32501

Wayward Council Books  
Gainesville Books for Prisoners  
P.O. Box 12164  
Gainesville, FL 32604

Books 4 Prisoners  
c/o Groundwork's Books  
0323 Student Center  
La Jolla, CA 92037

Book 'em  
P.O. Box 71357  
Pittsburg, PA 15213

MEP  
P.O. Box 5311  
Madison, WI 53705

DC Prisoners Book Project  
P.O. Box 5206  
Hyattsville, MD 20782

Bound Together Bookstore  
Prison Literature Project  
1369 Haight St.  
San Francisco, CA 94117

### NATIONAL Resource Lists

"ACLU Prisoner Assistance Directory"  
*(Florida prisoners see Volume 4 of "Prisoners and the Law" in major institutions' law library - contains above directory.)*

"Resource Directory for Prisoners"  
Naljor Prison Dharma Service  
PQ Box 7417  
Boulder, CO 80304  
[www.naljor.com](http://www.naljor.com)  
*(Directory can be printed off website for free.)*

"National Prisoner Resource List"  
*available free from:*  
Prison Book Program  
1306 Hancock St, Ste 100  
Quincy, MA 02169

"Resource and Organizing Guide"  
*available from:*  
Prison activist Resource Center  
PO Box 339  
Berkeley, CA 94701  
*(Donation/stamps requested to help offset printing/ mailing costs.)*

"Directory of Programs Serving Families of Adult Offenders"  
*available free from:*  
National Institute of Corrections  
Information Center  
1860 Industrial Circle, Ste. A  
Longmont, CO 80501

### NATIONAL Groups/Organizations

The Sentencing Project

## Florida Prison Legal Perspectives

918 F. St., NW, Ste. 501  
Washington, DC 20004  
202/ 628-0871

*Services: Provides technical assistance to develop alternative sentencing programs and conducts research on criminal justice issues. No direct services to prisoners.*

Stop Prisoner Rape  
3325 Wilshire Blvd., Ste. 340  
Los Angeles, CA 90010  
[www.spr.org](http://www.spr.org)

*SPR works to end sexual violence against prisoners. Counseling resource guides for prisoners and released rape victims and advocates are available for: AL, AZ, CA, CO, FL, GA, IL, LA, OK, OR, MI, MS, NC, NY, TX, WI or nationwide. Specify state with request.*

Amnesty International, USA  
322 Eighth Ave.  
New York, NY 10001  
[www.amnesty.org](http://www.amnesty.org)

*AI is an independent, international organization that works to protect human rights.*

CURE (Citizens United for  
Rehabilitation of Errants)  
National Capitol Station  
PO Box 3210  
Washington, DC 20013  
202/ 789-2126  
[www.curenational.org](http://www.curenational.org)

*Services: Organizes prisoners and their families to work for criminal justice reform. Many state chapters.*

National Death Row Assistance  
Network of CURE  
Claudia Whitman  
6 Tolman Rd.  
Peaks Island, ME 04108  
[www.ndran.org](http://www.ndran.org)

*NDRAN is a new CURE project formed to help death row prisoners across U.S. gain access to legal, financial and community support and to assist prisoners' efforts to act as self-advocates.*

National Clemency Project (FPLP)  
8624 Camp Columbus Rd.  
Hixson, TX 37343

[www.nationalclemencyproject.com](http://www.nationalclemencyproject.com)

Criminon  
P.O. Box 7727 (FPLP)  
Clearwater, FL 33758

*Provides free self-help courses.*

Vietnam Veterans of America  
8605 Cameron St., Ste 400  
Silver Spring, MD 20910  
[www.vva.org](http://www.vva.org)

*Publishes "From Felon to Freedom" a pre-release guide for imprisoned veterans. Write for more info.*

Salvation Army  
P.O. Box 269  
Alexandria, VA 22313

*Has parole/probation programs in almost every major city. Write for info.*

Correct HELP  
P.O. Box 46267  
West Hollywood, CA 90046  
HIV Hotline 323/822-3838

*Provides info related to HIV. Contact if you can't access programs or are not receiving proper medication.*

### NATIONAL Services

Let My Fingers Do Your Typing  
PO Box 4178-FPLP  
Winter Park, FL 32793-4178

*Services: Professional typing services by mail. Computer, typewriter, transcription, black/color printing and photocopying. Free price list upon request. Special rates for prisoners.*

Center for Constitutional Rights  
666 Broadway  
New York, NY 10012  
[www.jailhouselaw.org](http://www.jailhouselaw.org)

*CCR is one of the organizations that cooperates to produce the "Jailhouse Lawyer's Manual." Copies of the manual are provided to prisoners at no charge. The JLM can also be downloaded and*

*printed from the above website at no cost.*

Grant Publications  
Alice S. Grant  
P.O. Box 28812  
Greenfield, WI 53228-0812

*Discount magazine subscription service for prisoners. Send SASE for price list.*

Sun Subscriptions  
915 Densmore Dr.  
Winter Park, FL 32792

*Discount magazine subscription service. Write for price list.*

*[When contacting the above discount magazine services, please let them know that you learned about them in Florida Prison Legal Perspectives.]*

### INTERNET RESOURCES

Information on the Internet is available to prisoners with family or friends on the outside with online access who will print and mail material in. The amount of info on the 'Net' is tremendous. Info on almost any subject can be found online. The following lists some websites that may be useful for info.

#### Legal/Legislative

##### General

[www.lawcrawler.com](http://www.lawcrawler.com)  
*Searches government and other sites for law.*

[www.nolo.com](http://www.nolo.com)  
*Provides some general legal info and sells books on wide variety of legal topics useful to the public.*

[www.findlaw.com](http://www.findlaw.com)  
*Good site for searching out federal and state law.*

[www.washlaw.edu](http://www.washlaw.edu)  
*Legal search engine for locating primary legal sources at the federal and state levels.*

[www.prisonactivists.org](http://www.prisonactivists.org)

## Florida Prison Legal Perspectives

Provides wide variety of prison-related info. Includes large "Link" section to many other related legal and nonlegal websites.

[www.martindale.com](http://www.martindale.com)

Provides info on lawyers nationwide, including contact info, area of practice, how long, etc.

### Federal

[www.thomas.loc.gov](http://www.thomas.loc.gov)

Source for federal legislative material.

[www.uscourts.gov](http://www.uscourts.gov)

Links and information about U.S. Supreme and other federal courts.

[www.call.uscourts.gov](http://www.call.uscourts.gov)

Eleventh Circuit Court of Appeal website.

[www.flnd.uscourts.gov](http://www.flnd.uscourts.gov)

U.S. District Court, Northern District of Florida website.

[www.flmd.uscourts.gov](http://www.flmd.uscourts.gov)

U.S. District Court, Middle District of Florida website.

[www.flsd.uscourts.gov](http://www.flsd.uscourts.gov)

U.S. District Court, Southern District of Florida website.

### Florida

[www.myflorida.com](http://www.myflorida.com)

Links to state agency and government offices' websites.

[www.flsenate.gov](http://www.flsenate.gov)

[www.flhouse.gov](http://www.flhouse.gov)

Florida Legislature's websites. Provides directory of state legislators; complete Florida statutes (laws); Senate and House bills, bill histories and analyses.

[www.flcourts.org](http://www.flcourts.org)

Provides directory and links to Florida courts' websites.

[www.FCLA.edu](http://www.FCLA.edu)

Florida State University law library website.

[www.law.miami.edu/library](http://www.law.miami.edu/library)

University of Miami law library website.

[www.law.ufl.edu](http://www.law.ufl.edu)

University of Florida law library website.

[www.stetson.edu/departments/library/law](http://www.stetson.edu/departments/library/law)

[www](http://www.stetson.edu/departments/library/law)

Stetson University law library website.

[www.legal.firm.edu](http://www.legal.firm.edu)

Posts the "Government in the Sunshine Manual" (Public meetings and public records manual).

[www.flabar.org/newflabar/memberservices/CLE](http://www.flabar.org/newflabar/memberservices/CLE)

Sells continuing Legal Education series of legal books concerning Fla. law.

Florida Supreme Court:

[www.flcourts.org](http://www.flcourts.org)

District Courts of Appeal:

First DCA: [www.1dca.org](http://www.1dca.org)

Second DCA: [www.2dca.org](http://www.2dca.org)

Third DCA: [www.3dca.flcourts.org](http://www.3dca.flcourts.org)

Fourth DCA: [www.4dca.org](http://www.4dca.org)

Fifth DCA: [www.5dca.org](http://www.5dca.org)

Circuit Courts:

1<sup>st</sup> Circuit: [www.firstjudicialcircuit.org](http://www.firstjudicialcircuit.org)

2<sup>nd</sup> Circuit: [www.2ndcircuit.leon.fl.us](http://www.2ndcircuit.leon.fl.us)

3<sup>rd</sup> Circuit: [www.jud3.flcourts.org](http://www.jud3.flcourts.org)

4<sup>th</sup> Circuit: [www.coj.net/Departments/Fourth+Judicial+Circuit+Court/default.htm](http://www.coj.net/Departments/Fourth+Judicial+Circuit+Court/default.htm)

5<sup>th</sup> Circuit

<http://jud5.flcourts.org/courts/index.htm>

6<sup>th</sup> Circuit: [www.jud6.org](http://www.jud6.org)

7<sup>th</sup> Circuit: [www.circuit7.org](http://www.circuit7.org)

8<sup>th</sup> Circuit: [www.circuit8.org](http://www.circuit8.org)

9<sup>th</sup> Circuit: [www.ninia9.org](http://www.ninia9.org)

10<sup>th</sup> Circuit: [www.jud10.org](http://www.jud10.org)

11<sup>th</sup> Circuit: <http://jud11.flcourts.org>

12<sup>th</sup> Circuit: <http://12circuit.state.fl.us>

13<sup>th</sup> Circuit: <http://jud13.flcourts.org>

14<sup>th</sup> Circuit: for information call 850-747-5327

15<sup>th</sup> Circuit:

[www.co.palmbeach.fl.us/cadmin](http://www.co.palmbeach.fl.us/cadmin)

16<sup>th</sup> Circuit: [www.jud16.flcourts.org](http://www.jud16.flcourts.org)

17<sup>th</sup> Circuit: [www.17th.flcourts.org](http://www.17th.flcourts.org)

18<sup>th</sup> Circuit: [www.jud18.flcourts.org](http://www.jud18.flcourts.org)

19<sup>th</sup> Circuit: [www.circuit19.org](http://www.circuit19.org)

20<sup>th</sup> Circuit: [www.ca.cjis20.org](http://www.ca.cjis20.org)

FPLP updates this list on a continuing basis as a service to readers. Please let us know if you are aware of other resources that prisoners, their families or advocates maybe interested in at the below address or by email:

## Florida Prison Legal Perspectives

Attn: Resource List

PO Box 1069

Marion, NC 28752

[flpl@aol.com](mailto:flpl@aol.com)

Please feel free to copy and distribute this resource list to others. ■

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Sandra Z. Thomas

P O Box 4178

Winter Park, FL 32793-4178

Phone: 407-579-5563

## CRIMINON®

(An inmate education organization)

Stuck in the "system?" Took a wrong turn? Need a change? Write and ask for the free "The Way to Happiness" correspondence course from:

Criminon Florida - FPLP6  
P.O. Box 7727 Clearwater, FL  
33758

# Florida Prison Legal Perspectives

Florida Prisoners' Legal Aid Organization Inc.

## BECOME A MEMBER

**YES !** I wish to become a member of Florida  
Prisoners' Legal Aid Organization, Inc.



1. Please Check  One:

- Membership Renewal
- New Membership

2. Select  Category

- \$15 Family/Advocate/Individual
- \$10 Prisoner
- \$30 Attorneys/Professionals
- \$60 Gov't Agencies/Libraries/Orgs./etc.

3. Your Name and Address (PLEASE PRINT)

DC# \_\_\_\_\_

Name \_\_\_\_\_

Agency/Library/Institution /Org/ \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email Address and /or Phone Number \_\_\_\_\_

Please make all checks or money orders payable to Florida Prisoners' Legal Aid Org., Inc. Please complete the above form and send it along with the indicated membership dues to : FPLAO, Inc., P.O. Box 1069, Marion NC 28752. For family members or loved ones of Florida prisoners who are unable to afford the basic membership dues, any contribution is acceptable for membership. Memberships run one year. If you would like to make a donation to FPLAO, Inc., to help the organization continue its work for prisoners and their families, send donations in any amount to the same address. Thank You. All members receive *Florida Prison Legal Perspectives*.

### Advertise in FPLP

Reach new clients or customers through advertising in *Florida Prison Legal Perspectives*. To obtain advertising and rate information write or email us at:

FPLP  
Attn: Advertising  
P.O. Box 1069  
Marion, NC 28752

Or

[flp@aol.com](mailto:flp@aol.com)

### Criminal Appeals

State and Federal

### Criminal Postconviction Motions

Federal Habeas Petitions State 3.850 and 3.800 Motions

**MICHAEL UFFERMAN**

Attorney-at-Law

2022-1 Raymond Diehl Rd., Tallahassee, FL 32308

**850-386-2345**

[www.uffermanlaw.com](http://www.uffermanlaw.com)

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**SUBMISSION OF MATERIAL TO  
FPLP**

Because of the large volume of mail being received, financial considerations, and the inability to provide individual legal assistance, members should not send copies of legal documents or pending or potential cases to FPLP without having first contacted the staff and receiving directions to send same. Neither FPLP, nor its staff, are responsible for any unsolicited material sent.

Members are requested to continue sending news information, 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 members to keep informed. Thank you for your cooperation and participation in helping to get the news out. Your efforts are greatly appreciated.

**PRISON LEGAL NEWS**

*Prison Legal News* is a 48 page monthly magazine which has been published since 1990. Each issue is packed with summaries and analysis of recent court decisions from around the country dealing with prisoner rights and written from a prisoner perspective. The magazine often carries articles from attorneys giving how-to litigation advice. Also included in each issue are news articles dealing with prison-related struggle and activism from the U.S. and around the world.

Annual subscription rates are \$18 for prisoners. If you can't afford \$18 at once, send at least \$9 and PLN will provide the issues at \$1.50 each for a six month subscription. New and unused postage stamps or embossed envelopes may be used as payment.

For non-incarcerated individuals, the year subscription rate is \$25. Institutional or professional (attorneys, librarians, government agencies, organizations) subscription rates are \$60 a year. A sample copy of PLN is available for \$1. To subscribe to PLN contact:

Prison Legal News  
2400 NW 80<sup>th</sup> ST. #148  
Seattle, WA 98117  
(206)246-1022  
<http://www.prisonlegalnews.org>

(Orders accepted by phone or online)

**HAVE YOU MOVED OR BEEN TRANSFERRED?**

If so, please complete the below information and mail it to FPLP so that the mailing list can be updated:

**NEW ADDRESS (PLEASE PRINT CLEARLY)**

Name \_\_\_\_\_  
Inst. \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Mail to: FPLP, PO Box 1069, Marion, NC 28752

**VOLUME 14 ISSUE 2 MAR/APR 2008**

Florida Prison Legal  
Perspectives

PO Box 1069  
Marion, NC 28752

