

STATEVILLE SPEAKS

VOICES FROM THE INSIDE • WINTER 2016

THE POST-CONVICTION APPEAL

By Ronald Haze

Post-conviction petitions are one of the major ways of attacking a criminal conviction. This article explains the basics of how a post-conviction works. It is NOT a complete statement of the law, and there are often exceptions to these rules. But, hopefully you will get a general idea of what a post-conviction case is all about.

The right to a direct appeal is required under the Illinois and U.S. constitutional law. An appeal can only raise issues that can be supported by the trial transcript and other documents associated with the case. No new evidence can be presented to the appellate court in a direct appeal. The appellate court may hear argument on the case before a three-judge panel, but the court often decides the appeal based on the briefs filed by the parties.

A post-conviction case is different in several ways. A post-conviction case is not required by the constitution, but all states have statutes allowing such proceedings. In Illinois the statute is found at 725 ILCS 5/122-1. The Act is often interpreted as giving you rights similar to the constitutional rights that are available at trial. However, this is not always the case.

The purpose of a post-conviction proceeding is to allow you to show your conviction or sentence violated your state or federal constitutional rights. Evidence is presented to the court that was not presented at trial, so it is the other side of the coin from direct appeals. The most common post-conviction claim is that a defendant



was denied the effective assistance of counsel. This means counsel made a mistake that amounts to gross negligence and the outcome of your case would have been different if the mistake had not been made.

A post-conviction petition can be filed in the circuit court by yourself or your attorney. In the first stage, the judge will review the initial petition, and can dismiss the petition on their own authority within 90 days. A defendant does not have a right to counsel or the right to appear at this stage of the case, and the State does not have any input. The petition will be dismissed if the judge finds it is patently frivolous and without merit.

If the petition is not dismissed, the case advances to the second stage. There is a stationary right to counsel at this stage, and an attorney will be appointed to represent you if you cannot afford to hire private counsel. Your attorney may file an amended or supplemental petition after they

research and investigate your case. Next, the State will file a motion to dismiss the petition, and the parties file briefs supporting or objecting to the motion. The parties appear in court to argue the merits of the State's motion to dismiss, but you do not have a right to be present in court for the hearing.

If the motion to dismiss is denied, the case moves on to the third stage. Here, the parties have the right to call witnesses and present other types of evidence in a proceeding similar to a bench trial. You generally would be brought into court for an evidentiary hearing. If the court finds you proved your case, the judge will order a new trial or a new sentence hearing.

Here are a few procedural issues that are important to keep in mind:

A post-conviction petition in all but the most unusual circumstances must be filed within the statutory deadlines. Look very closely at the filing dates discussed

in Sec. 122-1(d). You must also sign an affidavit stating under oath that the contents of the petition are true.

A pro-se petition does not require specialized or detailed knowledge of the law. It is enough if you give a plain-language explanation of how your constitutional rights were violated. It is not even necessary to cite any case law. But, try to include all the issues you want to raise or the claims may be waived. Typically an attorney will be appointed to your case for stage two. They can then rewrite your issues and include any needed case law. They will also add any new issues they discover after reviewing your case.

You must attach affidavits or other evidence supporting your claims to your pro-se petition. If it is not possible to do this, you must state in the petition why this is not possible. But you must do everything you can to meet the affidavit requirement. If an attorney is appointed to your case for stage two proceedings, they can do any additional investigation required.

It often happens that your attorney does not believe an issue you want to raise is proper under the law or the facts of your case. As with a direct appeal, an attorney is allowed to use their best judgment on what issues to raise. How to resolve these conflicts goes beyond the scope of this brief summary and may be discussed in further issues. ■ *Ronald D. Haze is a long-time, former Cook County Public Defender who is currently in private practice.*

Hope...Redemption...Change



The public may now begin to know better what they do not know. A paltry amount, 40% of the huge prison commissary profits are dispersed by the Illinois Department of Corrections (IDOC) to allot a measly \$9.60 monthly stipend, commonly called “state pay” (a.k.a., unassigned pay), to each prisoner for the purpose to buy necessities. But deductions are taken out of it, for all legal photocopies and postage. Also, for each day the institution was on a lockdown status or for the aggregate of days the prisoner had been in disciplinary segregation confinement.

The IDOC doesn't provide prisoners with thermal undergarments, gloves, etc. Prisoners are issued the same inferior clothing for the frigid winter temperatures as given during the sweltering summer season and much of it is re-used clothing. Nor does the IDOC provide pens, paper, envelopes or essential hygiene products needed daily to sustain an adult prisoner's health.

Some prisoners have had to resort to barter their own flesh or their breakfast, lunch or dinner meals to acquire necessities for adequate warmth, communication or personal cleansing.

As a way to save money or stretch supplies, some corrections employees have inserted used, damaged and unsanitary mattresses into brand new mattress covers, diluted cleaning products with water, and not turned on the heating system in time for winter temperatures. Some meals/portion sizes have been reduced, served prisoners a diet based largely on soy-rich or processed foods, which adversely affect prisoners, force prisoners to pay for their dentures and teeth partials. Dental hygienist services have been discontinued, and many prisoners are missing teeth causing the dentists assessment to often include extraction of their teeth as to the oral hygiene problem solving method and frugality. ■

Thanks to Illinois Prison Talk (IPT) for support and further dissemination of Stateville Speaks and your tireless reform efforts. Visit www.illinoisprisonstale.com to learn more.

PATIENCE IN YOUR POCKET

By Scott “Ace” Chambers

Keep some patience in your pocket and when everything goes wrong,
You'll find your burdens easier with what you've brought along.
Keep some patience in your pocket and when life seems harsh and cruel,
Just bring out and hold on tight to this precious jewel.

Keep some patience in your pocket and at night when all is still,
You'll find it often brings you warmth in life's nocturnal chill.
Keep some patience in your pocket and when trouble creeps behind,
You'll know the peace that patience brings to heart, soul and mind.
Be patient. ■

FAREWELL 2 IDOC

By Charles Jones

It's been a long time coming, but finally insha Allah (God-willing), the time has arrived for me to finally leave this hellhole, called prison.

My name is Indio and I have done 31½ years in this place. I can remember starting this journey with no idea where it would lead. Looking down the tunnel, there no sight of a future to see, so “u” must rely on a little faith and hope.

During the beginning, every day wasn't promised to “u”. 2 Brothers of the Struggle, Low Down in 1986 died over a blue t-shirt and Brotha Blue died in 1987, in the Menard riot. I knew both “brothas” and in my salats (prayers) I make du'aa' (supplications) for them “cuz” they were too young to die for nothing.

What I contribute to my success is accepting Al-Islam in March of 1987 with the blessings of my organization I associated with. The Muslims raised and taught me vigorously to be a Khalilah, a leader and I applied that knowledge, wisdom and understanding to be the best I can.

I was blessed to lead the “brothas” at Illinois River and Big Muddy River. I've met some strong, beautiful Muslim “brothas” who I'll never forget. Some are still sojourning within these walls.

I also met some good, strong “brothas” outside my faith I consider “true brothas” who rode with me and workout with me. “Plenty

much love 2 u.”

What I strongly advocate to y'all, especially the new, young “brothas” is pursue an education and achieve as much vocational training and a degree as “u” can. Apply yourself constructively and make your family proud of “u”.

Never allow yourself to become stagnated in your thinking and health. Only thing comes to a sleeper is but a dream. “U” still have a future, it may be years away, but it's there. Despair is always lurking to rob “u” of your dreams and goals. Associate with people who are striving for positive goals. I started out in 1984, ignorant at the age of 17, with no vision of a future. Today, I am 49 with a vision, dreams and goals with a family and daughter waiting for me. If I can transcend 3 decades by the grace and mercy of God with a sound mind, healthy and determined, you can too.

Never let anyone discourage “u” or tell “u” you can't do it. Believe in yourself and believe in God and He'll make a way “outta” nothing. Never give up, but patiently persevere and keep your eyes on the prize.

As I depart to a new world after serving 31½ years I felt I had to leave with some farewell wisdom. Stay strong my “brothas”. My liberation date was June 17, 2016.

Peace,
“Indio” ■

FROM THE EDITOR

Greetings and welcome to another edition of Stateville Speaks. Even after attending too many meetings and hearings and not having enough answers to all of your reform questions, please know that solid efforts are still being made for positive prison changes.

There is no question that change of any kind is slow, but efforts are being made on many levels for such reforms. Not all of those will help every one of our diverse Stateville Speaks readership, but there are some that will benefit many.

Though efforts to standoff an elder bill have persisted, equally staunch are efforts to continue working on relief for older inmates, as well as retro-sentences of juvenile life without parole (JLOP) and women convicted for post-partum psychosis.

Two areas that have made progress have been with decriminalization of low level crimes, especially pot, which allows for fines and not incarceration, and better resources upon release, such as acquiring IDs, medical benefits, and careers that have finally opened up to those who have previously been incarcerated.

While the number of resources, such as affordable housing and especially the lack of jobs available in many neighborhoods, shows there is still so much to be done, we cannot stress the need for an exit strategy prior to release.

The use of solitary (isolated) confinement has also been under scrutiny in Illinois and the need for more control is still being enacted.

We at Stateville Speaks get so many legal questions, questions we cannot answer, since we are not lawyers or affiliated with a law school. Fortunately, we are able to rely on some for legal clarification, such as the post-conviction appeal. Now if we can get some clarification on Good Time Credits...

Once more we broke our own rules, again, and published a really long essay about a bus trip to the courthouse. I confess, I was drawn in from start to finish. It was filled with lessons about benevolence (it cost nothing for a ride with a view and tunes on the radio) and how much we (on the outside) take for granted. Although we have the sights and sounds of the world around us, we all too often choose our electronic "pacifiers" over, life itself. This was a lesson for us all. I also hope Mr. Stone continues to write and tweaks it down to our tiny allotted 500ish words.

Finally, we are aware that a couple of prisons may be delivering Stateville Speaks directly to the dumpster. If you were previously at a prison where you did not receive it, please let us know. And please, keep it coming. ■

KNOWLEDGE IS POWER By Gayle D. Tulipano



Above: Bill Ryan, Stateville Speaks founder/consulting editor

One of the most important pieces needed for effectively shaping prison policy has been the involvement of both the prisoners (current and former) and their family members. Ironically, that participation has not always been the case, as often those most affected are sometimes the most overlooked. Many family members can feel isolated and overwhelmed with the conditions and treatment of their loved ones. Some former prisoners, who have done their time, understandably may not want to look back, but instead want to look ahead, to their future. Unfortunately, what is often lost is the knowledge that only these individuals can supply; the inner workings or failures of a system in which they were ensconced. That may soon change.

A core group of former prisoners is organizing a plan to lobby for effective change. This group is meeting with Illinois Representative

Art Turner (D-9th) and prison reform advocate and founder/consulting editor of Stateville Speaks, Bill Ryan. Their first priorities will be with an elder bill and one addressing post-partum psychosis. It is anticipated that these bills will be posted and have a number sometime by late January. We will provide more details once they are available.

Those in attendance of the initial meeting included Nate Fields, Johnny Williams, Marshan Allen, Juan Rivera, Tammy Koelling, Mark Clements and Willie Sterling. Many others will be contacted within the next few weeks and invited to participate. The central theme is that men and women who have been in prison are the most effective spokespersons for advocating for change in the system they know all too well. We will provide more details once they are available. ■

THEY LIKED HIM By Christopher Toney

Some girls don't even remember me, but they remember the fool that represented me.
Someone help, they remember the gang member I used to be.
The girls, to them the gang life represented freedom to me.
Wouldn't you have to agree? She dated a fool who carried guns - lawless like on tv.
Remember me.
Relationships...from what they remember
after six months the relationship would only be a memory.
Gang life, a relationship represents a technicality.
Guess what though...I'm free, the gang life no longer controls me.
So now that I'm free, once released after five years, would you remember me?
Positively?

SO CLOSE, BUT YET SO FAR



BY MICHAEL STONE

I took a trip the other day, to the Metropolitan Correctional MCC building in downtown in Chicago. Now I was used to taking bus rides from joint to joint, but this was different. Usually, when we would ride on a bus the windows would all be covered up so you see no signs of civilization. The only window you could see out of was the window at the front of the bus. But between us and the front window was a steel cage door with holes in it. It's cold, the seats are hard, you would have to keep moving from side to side because your legs would fall asleep, your butt would get numb. If you are on the window side there's nothing or nowhere to go. You are like this for hours. The whole trip is just gloomy, the melancholy auras from men's body language reflects on the atmosphere, so the reality of this being the lowest point of a man's life constantly hits you. But this trip was different.

They drove us in a van. But before they put us on the van they shackled us. They put the leg cuffs on us, they handcuffed us and put another lock cuff on to restrain the movement of

our hands, then there was a chain that wrapped around our bodies and a lock was placed on that. When we got on the van there was nothing covering up the windows, so we were able to see everything. The seats had cushion in them and I sat by the window. As we all sat in the van, five inmates and five officers, total, we drove to the exit gate where one officer got out to pick up a handgun and returned. As the gates opened and we drove off, the officer put the radio station on (W) GCI and we were on our way.

At that point, even though I still was faced with my reality of coming back to the harsh conditions of the Northern Reception Center (NRC) I was able to grasp a sense of something that I forgot. As we drove through the streets I was able to see the people in their cars. I even waved at a few people and got a smile and some waved back. I was able to see buildings, land, and water and when we hit the expressway the reality of being incarcerated left me for a minute, as I got lost in the moment and into the music. When we got close to the city the first thing I saw was

the Willis Tower and then I saw the Red Line. When we got downtown I saw how much it has changed, everybody had a destination to go to without a care in the world. I think every woman I had seen was beautiful.

I tried to see everything I could, when we had to stop at lights I was able to just soak up the moment. At that point I felt sick, like something was wrong and it was. I didn't realize how long I had been gone and how much I was scarred by my incarceration, until that point. Everything took on a whole new meaning for me; life took on a whole new meaning. I was able to take in the reality of everything around me in a more real sense. When we got to the Dirksen Building they drove us down into the garage part of the building and parked the van. The Feds approached us as we got out and they guided us to the elevator, which was very small, but we all got on. I have not ridden in an elevator in so long that as we went up my brain started to feel like liquid and when we stopped I kind of got dizzy and had to shake it off. As the eleva-

tor doors opened we walked out and entered the hallways and I thought to myself, so this is the place where many men fell victim.

It was a whole other feeling entering into this place, a heavier sense of evil. As we was guided through the hallways we walked past interrogation rooms, little one-room visiting booths, where an office was set up to take your finger prints. After we turned another corner we walked past the bullpens and across from them were windows that had views of downtown, though most of them had blinds covering up the view. They put us in a bullpen and there were two windows in front of it that didn't have any blinds coming down and it showed the view of Lake Michigan. I think I stared out that window for thirty minutes straight before I sat down. It looked like there was no end to it; you could see the sun's light reflecting off the waves, both the dark and light parts in the water. I was able to see all the boats in the water and the cars driving down Lake Shore Drive. It was like I was a newborn discovering something new.

When I turned around to my reality and sat down I noticed that there was a camera smack dead in the middle of the bullpen. I was there, but I wasn't. I just sat there and thought about what I just experienced and how the world has changed. Even when I was observing the people in their cars and all the people I seen walking through downtown, nobody had a sense of awareness. I understood why there were so many commercials on TV about people who lost their life because a person was texting. Eighty-five percent of the people I had seen on the expressways had some type of phone or device in their hand while driving. In downtown damn near all the people I seen had headphones in their ears and were texting or playing with something in their hand. All I wanted to do is just listen to all the noise.



We sat in the bullpen for about two hours before they walked past with the lunches. We noticed that they had real burgers and fries they were giving away. Not only that, but they also had bottled water; so everybody that was in our bullpen was ready to get it, but when they got to us they had the food that Stateville sent with us which was two boloney sandwiches and a juice. So we called the marshal and told him that the meat was rotting and can we have what the other inmates were eating and he told us that was only for the MCC inmates. I asked him if he had any extras back there and he said they only brought enough for the MCC inmates, but he did come back around the corner with some extra boloney sandwiches that the C.O.s from Stateville brought with them. I took two of them down and saved the rest. My brother didn't eat his sandwiches so I also put them in my bag.

This was his first time in the NRC so he didn't really realize that he was in the trenches. As I ate my sandwiches on the bench one of the marshals came and called out for my co-defendant. He stayed up there for over an hour before they called me out. The moment of truth, I thought to myself, as they walked me around the corner to another elevator. It was the 24th floor. The elevator opened and I was guided down a hallway and into a corner section where a gate-like door was opened that led to the courtroom door. But on the left of me was a bullpen that had another gate-like steel door where I was placed until they were ready to call me.

I set there and listened to the last part of my co-defendant's testimony on the stand, seconds later they called me in. I walked through the door with the leg cuffs still on my legs and I felt disgusted walking across the courtroom with those things on my feet. The first thing I did when I walked through the doors was look into the back of the room where the people were able to sit and I didn't recognize anybody. I observed the prosecutors, the judge, my co-defendant's attorneys and the secretary, as I made my way on to the stand.

The first questions came from the defense and then the prosecutors and the defense again. The prosecutors used every lie and



Photo by Olivier Aumage

trick they could. They even made up lies that were never stated in trial or in evidence. When I got through I felt drained. I was escorted off the stand and led through the door and back into the bullpen. After a few minutes we were escorted back downstairs into the bullpen, while they took an hour break. We all talked about what happened, I got up and looked at the view from the window and sat back down and tried to take a nap. An hour went past and they came to get my brother and my co-defendant as I stood there in the bullpen looking out the window, trying to take a nap. I had a conversation with a brother that was there with us, until they came back.

When we were finished we headed back downstairs into the van. We drove back out onto the streets of downtown. As I looked I felt sicker than anything, so close but yet so far. I been gone fifteen years and it showed. The closer we got to Stateville the sicker I felt. After we returned, they placed us back in the bullpen, gave us the yellow jumpsuits back; we picked up our tray and headed back to our units.

When I got back into the cell I opened the tray and it was a small portion of slop. I made two sandwiches from all the ones I brought back; put the rest up, got into the bunk and relived the moment of being so close to freedom, in a long time. ■

To subscribe to Stateville Speaks, or to submit an essay, see page 7.

FACE, ASSUMPTIONS, CAUSES, ERRORS

By Christopher Toney

Snapchat me that face.
Face, face, face, face, face.
Look, everybody listen.
On Facebook, Myspace, Twitter and
I'm looking for a hook-up.
Internet slang, lovely lady's code for victim.
Snapchat me that face.
Your typing too good to be real.
Are you a him?
Snapchat me that face.
Inbox messages full of texts,
talking about coming to my place.
No.
Snapchat me that face.
There's money, time and effort spent,
computers taking place.
So Snapchat me that face.
You'll show me the real you before you
come anywhere near my face. ■



50 SHADES OF BLUE...

By Corey Hodges

My 50 Shades of Blue
Is a mansion for the homeless...
A place of serenity, where you can come and be
yourself?
In my house of healing
There's no need to wear a disguise
Because my 50 Shades of Blue is here to
symbolize
How we can multiply the love,
And never have the time to divide...

See, under my roof there's no room for hate.
Dr. King had a dream,
That one day we could be recognized by the con-
tent of our character,
And in my mind - that day starts today...

So put your hand in my hands
And let me lead you - I promise to be your guide.
I have the ability to expand your mind
And then you will be able to see with your own
eyes,
That you are the prize
And no one else will be able to deceive you...

Welcome to 50 Shades of Blue...

**I dedicate this to my Mom, Mrs. Sarah Martin,
a 60 year old woman who has encouraged me
to be love in its purest form..... ■**

HUGS & KISSES

By Z.L. King

Often I FEEL like giving someone a hug or KISS
This has nothing to do with SEX – it is all about LOVE
The person can be a MAN, WOMAN, BOY or GIRL
My DESIRE to HUG or KISS is because of THEM
Some NOBLE ACT that they have
done in a NATURAL way
It TOUCHED me to the CORE of my BRAIN
Their ACTS, DEEDS and KINDNESS has touched me
A HUG or KISS is to
offer ENCOURAGEMENT
To let THEM know that they are APPRECIATED
For being WHO and WHAT they are – YEAH!!
Ones that HELP to LIGHTEN the LOAD for others
Oh how I long to HUG and KISS them
As a small TOKEN of my LOVE
But I FEAR that they would not understand
Somehow they would become OFFENDED at ME
How many PEOPLE will allow a STRANGER to HUG
or KISS them?
Many will RECOIL at the THOUGHT or IDEA
That I DESIRE to HUG and KISS them
So I RECORD my THOUGHTS on PAPER for YOU!!
Now I have EXTENDED my HUG to YOU!!
SMACK – I just KISSED YOU!!!
Many HUGS and KISSES to YOU ■

To subscribe to Stateville Speaks,
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IS THERE ANYONE OUT THERE LISTENING?

By James Tucker

It's my intention, as I probe this
World, the outside. Where life
Still pays the possibility of
Bringing me someone I
Can explore ideas with.

Having this time to building my character
On a fundamental basis. Developing in
A more mature way, my own
Philosophy about life.

Looking for someone in the same similar
phases, discovering how maintaining
a stable pattern day to day.
Requires establishing your purpose, within
This complex society. As we continue
To flourish, having already
Reached a solid foundation
Of maturity...etc... ■

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or artwork to be published in Stateville
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Please do not send original work, as
we cannot return them. Please limit
articles to around 500 words. Articles
may be edited for length.

LIFE IS TOO SHORT TO BE UNHAPPY!

By Manuel (Neckbone) Malave)

Rose scented. Cheeks I used to kiss everyday. We used to hold hands every night when we prayed; a life not chosen, but lived and loved. I now surrender you to our father above! Sometimes people can't love because they don't love themselves. There's no need to be angry or seek revenge, they'll be the ones who have to live with their actions!

Some mistakes are harder than others to be corrected! I was a young man on a confused journey, lost inside of my own world; misled to a glamorous path that never existed, a child of the ghetto who grew up on the South side of Chicago. down 51st and Wood! I grew up to be a man with no vision and no presence! Outside my world appeared sunny, but inside my heart was full with pouring rain. The only love I ever knew was the streets and my boys. Until it divorced me, leaving me all alone in this cell house at Menard C.C. West House 806!

I became a victim in my own savage game untamed until I was forced into lock & chain A.D, never will I cry! Everyday is now a blessing by losing a winner I became! It took me a long time to see it, when all I had to do was just open up my eyes or listen to my sister Sofia. By the way, I miss you, Mija, Merry Xmas.

I thank my lord God for his help and his passion. God give me grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed and the wisdom to distinguish one from another, living one day at a time, enjoying one moment at a time; accepting hardship as a pathway to peace.

Taking, as Jesus did, this sinful world as it is not as I would have it. Trusting that you will have all things right! If I surrender to your will, so that I may be reasonable, happy in this life and supremely happy with you forever in the nest...Amen ■

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STATEVILLE SPEAKS

STAFF • WINTER 2016

Publisher: Cynthia Kobel

Editor: Gayle Tulipano

Assistant Editor: Dawn Larsen

Consulting Editor: Bill Ryan

Editors

Donald McDonald, Aldwin McNeal
& Anaviel B. Rakemeyahu

Assistant Editors

Stanley Howard, Jeanene Clay,
Vincent Galloway, Renaldo Hudson,
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Women's Issues

Millie Lee & Janet Jackson

Cartoonist:

Arkee
Layout & Design: Sal Barry

Send letters & submissions to:

Stateville Speaks
c/o Justice Studies
LWH 4062
Northeastern IL University
5500 N. St. Louis Ave.
Chicago, IL 60625-4699

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