
VOLUME 1, ISSUE 3 PRISON INFORMATION CLEARINGHOUSE LLC

A NEWSLETTER DEVOTED TO CURRENT PRISON AND LEGAL ISSUES OF THE DAY

CAN EXECUTIVES GET A FAIR TRIAL?

The research firm Empirical Creative conducted a survey that provided shocking evidence which will bring fear to every corporate officer who fears the coming *Economic Blame Game*.

- 60.2% of those surveyed believe the economic crisis was caused by corporate execs who committed financial crimes.
- 47.3% believe that if the government accuses a senior level exec of a crime, he or she probably did it.
- 29% believe that a senior corporate executive is definitely or probably guilty when they hear that the government accused them of committing financial fraud.

- 30.2% of the participants say that even if they tell a judge they can be fair and impartial juror, the current economic crisis will make it difficult to be impartial.

These deplorable statistics may shock most, but not execs currently serving time. Jurors believe that executives are the cause of our economic meltdown. This survey acknowledges what most attorneys fear and justifies their admonitions to take a plea and not go to trial in an attempt to prove innocence.

The survey found that jurors believed that if acquitted they would continue their evil ways. Jurors believe that execs are the cause of the country's economic problems.



Mark Nissenbaum of the Criminal Defense Law Center said, "We didn't think prosecutors were that good to maintain a 98% conviction rate. Most defendants deal their own losing hand and jurors, as shown in the study, are quick to side with the government."

Nissenbaum believes the only true defense is prevention, but most corporations see no reason to be diligent; that is until they face criminal investigations.

Volume 1, Issue 3 Prison Information Clearinghouse LLC

May 11, 2009

Special points of interest:

- Most potential jurors believe that corporate executives are guilty if they are charged by the government.
- Most potential jurors don't enter the jury box with a n unbiased mind.
- Most potential jurors think that corporate execs cause the current economic meltdown by committing financial crimes.
- Most white collar crime can be prevented if the corporation takes measures to do so.

Inside this issue:

Reform for Crack Cocaine Sentencing 2

Use a Phone in Prison and get killed for trying. 2

PIC adds free reports 2

Snitches provide false testimony...Who knew? 3

Lawyer lies...goes to prison 3

Prosecutorial Misconduct 3

PIC Quotes of the Month 4

WEBB SUBMITS BIPARTISAN BILL TO OVERHAUL CRIMINAL JUSTICE

Washington, D.C.- Legislation introduced by Senator Jim Webb (D-VA) and a bipartisan senate group hopes to examine the nation's criminal justice system. The National Criminal Justice Commission Act of 2009 will appoint a commission to under-

take an 18 month top-to-bottom review and offer concrete recommendations for reform.

Webb's interest stems from a journalistic investigation of an American who spent 2 years in a Japanese prison for marijuana possession. Ed Arnett told Webb

that he preferred Japan's legal system to ours because "It's fair".

Now Judd believes US jails teem with young men who struggle to rejoin society and politicians have failed to address this costly problem for fear of being labeled "Soft on Crime".

REFORM FOR CRACK SENTENCING?

“What a historic day in the long fight for crack sentencing reform”, said Jennifer Seltzer Stitt of Families Against Mandatory Minimums (FAMM). The Obama administration called for an end to the disparity between federal crack and powder sentencing.

In a statement before the US Senate Judiciary Subcommittee on Crime and Drugs, DOJ Asst. Atty. General Lanny Breuer said “The Administration believes Congress’ goal should be to completely eliminate the difference in sentencing between the two drugs. It (the disparity) often punishes low-level crack of-

fenders far more harshly than similarly situated powder cocaine offenders”. He also said that the impact of these laws has fueled the belief that our laws are unfair.

This has been a long fight. The US Sentencing Guidelines, along with many state sentencing guidelines mandate harsher sentences for crack than powder. No one knows or can attest to the reasons for such a disparity since they are basically the same drug, yet crack is an inner city problem with powder being a suburban crisis.

With the current 100 to 1 sentencing dispar-

ity (effectively 10 years to 5) it fueled logical speculation that the disparity was racially motivated. Though presidential administrations from Bush I, Clinton and Bush II denied such motivation, no one acted until now despite calls from many quarters to change.

Although there is now almost universal agreement among those who execute the law that the disparity must be completely eliminated, there still isn’t universal agreement on a solution from those who make the laws.

So until Congress acts, this unwarranted , insupportable law remains in place.

CAN USING A TELEPHONE IN PRISON KILL?

Every inmate knows that if you have a death wish, go up to a phone “Run” by a racial group, shove the inmate out of the way, grab the phone and scream “It’s my phone now!”

Inmates have done this, but usually only once. That inmate quickly found that speaking from their newly damaged larynx was not worth the bravado in their quest for a phone.

Phones are a source of extreme exasperation and irritation to inmates. The rules are not fair, they’re not good and they’re not even honest. But failure to adhere to a prison rule means loss of phone privileges. Failure to

adhere to inmate rules could mean serious injury or loss of life.

Inmates create their own order which, as long as it doesn’t inhibit the safe running of the institution, is ignored by the BOP. They would rather allow discrimination than endure frequent bloody battles.

With this system, if run properly, more inmates will gain phone usage. Is it fair? Absolutely not. But it works. The origin of the 300 minute rule stemmed from numerous bloody prison fights over telephone usage in higher security institutions. In these institu-

One of the many lessons that one learns in prison is, that things are what they are and will be what they will be.”

—Oscar Wilde

tions, telephone times are limited to narrow time frames.

Phone usage is one of the biggest cause of prison riots. Learn to be safe.

PIC ADDS MORE FREE REPORTS

PIC is listening. Based on your comments we’ve added many new reports to our free category.

- Inmate Property
- Substance Abuse Programs RDAP
- Sending Money to Inmates



See PIC for Federal Sentencing Guidelines

- Access to Sexual Offender listings.
- Federal Supervised Release Rules & Regs.
- Federal Pardon and Clemency Petitions.
- Half-Way house rules
- The Elderly Release pilot program.

A PIC spokesman said “We believe that getting these reports to friends and family of inmates will make the difficult prison experience a bit easier. If these reports, and those we have planned in the future, help ease the path to visits, sending money or books and magazines then we believe it’s a necessary service.

“Our goal is to ultimately make prison ‘just’ a bad time in one’s life; not something that destroys their life forever.”

INCENTIVES TO SNITCH SHOWN TO PRODUCE FALSE TESTIMONY

In the Journal of Law and Human Behavior, University of Arkansas psychology researchers Jessica K. Swanner and Denise R. Bielke investigated whether people, who provided false testimony were offered incentives.

“(Incentives) brought forth not the reluctant informant, but the opportunistic”. Not only did incentives increase the rate of false secondary confessions, but Swanner and Bielke noted that participants were less likely “to see freely admitted misdeeds as unintentional”.

The researchers concluded that “It is essential for jurors, prosecutors and judges to be

informed about the potentially biasing nature of incentives to confess. Snitches may indeed lie or come to believe a falsehood about another to be the truth. Jurors must be able to consider this possibility as they make their verdicts.”

This study proves what defense attorneys have known for years, ever since prosecutors began accepting “Snitches” as solid witnesses. According to the Criminal Defense Law Center, CDLC few snitches are altruistic, are offered incentives such as reductions in their own sentencing or even expungement of



charges and have much motivation to tell the story as instructed. “We’re not saying prosecutors knowingly suborn perjury, but snitches in the system know they will be rewarded for testimony favorable to their handlers. Snitches have done more to pervert the system than any other single factor” said a CDLC spokesperson. “It’s a system that must change.”

THE “WE CAN’T MAKE THIS UP” STORY OF THE MONTH

LAWYER SENTENCED TO 1 YEAR

Adapted from a story by Dan Horn of the Cincinnati Enquirer, May 9, 2009

A Walnut Hills lawyer was sentenced to one year in prison for filing a false affidavit that resulted in the arrest of an innocent man.

Prosecutors said Doris Houser Allen was convicted on charges of perjury, tampering with records and tampering with evidence by filing an affidavit on behalf of a client that included false charges of domestic violence against the client’s boyfriend.

Ms. Allen told her client the accusations would help win custody of her children. As a result, the client’s boyfriend spent a night in jail. After the Ohio Supreme Court rejected the recommendation from the Cincinnati Bar Association to suspend her license, prosecutors felt they had no other choice but to file charges.

Ms. Allen’s attorney urged the judge to consider probation. But the judge said the sentence was necessary because she broke a cardinal rule for lawyers and sent an innocent

“I’m not against the police, I’m just afraid of them”

—Alfred Hitchcock

man to jail. Most legal watchers believe that Ms. Allen’s illegal actions to be a frequent occurrence by lawyers in the US. She was just the rare one that got caught.

THE FIGHT AGAINST PROSECUTORIAL MISCONDUCT AND INADEQUATE DEFENSE ATTORNEYS

The Innocence Project Annual Report

“Negligence or misconduct by prosecutors and defense attorneys has contributed to a number of wrongful convictions. In Innocence Project cases, inadequate defense attorneys have been drunk or asleep in the courtroom, have failed to investigate alibis, failed to call or consult with experts and more.

“Prosecutors have exaggerated the value of evidence, withheld key evidence from the

defense and failed to investigate other suspects. After conviction, prosecutors have unreasonably blocked innocence claims and opposed DNA testing.”

In the past year, The Innocence Project stepped up publication efforts about Prosecutorial Misconduct and inadequate defense through publications and online speaking engagements, reaching thousands of students, community members, criminal justice practitioners, members of the media and more.

According to an Innocence Project study, 64% of misconduct cases involved improper legal arguments including questionable, improper or inflammatory remarks; 38% withheld potentially exculpatory evidence and in 8% of the cases prosecutors elicited false or perjured testimony.

Their study showed a prosecutorial propensity to destroy or fabricate evidence and use jailhouse snitches improperly.

PIC

PRISON INFORMATION CLEARINGHOUSE LLC

[HTTP://WWW.PRISONINFO.NET](http://www.prisoninfo.net)

“A society that will trade a little liberty for a little order will deserve neither and lose both.”
—Thomas Jefferson , 1926

- WE CAN GET YOU COPIES OF ‘INDICTMENTS, BAIL AGREEMENTS, J&Cs AND PLEA AGREEMENTS
- FIND OUT WHAT REALLY HAPPENS DURING PRISON VISITS
- WHAT THE PRISONS WON’T TELL YOU ABOUT USING THE TELEPHONE
- FEDERAL SENTENCING CALCULATIONS, QUICK AND EASY
- DETAINER RELEASE INFORMATION
- POST RELEASE ASSISTANCE



PIC QUOTES OF THE MONTH

On Prosecutorial Misconduct: “The blizzard of revealed cases of unjust jailing for everything from murder to rape is breathtaking. More than 100 of those sentenced to death have been freed by scientific evidence and prosecutorial misconduct. And efforts are underway to make DNA testing mandatory where possible, especially in capital cases

“So often prosecutors refuse to concede flaws in their actions, standing pat even in the face of overwhelming evidence. Their standard response is that the jury has spoken, even when the most legally untutored of us understands that most panels ignore the reasonable doubt mandate, shifting the burden of proof to the

defendant.”

—Dan Thomasson, Washington Times

—Saturday, April 11, 2009

“Federal Prosecutors are paid bonuses for successful prosecutions. Federal prosecutors are also relatively underpaid and are competing for lucrative job offers in the private sector. This leads to an environment where justice and truth take a back seat to winning.”

—Geoff Mousseau, American Chronicle

—May 12, 2009

On White Collar Crime: “A huge wave is building and it will slam is building and it will slam onto our corporate shores in

2009. The wave I refer to is a tsunami of prosecutions that will hit the financial community with a force that will swamp some executives and some members of their staffs. To take the analogy to its conclusion, many of those people will be swept out to sea. And by sea, I mean prison.”

—New York Times, May 2009

On Courtrooms: “The penalty for laughing in a courtroom is six months in jail. If it were not for this penalty, the jury would never hear the evidence.”

—H.L. Mencken, 1956

<http://www.prisoninfo.net>.