

Too often we prisoners have been ignored, when it comes to ways that will make prison a fair place to live, (if I am allowed to say that). We prisoners are the experts that need to be consulted when it comes to what will affect us, and how it affects us. Not the behavior analysis unit, or the psychiatrists or sociologists. In fact it is because the legislators and the DOC officials have been listening to these voices, that have brought us to this place where the prison system is today (being overcrowded).

HERE ARE A FEW ISSUES THAT NEED ATTENTION

1. Justice through Federal Habeas Corpus:

The U.S. Congress have enacted the (AEDPA), that watered down the real "Habeas Corpus". (Will write about this a little more later).

2. Federal government should take charge of criminal Post-Conviction.

3. The "Innocent Project need to expand their work on innocence (DNA cases are the area of interest for most innocent projects), that have closed the avenues for other innocent cases.

4. States have to admit they can't handle the prison overcrowding crisis and obviously there need to be federal laws to keep states accountable for false imprisonment and wrongful conviction.

5. An integrity commission need to be set up by federal mandate attached possibly to AEDPA. The Anti-terrorist and Death Penalty Act is the same federal law that gives the federal judges the authority to deny a state prisoner federal habeas relief even when they know the person is innocent. And state judges will not give relief because the state is their employer. States judges gives little relief.

6. Organizations like Nation Inside" should commit to contacting state and federal legislators to organize a committee to review post-conviction, which would allow the "Innocent to be released sooner than later.

7. Mental Health of prisoners (most prisoners suffers some type of mental disorder; from social dysfunction to post-traumatic disorder, from long segregation confinement.

8. There should be a law that target commerce to prisoners. The approved vendors to prisoners have overcharged us tremendously. The prisoner consumer is important, and there's a multimillion dollar business that even generate state taxes, and each state have their share.

THE FEDERAL HABEAS CORPUS

The number one thing a prisoner is after more than anything is his freedom. Under President Clinton's administration there was a congressional envoy of judges, especially in the federal courts asking for legislation to stop the influx of litigation by inmates in the federal courts for their freedom.

The U.S. Supreme Court at the time was so detached from ordinary, poor convicted, advised Congress to help the judges, and the answer was the AEDPA Act.

The law in its axis was a legislation that limits a state prisoner from raising a post-conviction habeas corpus in the federal court within a year. That means the prisoner must bring his state criminal case a year after all his original state court proceeding have ended.

And most state prisoners don't know about this vital huddle for them, except the educated prisoner who is well informed, or the jailhouse lawyers. I did not know about this and when I was told that. I had a jailhouse lawyer help me, and he had so many cases, that his plate was full and the result was a rushed job to the state court which eventually got me "procedurally defaulted" in the federal court, and by law (according to the AEDPA, its my fault).

According to the AEDPA the prisoner have to gather all his constitutional claims in one motion and present them all to the state courts in such an effective way to the trial court and the appellate court. If not the claim would be deemed defaulted. Now that's too high of a burden for the illiterate prisoner, even the literate prisoner, if he does not understand the law.

Wisconsin prisoners are more fervent in acquiring a "fan" (cause it's too hot in the summer) or a T.V. or radio or new clothing such as socks and sweat-shirt and pants (when it's cold), because the Wisconsin prisoner is usually in a 9'x 4' cell, and being without the above items could drive one crazy.

Prisoners try to acquire these items before they are conscious of wanting freedom; and knowing how to learn and search for the reality of acquiring freedom. There is a large percentage of the incarcerated whose education is below 10th grade level or lower. So to understand complex legal words and citations of case law citations, and their theories is too great a feat for many inmates. Thus to expect a person whose education is limited and is indigent to gather together "all his issues" and to put them together in a brief of 20 pages is for a law graduate. It sound more like ^a final examination for the graduate school of law.

How does an ^{un-}educated prisoner who have limited education read through pages of documents and transcripts, and put together a brief (with all the violations, and the precedents for the legal remedy)? That's what the AEDPA expect of the state inmate, and that's what ^{→ must do,} the state inmate. That piece of legislation is hindering the inmate from getting federal relief.

And Congress then rushed thru the legislation...

And Congress had to rush through with this bill, or Congress was not aware that this bill would have affected the prison system the way it is now. This piece of legislation is now one of the greatest huddle for the state prisoners; and the prosecutors and state judges know, if they want to be honest, do know that it hinders prisoners.

So for the prisoner who is innocent (and there are many of those) he is bound until a "Good Samaritan" lawyer who does pro bono litigation-and there are not many of these. The Innocent project in Wisconsin will not help if there is no DNA involved, the innocent project is weak in services to Wisconsin inmates. I have known many in the Wisconsin system who are innocent, yet are still in prison. The most famous phrases of the Wisc. Innocent Project are: "were you at the scene of the crime?", "if you are partly innocent we

can't help you", "we can't help you even if you blacked out on drugs and alcohol".

PROBATION OFFICERS

Probation officers in Wisconsin would send one to jail for a minimal offense. One man was revoked because his probation officer found a seed of marijuana in his pocket. One man was sent to prison because he was found in a bar. Some are in prison because they did not answer the call of the probation officer. On and on goes the story of people who are incarcerated, not because they committed new offenses, but because of their last offenses. They were put on probation precisely because the prisons were full in the first place.

And the prisons are still full, and Wisconsin is still ranked 8th in bad conviction wrote Dee J. Hall in the Wisconsin State Journal May 29, 2012. Hall wrote that 21 defendants exonerated from Wisconsin. I had a guy who I used to talk to in prison, he is currently in the streets, The Wisconsin Innocent Project did not help him. He wrote the Milwaukee D.A. who was fair enough to allow a DNA test, he was exonerated by his own efforts, and the fairness of the D.A., otherwise he would still be in jail. His name William Avery.

I have lost faith in Wisconsin state organizations which ^{are} ~~is~~ not independent of the state. There is a continuous gridlock in the Wisconsin system, and that's why it (the Wisconsin system) is broke. Certain officials do things, in office under the color of law and get away with it, and they act like if, their statutory obligation is a favor to "you", rather than a job. And if they are mad at you, they use their official position to retaliate. If you complain to a supervisory board, such the Board of Attorney and Professional, not much is going to be done. Example District Attorney Paulus and D.A. Kratz both D.A.'s committed misconducts in office. If Paulus secretary did not gave him up, his misconducts would have continued for ever, until he gave up the office on his own. Kratz was caught because his "racy comments" were electronically recorded. The Wisconsin Supreme Court's Board of professional for attorneys is a "tiger without teeth", because it was said in the Milwaukee Magazine that the board is funded by the same individuals it is supposed to regulate. I filed a complain against my trial attorney, it turned out that he was an "investigator in the 'Board'!". My attorney lied to me and I had the proof. A special investigator was appointed to investigate

him. It was in 2003, I have no final order from the board. I don't know if the investigation was completed or anything. I guess being on the board made him (my trial attorney) an asset for the investigator. And that was my experience with the "Board".

So those who want to help the "prisoner" it is not a small task and the road is rocky and hard, and there are the dangers of turns and ditches along the way. Some court officials are fair (like the D.A. who allowed Avery to have a DNA test), but some court officials are racist, corrupted and heartless; that includes police officers, correction officers, prison officials. At the same time there are "good people" every where; there are people who will not participate in corruption.

FEDERAL INTERVENTION IS NEEDED TO FIX THE CRISIS

Therefore, one can see that federal intervention is needed in the treatment of prisoners, from the police, the prosecutor, public defenders. Most private attorneys know that the "State Public Defender Office" is the cash-cow of the private practice. The first (private public defender) I had, had like five clients in the county jail along with me. Estimating that he was getting between \$40.00-80.00/hr, average \$50.00 times five, that's \$ 250.00 per hour, at 4 shell hours per day equal \$1,000.00 per day for doing nothing on that day (trial attorney saw me once alone) and a total of three times (once at jury pick) and (once at trial). If there was federal legislation in place, this abuse of the tax payer's money would have stopped and the prison would be less full than it is now. IF it was a federal crime to misuse that money and not effectively represent the client, it would all stopped. It won't stop because alot of legislators are lawyers. Also if conspiracy, or appearance of conspiracy by any court officers whether judges, DA's, and trial attorneys were investigated by the Justice Department that would throw some water in their fires too. But nobody cares about prison being overcrowded, at least nobody in the U.S. Congress or state legislatures. The only one's in the states who do are the governors, and that's because it is a "headache" for them

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to balance their annual budgets; DOC always take a big chunk of that money, and some governors took drastic measures that got them criticized for taking executive actions to reduce correction, and of course false imprisonments and exonerations cost extra money in some jurisdictions.

So the federal intervention is the right approach, because no state can fix their problem completely, because there are too many causes of the problem of prison overcrowding. So federal legislation is needed. Because the states are not going to change the way they do business in their annual budgets.

C O N C L U S I O N

This is the greatest gift, I believe AMC could give us prisoners, is to have Congress revisit the AEDPA Act of 1996, reinstating the real Habeas Corpus, so state prisoners could fight their cases unhindered. Help Congress see that the advice to clear the federal courts calendars was not to enact the AEDPA, there are other ways to clear the federal court calendars, hindering the prisoner to bring a "Writ of Habeas Corpus" to any court is not the way to fix the problem. The obvious solution is not that "Act", in fact along with other errors and abuses by the states court officers[?] AEDPA are the reason why prisons are overcrowded. They and the court officers (DA's, angry judges and greedy "private" public defenders) put us in this mess they could get us out of it too, if they have the heart and courage necessary.

I would also encourage as a continuing legal education that lawyers and judges should spend 48 hours in a 9'x4' cell, stripped of their cellular phones and blackberries, and live under the rules of prison officials for 48 hours so they can see and feel what they will potentially put an innocent person through, before they do it with their fancy and witty speeches, and opinions that amount to nothing except "hot breath" to themselves, and "Cruel and Unusual Punishment" for the Innocent and even the guilty, before they write opinions of words that will only make one incarceration worse than it has to be.

Written by Childeric Maxy, for Allied Media: Nation Inside!

C. Maxy, Waupun Corr. Inst., P.O. BOX 351 Waupun WI 53963-0351

P.S. I have very little money for ribbons and paper, I use a "BROTHER" typewriter and the approved vendors for my institution are: Acces, J.L. Marcus and Union Supply and Walkenhorst all are on the internet. And I could have written more, I am limited to this. Financial fund could be forwarded to : C. Maxy #332930 P.O. BOX 200 Waupun WI 53963-0200.

THANK YOU FOR YOUR SUPPORT, PEACE!