A Letter from Lawrence

Before we dive into all the good stuff in Issue 17, I wanted to share a personal story. So, get this: My homeboy and homegirl — both formerly incarcerated — were tying the knot, and they asked me to be the best man! I’d never been to a wedding as an adult, let alone as a free man, and I’d definitely never been a best man before. I’m not gonna lie, I was pretty shook.

I did some research and learned that I had to get a suit, handle the ring and plan the bachelor party. My only experience with a bachelor party was seeing “The Best Man” back in 2000 at Clinton Correctional Facility in New York. Since all of the groomsmen were also formerly incarcerated, this was probably their first one, too. I knew I had to make it epic but still keep it safe. No pressure, right?

I managed to find this great Airbnb in Atlantic City. But when I went to book it, the company hit me with this message saying they were deactivating my account based on my background check. It was the first time I’d ever been openly discriminated against because of my record. I didn’t appeal because time was of the essence.

Luckily, I was able to use Vrbo instead, and the party was indeed epic. But I was disappointed that Airbnb assumes people with certain criminal histories can’t be trusted.

Anyway, enough about me. Let’s talk about this issue.

In “A Jury of Trump’s Peers Weighs In,” we asked current and formerly incarcerated people if the system has been fair to Donald Trump, who was convicted on 34 counts of falsifying business records in May. Our interviewees shared their predictions and weighed in on whether he should face prison or probation.

We have a Q+A with The Marshall Project’s former commentary editor, Donovan X. Ramsey, about his book, “When Crack Was King: A People’s History of a Misunderstood Era.” He explores the factors that led to crack’s rise, and the ineffective policies that followed.

“The Mercy Workers, Illustrated” is a nonfiction comic about a “mitigation specialist” who researches life stories of people on death row to argue against their execution.

And, of course, we’ve got all your favorites: “The Peeps,” Reader to Reader, the crossword puzzle, In the Spotlight, Ohio Focus and Thinking Inside the Box.

So sit back, relax and enjoy this issue. I’ll catch you on the flip side!

Lawrence Bartley

Lawrence Bartley is the Publisher of The Marshall Project Inside. He served a 27 years-to-life sentence and was released on parole in May 2018.
Letters from our Readers

Issue 14 really impressed me! It was REAL. With 37 years of my life in prison cumulatively, I know prison life in and out. I like how your articles show the good side of prisoners. People in society watch too much TV. They think we are all stupid rapists, murderers and idiots, but there is a lot of talent in prison. There are writers, artists, poets, lawyers, musicians, etc. We are fathers, brothers, sons, and men of honor and principle. ... Inflation is crazy here. Every time I go to the store, there are mad price hikes. Jelky is $3.81. Come on man! Ramen soups are $0.33. Crazy! Anyway, I appreciate everyone’s good work on exposing all the crap in the U.S. prison system.

—Maximilian M., New York

I stopped by my priest’s office to get some literature to bring to my cell. It was then that Issue 15 from December 2023 caught my eye! It’s been a great issue, allowing me to get into a better mindset and a more positive spirit. I love all the real-life stories and inspiring messages News Inside offers us. We need and appreciate all the help that you offer!

—Luke G., Connecticut

I found your fine publication News Inside Issue 15 from December 2023 left on a window ledge. With great interest, I read “A Prison Medical Company Faced Lawsuits From Incarcerated People. Then It Went ‘Bankrupt.’” Great story! The sad truth is that Illinois DOC uses Wexford [Health Sources] to provide extremely poor care and treatment. It’s no better than Corizon. You should really do an investigative story on how [and] why Wexford was not the lowest bid for the new contract, yet still won. Anyway, found your News Inside issue very eye-opening.

—William C., Illinois

Louis’ letter in Issue #15 of News Inside was very interesting. Ohio is often referred to as a prison state. Its 28 prisons are packed full and used more as a “business” of warehousing humans. We are having a very difficult time getting released on parole. Rehabilitation goes unrecognized or carries very little weight. We need more mandatory minimum releases. More mercy needs to be shown. I hope to see more articles on the Ohio judicial system and any new changes.

—Michael F., Ohio

I was happy Inside Story showed up on my tablet. Not every day do we receive free quality content that expands our knowledge and sense of humanity. I keep watching “Kids are Ending Up in the ‘Alcatraz of the South.’” Now in my 24th year of incarceration that is nowhere near as brutal as down South, I can only imagine how the families of those incarcerated people suffer knowing the plight of their loved ones. Thank you for allowing people like me to witness these lives. Also, I still thrill at seeing my buddy Martin Garcia’s name in the credits. He is an inspiration to me that I can also succeed when I reenter society.

—Adam R., New York

We appreciate your letters, please keep them coming! Please note that we will edit what you write to us for length and clarity.

Manager’s Note

The Marshall Project provides News Inside to you free of charge. While we appreciate the gesture, you do not have to send stamps, money or donations of any kind.

Please know that we are unable to write back. Our News Inside team has been where you are now, and we understand the struggle. But we are a small team with limited capacity.

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Thank you for your continued interest in and support of News Inside!

Martin Garcia
Martin Garcia is the manager of News Inside. He served a 10-year sentence and was released on parole in September 2019.
A Rare Bright Spot for a Canine Lover Doing Time: Raising Puppies to Become Service Dogs

Adam Roberts reflects on the highs and occasional lows of training Labrador retrievers for the Puppies Behind Bars program.

By ADAM ROBERTS

Christmastime 2022 saw me getting up on another wall in Fishkill Correctional Facility. As in, painting another mural, the seventh since early November — when my pup Lexi left. I was staying busy to avoid spinning too adrift in a spacey, dark void of loss.

“That’s why I couldn’t join that program,” my friend Ant said. He was talking about Puppies Behind Bars (PBB), a program that allows incarcerated people to live in a special unit and train Labrador retrievers to become service dogs.

I took my first PBB class in August 2019. I signed the puppy raiser contract, agreeing that if I was assigned a dog, it would stay with me no longer than two years before being placed with a wounded war veteran, first responder or law enforcement agency.

The housing unit for PBB was serene relative to the madhouse maximum security dorm I’d come from two months prior. Before I could set down my bags, two Labs came wagging over, sniffing out the new guy. I was so happy. Between the dogs, single rooms and the courtyard with trees, I didn’t feel imprisoned. And for the first time since 1999, I was touching a dog.

As the new guy, I looked for opportunities to contribute — exercising dogs, wiping them down, picking up poop. Outside of the weekly classes taught by outside instructors, I learned from senior raisers and by closely watching the dogs. I developed favorites: There was Charlotte, a big yellow girl, and Shadow, an elder statesman.

After a month, when instructors and peers deemed me ready, I was permitted to have my first overnight with a dog — Shadow — who slept in a crate in the room. For 24 hours, I was responsible for his feeding and toileting. I had to provide him with three hours of exercise and review commands he’d been taught by his raiser, Ron.

Ever since, I’ve been giving PBB my all, back-burnering my art and publishing, and decreasing the amount of hours I work as a peer counselor in Transitional Services.

In March 2020, when COVID-19 happened, there was death and deprivation the world over. But my life was a luxury vacation of sleeping in, playing with dogs, training, learning, napping, cooking elaborate meals, more playing, sleeping and repeating. Puppy life, at least, kept on. When Atticus was destined for a family (“fear barking” disqualified him from working as a service dog), I walked him to the gate, crying — he was the only pup who chose to hang out with me.

Three months into the pandemic, I was selected for a puppy! Lee arrived with siblings, Maddie and Jules. They were all beautiful black Labs, aged 10 weeks. On June 8, 2020, our bond began. I was now responsible for another’s well-being: I was Lee’s raiser, trainer and first responder. I celebrated every accomplishment, fretted over problematic behaviors and saved baby teeth to tape into the weekly journal we keep for our pups, showing the dog’s sponsor and their forever person what puppyhood was like. Oh, to be a Lab in its first years! And what you think of as a harsh prison is actually a dog’s dream: pack mates ready to romp, humans who “speak dog” and weekend socialization trips to New York City with volunteers.

I was learning so much about dogs and their behavior, but also about softening my ego by asking others for help. Then November struck.

Through a video screen, I learned that Lee’s “environmental awareness” suited him for scent work. He’d be leaving for further training to become an explosives detection canine. You might envision a dog being blown up, but what I learned in preparing Lee is that detection work is fun for a dog. They get to sniff, jump,
climb and find. On Dec. 21, 2020, I walked my best friend to the gate one last time, sobbing the entire way.

Over the six months we had together, I had watched Lee grow, helped him learn and nurse him post-neuter. When he left, I remember coming back to the unit and staring at a blank TV. I realized just how close we’d become and what he meant to me as someone who’s always looking to connect with others. It was a dark, cold winter.

When I was selected for my next pup, Lexi, I felt I wouldn’t be able to love her as I did Lee. I needed to have worried. On Feb. 18, 2021, I got Lexi, a little yellow furball who looked up and, as I tucked her into my coat, sighed with contentment.

Every month, I charted her height on my door, and I began to think of her eventual departure. That summer, Lexi was chosen for breeding. Upshot: She’d be with me for at least another year.

The memories we made could fill a book, and someday will. Like all the dogs I’ve worked with, I brought Lexi to the facility’s weekly orientation for new arrivals. Guys on the compound, registering her growth, asked, “Is that the same dog?”

In May 2022, Lexi began a two-month “swap” with Bedford Hills Correctional Facility, the women’s prison where Gloria Gilbert Stoga founded Puppies Behind Bars in 1997. (Fishkill was the next site, in 1998.) Swaps “generalize” the dog to working with others. Typically, a swap lasts one month, but Lexi’s was extended so I could work with Mikey, a funny, quirky girl who quickly grew on me. And it wasn’t just Mikey. There were other dogs who visited. Though I wasn’t their swap raiser, I enjoyed playing uncle to Lee’s brother, Vinny, and Lexi’s sister, Lori.

Still, every departure is a disconnection. It doesn’t get easier with practice, but I know I can do it. Although, knowing is not always enough. With 24 years in prison and a parole hearing in sight, incarceration lands on me differently these days.

Is this a “darkest before the dawn” situation? PTSD? Anxiety and depression? Likely, it’s some funky combination. So, when I got the heads-up that Lexi would be staying for at least a year, I was partially relieved.

For 20 months we moved as partners. All you need to know about Lexi is that she’s a unicorn who happens to look like a dog. She is the best of all things: smart (seeming to learn commands by osmosis); spunky (ready to romp with big boys like her buddy, Jules); self-contained (making her own fun with toys in the yard); a rock star partner (moving through crowds was a breeze). Because people aren’t used to seeing me without a dog, I could hear in advance, “Hey, where is she?”

I resisted the urge to note our last time doing something — last nail cutting, last fetch session, last night in art class. When her final morning with me came, it was so hard.

I used all the tools: writing about it, drawing, talking to others, self-referring to a mental health clinician. Staying busy helping newer raisers and making art provided the gift of space and time to work through the loss of Lexi.

In the winter of 2023, with a week’s notice, I received Annie. She was my third dog, and puppy-proofing was old hat: Set up the crate for a tiny pup, remove choking hazards from the floor and bank lots of sleep.

On Jan. 5, an instructor came after dark. She handed Phil, a puppy who looked like a baby polar bear, to my unit-mate Josue. She gave me Annie, a big-eyed little girl who was an animation studio’s version of cute. Annie’s a different dog from Lexi — they’re all unique — but she is equally lovely in different ways. She challenges me to be a better trainer.

Each of my dogs has been a teacher. Lee: Stay present, you can choose what you pay attention to. Lexi: Smile and get on with it. Annie has taught me the most. And what I’ve learned is that caring for others is my special purpose.

Annie may “graduate” this summer. She’ll be 20 months old, and I’ll be going before the parole board after 25 years. Who knows? Maybe we’ll leave prison around the same time.

I sure hope so, but one thing is certain: Like the contract stipulates, we’ll part company. I will miss Annie something fierce. But I will move forward, richer for her unconditional love. ""

Adam Roberts is an artist, writer and actor. See his work on Instagram at @adam_drawseverything. He is serving time in New York for arson and murder.

Prison Is a Dangerous Place for LGBTQ+ People. I Made a Safe Space in the Library.

As a queer teen, Michael Shane Hale found belonging in books. Here’s how he built a place where everyone can read in peace in prison.

By MICHAEL SHANE HALE

When I was 16, my mom attacked me with a butcher knife. She was chasing me out of my childhood home after finding pages from a Playgirl magazine that I had secreted inside my bedroom wall years earlier.

A friend had used the pages — along with those from Penthouse — to show me the facts of life. She pointed out the genitals of Playgirl’s male and Penthouse’s female centerfolds and described penetration by rubbing the pages together.

About an hour after my mother drove me out of the house, I limped back on a leg that was already broken due to a sports accident. In shock, I watched her throw black garbage bags loaded with my things into a ditch.

Peeking out from one of those bags was my most prized possession: a small library of books, including “To Kill a Mockingbird,” Plato’s “The Symposium” and “The Tommyknockers.” It started raining, and my heart sank watching...
my collection melt away. These books gave me a sense of belonging. Seeing them destroyed made me feel like a ghost.

I survived this trauma by ignoring my longing to be accepted. But underneath the surface there were layers of unprocessed pain from a dysfunctional family dynamic, being bullied, and being molested by a friend of my father.

It was my desperation for my father’s validation that led me into my first relationship with a much older man. My lover told me that he saw my potential and wanted to help me realize it. But over the next 2½ years, he was controlling and abusive.

In 1995, at age 23, I killed this man. Four and a half years later, I pleaded guilty to murder, kidnapping and robbery, and I was sentenced to 50 years to life in a New York state prison.

Now, even after nearly three decades behind bars as an openly queer person, I still wrestle with belonging, acceptance — and remorse. To transform myself and to never again bring that type of pain into the world, I’ve become involved with lots of programs, especially those in higher education. Over 16 years, at Auburn Correctional Facility and then at Sing Sing, I earned two associate degrees and a bachelor’s in behavioral science. At Sing Sing, where I am currently housed, I also began talking to the librarian about what a clerk position would entail.

In December 2020, I had just completed a master’s degree in professional studies when I found out that I had been assigned to the library as a general clerk due to facility needs. As one of about eight people doing this job, I would perform tasks such as shelving books and learning how to catalog titles using the Dewey decimal system. I would also enter books into the database, process magazines and newspapers, and create and maintain a reentry area for people planning for their return to their communities.

I can’t say that my first day was easy. As I began working in the back, one of the other clerks declared that he didn’t need me there. “You’ve got to stay out front,” the pudgy man said.

“Oh, OK,” I mumbled, hearing the uncertainty in my voice. I knew that working in the back of the library, where comic books, manga and urban novels were stored to prevent theft, was considered a more powerful position than working in the front.

After our brief encounter, the clerk turned his head back to the aging Hewlett-Packard computer that held the library database. He entered the Oxford American Writer’s Thesaurus that I was donating into the system. Yes, it was my first day, but gift-giving is a strategy I’ve used on straight and cisgender people, hoping they will see me as an asset and not a liability.

In the front of the library, tall, curtainless windows let in patches of light, with lights as well. We’d carried books on critical race theory, I would have high regard for them. Precious, but it was impractical to keep them all.

One day, I was reshelving books and overheard a patron say, “They’ve really stepped up this library up.” A smile reshaped my face. I felt genuine pride at what was being accomplished with my redesign.

Queer literature such as Rita Mae Brown’s “Rubyfruit Jungle” and Walt Whitman’s “Leaves of Grass” felt like different in my hands. I found myself putting them in a pile, along with the works of other queer ancestors like Langston Hughes, Audre Lorde and James Baldwin.

Instead of focusing on queer-focused books and the local governments forbidding schools to use titles that theybrand as “critical race theory,” I eventually created a Black culture section of our library. If we’d carried books on critical race theory, I would have highlighted them as well.

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Despite my inroads, prison was and is still defined by toxic masculinity. Most of the time, when the topic of queer people emerges, there’s an expectation to hit first and communicate later.

One day, after another queer person I’ll call K. started working out front, a frequent library user reached his breaking point. “Take me off the call-out, man!” he screamed at the staff.

With my redesign, there were no more blind spots that might lead to someone falsely accusing me and K. of sexual hijinks. But if two queer people working in the library was too much, I was prepared to resign. Despite my protective stance, K. got depressed. Within months, they moved on.

In 2021, Mr. H. left, and some of the clerks did as well. By attrition, I began working in the back office. This position allowed me to subscribe to two queer publications, Out and The Advocate. The problem was that many of our users recoiled when I mentioned that the new materials were LGBTQ+-centered.

It was one of those moments when I wished that Ms. P., the librarian who preceded Mr. H., was still around. She very naturally made people feel like they belonged. For instance, when I came to her as a U.S. Armed Forces veteran, she was super helpful in setting up a monthly veterans’ meeting. Ms. P. could have given me advice on how to motivate wary patrons to check out these new titles.

In her absence, I had to make do with my imagination. I thought about the Baldwin quote, “There is never a time in the future in which we will work out our salvation. The challenge is in the moment, the time is always now.”

Then I grabbed some folders, tape, and all of the markers and stencils I’d been using to transform the space. I drew out lines and triangles and colored them in until a giant pride flag emerged. I laminated it with tape and put it in the least used area of the library.

The flag started on top of a bookcase and extended to the adjacent wall. I shelved the few LGBTQ+ books we had in stock, including the ones I had donated, and I cataloged magazines that mentioned anything dealing with my community. I finished the section off by placing LGBTQ+ labels on each shelf.

This section has grown little by little — one title here, one title there. It has been vandalized only once, a victory in such an oppressive environment.

And because queer people have a way of finding spaces that resonate with us, word has spread. Everyone knows that our library has a spot off by itself, waiting to hug the next LGBTQ+ person with stories of acceptance and belonging. 

Michael Shane Hale has served nearly 30 years of a 50-years-to-life sentence and is working through the trauma he has experienced and created. Inspired by the many kindnesses that people in his life have afforded him, he hopes to continue his education. This includes pursuing a Ph.D. in neuroscience and machine learning.

The Untold Story of How Crack Shaped the Justice System

In a new book, a journalist wrestles with how lessons from America’s response to crack resonate in the opioid era.

By BETH SCHWARTZAPFEL

One of the most confounding legacies of the crack epidemic is that everyone has heard of crack — we all think we know what we need to know — but few of us actually understand it. That’s not an accident, argues journalist Donovan X. Ramsey in his new book, “When Crack Was King: A People’s History of a Misunderstood Era.” Public information about crack was often more hyperbole than science, Ramsey writes, and those who used crack were portrayed as villains, to society’s detriment, as lawmakers and law enforcement tried to respond to the drug’s explosion in popularity.

Over the course of five years, Ramsey, The Marshall Project’s former commentary editor, crisscrossed the country, interviewing hundreds of people whose lives were touched by crack. He spoke with dealers and users, their family members, politicians and community leaders, and researchers and scientists, and he has written a beautiful mosaic of a book through their eyes. “When Crack Was King” follows four people through the ravages of the crack epidemic and out the other side, and he intersperses their personal narratives with history and politics to put their experiences in context.

Elgin Swift sold crack as a teenager on the streets of Yonkers, New York, after his father descended into addiction and left him to fend for himself. Lennie Woodley grew up amid trauma and abuse in Los Angeles and turned to sex work at an early age to support her addiction, after she discovered crack could make her pain go away. Kurt Schmoke was a three-term mayor of Baltimore who steered the city through the worst of the epidemic. And Shawn McCray came of age in the projects in Newark, New Jersey, with one foot in the streets and one in the world of prep school, college and basketball.

The Marshall Project spoke with Ramsey about the book and the lessons he learned while writing it. The conversation has been edited for length and clarity.

The Marshall Project: In the history that you tell, all of these policing tactics — stop and frisk, broken windows, mandatory minimums — all of those had their origins in the crack epidemic. So much of what our modern-day criminal justice system looks like was born of the crack epidemic.

Ramsey: Policing today would be unrecognizable to folks pre-crack. When
people talk about “community policing,” that was much more commonplace. But the fear around crack created policies like “broken windows” policing, which was really a part of this dragnet that said that we needed to essentially overpolice these neighborhoods to reduce violent crime and drug crimes. On the sentencing side, you [saw] discretion being taken away from judges in the form of mandatory minimum sentences, which say that offenders [should] get significant amounts of time for even small crimes, and that [led] to a bloat of the prison system on the federal level. And then naturally the states follow. The crack epidemic completely reshaped the legal landscape.

And I didn’t know that originally. The first question that I had was, ‘What is crack?’ in a very fundamental way. This substance has had this outsized impact on our lives and on policy, and most people don’t know what it is, even though they have strong feelings about it.

Why do you think that is? What is the prevailing misconception? What do you want people to know about it?

The biggest misconception about crack in particular is that it was a substance like no other. Therefore, it required these draconian policies and responses.

There was a tremendous amount of propaganda and misinformation around crack. And that was intentional, to really scare people. So [former first lady] Nancy Reagan visited hundreds of cities across the country, giving out the message of “Just say no” to kids, and included in that message was a lot of misinformation about crack as this superdrug that, again, was immediately addictive. People often said it was the most addictive thing that was ever created, that it could kill you instantly. And because people believed crack was a superdrug, then they believed that crack users were this separate class of people. To understand that crack is the same substance as powder cocaine,

I think creates a huge shift in people’s understanding, especially [for] people who have used powder cocaine.

I think that most people, if you ask them where they got their understanding of drugs broadly, they would point to the Partnership for a Drug-Free America, and the PSAs that we saw in the ‘80s and ‘90s. This was a nonprofit created by marketers. These weren’t drug scientists. These weren’t policy experts. This was Madison Avenue creatives, who wanted to make the most impactful messaging — not necessarily the most accurate messaging. I always think about the most famous ad, which is, “This is your brain on drugs,” with the fried egg. When you think about that incredible ad, there’s no information in it.

One of the most punch-in-the-gut lines in the whole book for me was when you described crack as “the ideal drug for a grief-stricken people.”
Dissatisfaction with the progress made from the Civil Rights Movement, the devastation of losing leaders like Dr. King, who really exemplified so many great virtues of the Black community, [and] the frustration of industrialization taking jobs out of urban centers — all of those things sort of create a dynamic where people feel hopeless. And when people feel hopeless, they want to find ways to feel good.

You talked in the book about how folks who had grown up wearing holes in their shoes suddenly had access to more money than they’d ever seen in their whole life. You wrote that, “The advent of freebase was their Gold Rush, their Homestead Act, their Prohibition.” Could you talk a little bit about, not just the emotional hurt that people brought to this era, but also the economic circumstances?

I interviewed hundreds of people, and when I talked to drug dealers, I was amazed at how much they sounded like hardened capitalists that you would read about in Bloomberg magazine. They talk in very clear and frank terms about the American dream, and about their ambitions, and about the very clear calculation that they made about the opportunities that were available to them, including drug dealing. One of the characters in the book, Shawn McCray, grew up in Newark’s housing projects, and he had the opportunity to attend college on a basketball scholarship. But he [made] the calculation that he had a better chance of achieving a middle-class life by selling drugs than getting drafted into the NBA. The sad thing is that that is probably a very accurate calculation that he made. That the odds were better for him. Of course, there were more risks associated. Drug dealing was something that he had much clearer and easier access to than any career that he actually wanted.

And in the end, he was right, right? I mean, it was the way that he made it through.

Yeah. The Shawn chapters are very hard for me as a Black man, as somebody that has been a Black boy, to see Shawn making so many poor choices. When I would talk to him, and then when I was writing the book up, my stomach would just be in knots, wanting him to just do better. But Shawn was absolutely right. He was able to make a gamble, essentially. And for him, the gamble paid off. And for many of his friends it didn’t. I think that that is no different than what you see in some of the riskiest businessmen and venture capitalists, right? They all kind of skirt the law to whatever degree of tolerance they have. And you win or you lose. Shawn just happened to be playing that game with a very charged substance. And one that was illegal.

One of the interesting things about the story of drug dealers during the crack epidemic is that it tells us a lot about the American spirit, about what it means to be ambitious in this country during that period of time.

With Shawn in particular, you don’t let him off the hook, but you do try to understand him. The phrase you used was that he and his friends were “victims of Newark’s neglect and agents of harm in the city.” They get to be both. There’s no such thing as good guys and bad guys in this situation.

I tried to give Shawn, as the narrator of his life, the same amount of respect and grace as I would someone like [then-Sen.] Joe Biden, who was fighting the crack epidemic, on the other hand. You have a person trying to do the best in the situation that they’re in, making some good decisions, and some decisions that aren’t so good.

And also how the context sets them up for that to be a rational decision — for the bad decision to be the rational decision.

Exactly. Which is, hopefully, something that helps us get past this really damaging “superpredator” idea that was put forward in the ’80s and ’90s. This idea that people like Shawn were just these monsters that needed to be “brought to heel,” was the term that Hillary Clinton used.

But even the options that were good were incredibly fraught. One of the great things that I think Shawn talks about, and I hope that comes through in the book, is how rare the opportunities for upward mobility are for poor people of color as they grow up, but then also
how lonely and tricky the road can be, as you try to walk the straight and narrow [path where] you’re typically the only one. You’re in spaces that are often discriminatory and where you face a lot of resistance. And he chose the path of least resistance, and one that was where he would have the company of friends and people that loved him and would treat him well. And it’s a shame that the best the country had to offer somebody like Shawn was drug dealing.

Another thing the book does a really beautiful job with is drawing a very clear line between drug use and drug politics. How much we place the blame on individual human beings, but how much also of the epidemic was born from policy choices. You talked about how President Ronald Reagan’s policies failed to curb rates of drug use. But what it did do is sell people on this idea that fighting crime meant targeting drug users and drug dealers, and we’re still living with the fallout from that.

One of the hard things about drug epidemics — including the one that we’re living through now with opioids — is that drug abuse and addiction seem like this individual choice that people are making to destroy themselves and their families and their lives. But when you see it happening at scale to entire communities, and all these people that have socioeconomic things in common, then you have to understand that there are larger trends that are pushing people toward this choice. The policy solutions that we had, starting with Reagan — but going straight through to Bill Clinton, and including lots of people on both sides of the aisle — were really political solutions. They were political solutions to what were public health problems, public safety problems. And I think ultimately that’s why they were ineffective, because they weren’t actually looking at creating a drug-free America. They were looking at getting people reelected. There’s no actual evidence that any of those policies reduce crime. You do see this correlation between the decline of the crack epidemic and a decline in violent crime — murders in particular — but there’s no evidence that policing actually drove that decline. What we actually see is a ton of great research that crack was a trend just like any other.

It declined because the next cohort of young people did not take it up. So crack essentially ran its course. And as the epidemic declined, then you see a reduction in drug-related violent crime.

What lessons from the crack era can we bring to bear on the opioid crisis, on the epidemic of fentanyl overdoses? Have we learned any lessons, and where are we still repeating the mistakes of the past?

Harm reduction is key. Communities of color didn’t really get harm reduction policies. But there were harm reduction practices within the communities that actually kept people alive and kept communities together long enough for the storm to pass. Things like grandmothers who took grandchildren in, completely separate from the state, and the way that that held communities together long enough for mothers and fathers to get clean. I think about churches that did gun buybacks and gun surrender programs. I think about community watches that busted up crack houses, told drug dealers to get off of the corner. Those were things that people did on the grassroots level that I think ultimately helped the affected community survive. It would be great to see the federal government actually invest in those operations where they’re happening.

One of the things that we can do is revisit the laws, the mandatory minimum sentences that came into play during the crack era that really took discretion away from judges and led to the growth of mass incarceration in this country. One really worth mentioning is the 100-to-one crack disparity that was written into law during Reagan, that under [President Barack] Obama got reduced to 18-to-one, but there’s still a disparity. Despite the fact that we know that powder and crack cocaine are the exact same substance chemically, that people still receive different sentences for their possession. That’s a shame. And that suggests to me that we haven’t come far enough.

And one last thing that I think is worth mentioning, which is that the Biden administration now supports safe injection sites as a harm reduction program for the opioid crisis. But one of the ways that’s blocked around the country is this crack house law, on the books from the crack era, that says that you can’t have an establishment for the purpose of distributing drugs. So, Joe Biden in the ’80s and ’90s is blocking [President] Joe Biden today. Those are things that we have to make right.

The Prisoner-Run Radio Station That’s Reaching Men on Death Row

By KERI BLAKINGER

This article was published in partnership with The Guardian.

As soon as I drive past the East Tempe Church on the outskirts of Livingston, Texas, I can hear the laugh track on my radio. It’s from “Martin,” a three-decade-old television sitcom. The fictional Detroiters’ racy wisecracks seem incongruous crackling through my car speakers on a winding country road.

When the laughter dies down, the slight Southern lilt of a DJ named “Megamind” cuts in to introduce the next segment.

“Bringing it to you room service-style,” he says, signing off with a catchphrase that’s a little bit tongue-in-cheek: Like most of his listeners, Megamind doesn’t have a room. He lives on a metal bunk in a maximum security prison, and his real name is Ramy Hozaifeh. To the men in the Allan B. Polunsky Unit, he is best...
known as a regular voice on 106.5 FM The Tank, the prison’s own radio station.

The Tank is so low-wattage you can only hear it for a minute or two after you leave the parking lot. But the programming is as plentiful and varied as any commercial station on the outside, with shows covering everything from heavy metal to self-improvement. It’s all recorded in a studio hidden deep inside the prison and stocked full of equipment, most of which was donated by churches and religious groups. It doesn’t have the fame or following of San Quentin’s “Ear Hustle” podcast, but The Tank allows men on one of the most restrictive death rows in the country to have a voice that reaches beyond their cells. Usually — just like in most lockups — the prisoners at Polunsky are not allowed to write letters to each other. But for the radio station, the warden carved out an exception, allowing them to pass along essays and poems for the staff chaplains to deliver to Hozaifeh and his fellow DJs, affording the most isolated men in Texas a rare chance to be part of the prison community.

Every morning, Hozaifeh plays an episode of a sitcom — shows that still make sense for listeners who can’t see the action because they’re locked in a cell with no television. “You can listen to their clowns,” he said. “You don’t have to see them at all.”

Like in most lockups, life in the roughly 3,000-man prison an hour and a half north of Houston is pretty bleak, especially for the high-security prisoners who spend most of their time in solitary. That includes a few hundred men isolated because they’re considered dangerous or in danger, but it also includes nearly 200 men on Texas’ death row. For years, the guys on the row have been disconnected from the prison’s general population. They can’t go to the mess hall or the chapel or the main yard, so most of the time they only meet their fellow prisoners in passing — like when janitors come by to mop or hand out towels. They can’t go to classes or prison jobs, and they don’t have tablets or televisions. But they do have radios.

The first time I heard about the station was from a man on death row named John Henry Ramirez. It was a week until he was scheduled to be executed, and I’d visited him to ask about his plea for prison officials to let his Baptist pastor lay a hand on him as he died. He answered my questions about his faith and whether he feared death, but what he really wanted to tell me about was the radio station.

“When you get out to the parking lot, you can just tune in, and you’ll hear,” he said. By the time I got back outside, he explained, I could catch the noon news update with the day’s menu. “It’s become such a huge part of Polunsky,” he added. “You should hear all the people talk about it.”

The station started in early 2020, when Warden Daniel Dickerson arrived at Polunsky, and some prisoners approached him with a question: Would he let them start a radio station?

He’d been asked all sorts of strange questions in the 24 years he’d worked for the Texas prison system — but this one was a first. Still, he decided to hear the men out.

“When they explained it and what was going to be done — and of course everything’s pre-recorded, so it can be looked at and reviewed — it didn’t sound like a bad idea,” he said.

In his eyes, it seemed like a radio station could help give the men something to care about and connect with, especially when the prison was too short-staffed to expand its programming any other way. And in the early days of the pandemic, Dickerson said, it also seemed like a great way to help prisoners...
all across the facility understand what was going on, even those who couldn’t leave their cells.

“They may not all have TV, but most everybody has a radio,” Dickerson told me. “And anybody who’s been on a cell block knows some folks will turn the radio up loud enough where even if you didn’t have one, you’re probably going to hear it anyway.”

The first time he sat down in his office and tuned in, he did not regret it. “It’s your own little prison city radio station,” he said, flashing a cock-eyed grin. “And you can walk around and see the change in people.”

Even as a visitor, I can see it, too. Usually when I interview men on death row, we talk about their cases or their upcoming death dates or the conditions they live in. But now, they rattle off the programming schedule they know by heart. There’s “Smooth Groove” — that’s R&B — on Sundays, then rap on Mondays and Latin music on Tuesdays. There’s a night for Megamind’s conspiracy theory show inspired by “Coast to Coast AM,” and a night for alternative music.

“My favorite show is the heavy metal show,” Ramirez said. It’s called “Tales from the Pit,” and the group of prisoners who host it refer to themselves as “pit chiefs” and their listeners as the “pit crew.” Lately, they’ve taken to referring to Ramirez as a pit chief, too, because he’s written to them so often, he’s become a part of the show.

In some ways, The Tank is like a community center for men who can never leave their cells. Aside from the music and the daily announcements, the DJs stream news and play soundtracks to movies. (The preferred genre is rom-coms, Hozaifeh confided — but “they really hate prison movies.”)

There are also religious services, a Biblical rap show, suicide prevention programs and stock tips from death row. Sometimes the men interview each other, and once they interviewed the warden. When I visited in October 2021, they interviewed me.

I’d been so drawn in by Ramirez’s enthusiasm during our conversation that I wanted to come back and see the station. The warden led me through a maze of walkways and hallways before we got to a tiny room buried inside the facility. From the outside, it looked like the door to a closet — but inside, the space was filled with sound equipment and computers. Except for the DJ’s white prison uniform, the scene could have been inside an upstart studio anywhere in the outside world.

When Hozaifeh hit record, we talked some about my life — how I ended up in prison myself and how I became a reporter afterward. But I’ve been covering prisons in Texas long enough that a lot of the guys already know these things about me, and some sent in more idiosyncratic questions ahead of time: What was your favorite thing on commissary? Do you like Madonna, Pearl Jam or Led Zeppelin? Pizza, steak or tofu?

From their cells and bunks, the men of Polunsky steer the interview. It’s an unlikely way to take some measure of control in the heavily regulated world of prison, and to hear their own words on the air at a station run by them and for them.

That’s been part of the attraction for Jedidiah Murphy, who’s been on death row for 20 years. Since he started listening to The Tank, he’s been writing in to Megamind’s conspiracy theory show regularly. Though the quirky content aligns with his interests, it’s not the main attraction: It’s the audience of people who don’t judge him by his past, because
of Americans with criminal records: a reformer hoping to improve a broken system. He signed the First Step Act, which shortened some excessive federal prison sentences and aimed to improve prison conditions. And he pardoned many of his political allies, including former Sheriff Joe Arpaio.

As his own legal troubles mounted, Trump criticized the system as politically biased and corrupt. While opponents see the support of several police unions.

And he signed several executive orders to “fight crime, gangs and drugs.” During his presidency, Trump styled himself as a reformer hoping to improve a broken system. He signed the First Step Act, which shortened some excessive federal prison sentences and aimed to improve prison conditions. And he pardoned many of his political allies, including former Sheriff Joe Arpaio.

As his own legal troubles mounted, Trump criticized the system as politically biased and corrupt. While opponents see politics behind Trump’s attacks on the system, the former president has highlighted a core critique echoed by millions of Americans with criminal records: It is profoundly unfair and biased.

We asked a handful of currently and formerly incarcerated people — some convicted of white-collar crimes, others of violent crimes — to reflect on what his conviction means for the country and how it compares to their experiences. Many grappled with what it really means to receive a fair trial. These responses are written in their own words, but The
Ronnie Morgan
I think he needs to come to prison for a few months to see just how bad it is and get out and become president again [and] fix the prison system.

Donnell Genyard
In my eyes, if Trump becomes president, this verdict will make the criminal justice system worse. He has promised vengeance against it. The vengeance is for the defendants and not the victims of crime. Thus, if Trump gets elected, victims of crime will not feel comfortable talking to the administration of justice because they will feel like it’s pointless. With no confidence in the criminal justice system, crimes will be committed more frequently and witnesses will feel less compelled to cooperate with authorities. In a nutshell, a Trump vote is great for defendants but bad for victims of crime.

I think the criminal justice system has treated Trump fairly. He’s not incarcerated. I wish that I could verbally attack the administration of justice as he has. Again, if I would have done what he did, I would have been thrown in prison. Since he’s not getting that, and will be sentenced to either (1) community service or (2) probation, he will be getting “legally” a “fair” sentence.

Darnell C. Butcher
My view of the justice system is that it is not fair and never has been. I think that Trump’s conviction only proves that. And for the record, I am definitely not a Trump fan! The message that I think that it sends to the public is that no one is above the law. I do not think that his trial was fair. He’s never been convicted before, and these are all non-violent offenses. Probation is good enough. He’s still a convicted felon now. I have absolutely no idea what’s going to happen next. But I can’t wait to see it!

Leighton Johnson
Do you think the criminal justice system was fair to Trump?
They were way more fair to him than they would be to a Black man.

What do you think will happen next?
I’m not sure, but I certainly am not holding my breath in the hope that there will be any major changes for the hood. So I really don’t care beyond getting some glee in seeing “The Don” so-called being “held accountable.”

Thad Bereday
The message seems based on whatever our highly polarized electorate wants to see. For the left and Never Trumpers, it’s the vindication of what they’ve always known. For those in Trump world, it’s confirmation of his narrative that the system is irrevocably broken. For those of us in the middle, it’s a mixed message. The criminal legal system is fundamentally unfair, and Trump received the same treatment that all criminal defendants receive. On the other hand, he did engage in the alleged behavior and deserves to be held accountable. Rather than complain by adopting a victim narrative, Trump should embrace his role in his own conduct and seek a path to redemption.

Do you think the criminal justice system was fair to Trump?
No. Like many prosecutions, I think the Manhattan district attorney was highly motivated politically. But that’s nothing new. Thousands of criminal defendants receive similar unfair treatment all the time. In this sense, Trump was treated no differently than other criminal defendants and got “equal treatment” under the law.

Michael Shane Hale
Donald Trump was afforded something a lot of people don’t get — legal representation at a trial. Most cases are resolved through plea bargaining. Donald Trump was mentored by Roy Cohen, an attorney who understood how to work the system. Donald Trump was relying on the strategy that with a top-notch legal team, he could win. The system is designed to reward those with resources. Those people who do not have resources are often left [to be aided by] people whose caseloads are unreal.

Trump rolled the dice. He had all the resources available to overcome the prosecution. He still has his appeal. He was provided due process. Donald Trump didn’t have to testify. Jury instructions were fair because he was not penalized for not testifying.

This process did show that Donald Trump was not penalized like others who violated a gag order like Trump did. Because of who he is, Trump was not punished for his behavior.

Do you think he should get prison or probation?
I think prison should be reserved for the worst offenses. This type of misconduct certainly does not merit prison time.

Paul Cortez
Prison is never the solution — even for Trump. As a prison abolitionist, I must be on the side of alternative ways of dealing with legal matters. A fine and probation would be most suitable for this moment in time.

Darnell C. Butcher is currently incarcerated at the Federal Correctional Institution, Elkton, in Ohio.

Leighton Johnson was formerly incarcerated in Connecticut. He is an activist, mentor, teacher and nonprofit CEO for I Am The Voice of Legacy Co.

Thad Bereday, a former attorney based in Tampa, Florida, was formerly incarcerated until he was pardoned by then-President Trump. He is the host of the Redemption Radio podcast.

Michael Shane Hale is currently incarcerated at Sing Sing Correctional Facility in New York.

Paul Cortez is currently incarcerated at Sing Sing Correctional Facility in New York.
Jasma Credle
The public is given a rude awakening when they realize that equal rights for all people never existed in the first place. Despite being found guilty, Trump will not serve a day in prison. That’s the case, all felons should receive fair treatment and should not be subjected to discrimination. Since Trump can live his life and be accepted, then so should every American who has committed a felony. Therefore, the laws pertaining to those with felonies need to change. Everyone has the same rights!

Jasma Credle was formerly incarcerated in New York. She relocated to Atlanta, where she is a health educator at the Wholistic Stress Control Institute.

David Annarelli
What message do you think this sends to the public?
No one trusts or believes the government. No one has faith in the laws of this country or those that enforce them, particularly due to the obvious “one law for me another for thee” aristocracy that exists.

Do you think the criminal justice system was fair to Trump?
No. There were glaring issues throughout the entire trial, being noted by legal experts across [the] political spectrum. Witness credibility, judicial bias (judge’s known political participation), jury pool, [and] jury instructions being the key points. As a jailhouse lawyer, and member of the Jailhouse Lawyer’s Initiative, there were other things I heard that made me want to see the trial record with my own eyes. Do you think Trump should get prison or probation?

Anthony Arriaga
This verdict further corroborates that when the system wants you, they get you. I agree with Trump that it was a witch hunt. I believe it sends a message to the world that we would have the audacity to put our former president on trial for matters that should have been resolved in a civil proceeding. This hush-money trial was a sham. Plenty of people settle their disputes in civil proceedings. I definitely think Trump should get probation or a suspended sentence.

What do I think will happen next ... a trend of trials against politicians, including presidents fearing to do their jobs anticipating that they can be tried, convicted and imprisoned for violating state laws. If we could try our former president, I can’t see why assistant attorney generals, police officers/detectives and prosecutors can’t be tried as well for destroying individuals and their families’ lives by committing unlawful acts to secure convictions! I am in a prison setting where there are people who root for the prosecutor and cheer for convictions ... how times have changed.

Anthony Arriaga is currently incarcerated at Sullivan Correctional Facility in New York.

Joseph Wilson
Allowing space for a person who has caused harm to be accountable — stop the immediate harm, recognize the harm, recognize the consequences of harm, make repairs for the harm, change harmful attitudes that allow for harm to repeat, become a healthy member of the community — is a lot more challenging. It takes actual work.
Accountability is less likely to be demonstrated by accused persons as long as the justice system remains adversarial. It’s all about revenge, punishment and statistics.

Does prison time or probation produce accountability? If the answer is no, then there should be another penalty. Making the harmed party whole without causing harm to the person who caused harm should be considered, whatever the penalty.

Joseph Wilson is a composer, librettist, singer, songwriter and co-founder of the Sing Sing Family Collective, who is currently incarcerated at Sullivan Correctional Facility in New York.

Jason McCrickard
Due to Trump’s blatant disregard to his own faults, he has convinced not only himself but at least 48% of Americans that he has done no wrongdoing and that this is all political. This sends mixed messages to all Americans, causing us to become even more divided. We are shifting from the United States of America to a politically divided America, which, in my opinion, makes us look very weak and vulnerable as a country.
Send a message to Mr. Trump with his sentence, (keeping in mind that doing jail time would entail much more than the average person). Give him 2.5 years suspended and 2 years probation.
For what is to come next ... that my friend, is a great question that only time can tell. America is divided, and I strongly feel that no matter who wins this November there is going to be unrest, protests and major disruptions to follow.

Jason McCrickard is currently incarcerated at St. Bridges Correctional Center in Virginia.

Martin Garcia, Lawrence Bartley, Joseph Neff and Nicole Lewis contributed to this story.
The Mercy Workers, Illustrated
Reported and Written by Maurice Chammah
Illustrated by Jackie Roche

In 2019, Sara Baldwin told me she'd joined the defense team of James Bernard Belcher, who was facing the death penalty in Florida.

Her job as a "mitigation specialist" was to find reasons why a jury should spare his life – by researching the story of that life.
Jennifer Embry’s 1995 rape and murder was solved when DNA at the scene matched Belcher’s. He had already gone to prison for sexually assaulting another woman.

A jury took just 16 minutes to vote for his execution.

But changes in the law led Florida courts to overturn dozens of death sentences, and now a new jury would decide his fate.

In the 1970s, the Supreme Court said juries had to assess peoples’ individual histories when considering the death penalty.

Mitigation specialists emerged to research their lives, and played a big role in the drop from more than 300 annual death sentences in the mid-1990s, to fewer than 30 in recent years.

As a journalist, I wanted to see this process in action, and asked to tag along.

Many wanted nothing to do with her.

Baldwin and I spent long days driving around New York and Florida, looking for people from Belcher’s past.

I don’t want my name out there.
Then we found his parents...

New York changed her...
She was going out on me...

In a nursing home, James Belcher Sr. said he followed his wife to New York City in the 1950s to escape racism in Jacksonville, Florida. They were part of the Great Migration, an exodus of Black Americans from the South.

The knife was her favorite thing...

At a Jacksonville apartment, Earline Floyd told a different story – but no less violent.

Every time he raised his hand to hit me, I would cut him...

I used to carry my razor with me every day, everywhere I went...

So he was a stalker type?

Yeah...

We all wondered how the trauma shaped her son’s young brain.
After their divorce, she raised her son in Brooklyn, amid rampant violence:

In 11th grade, he saw a security officer shoot his friend, and spent the rest of the day with his blood on his pants.

His escape was basketball. A cousin told us he could land 100 jump shots in a row.

To buy new clothes, Belcher turned to stealing at 16.

He was sent to a jail on Rikers Island and upstate prisons, surrounded by rape and other horrors,

but also mentored younger prisoners as a basketball coach — encouraging them to leave crime behind.

In between stints behind bars, he suffered from flashbacks, and his own crimes escalated.

His lawyers and I wondered whether a jury could sympathize, given what he’d done.

I was no longer able to experience joy, except when playing basketball.

That [line] between explanation and excuse is something we always have to be careful of.
In September 2022, Baldwin and I watched jurors take in testimony from Embry’s family.

“I felt more pain than I have ever felt in my life,” her brother said.

Another woman spoke about being assaulted by Belcher.

I remember laying there and saying, “I didn’t want to die like this.”

I didn’t want to be found.

But the jury also heard from the people Baldwin had interviewed. Their New York accents stuck out in the Florida courtroom.

Rikers was a terribly toxic world for a 16-year-old to grow up in.

Ex-New York City corrections commissioner, Vincent Schiraldi

He’s a model tragedy in Black American history.

Belcher’s cousin, Wayne Deas

The lawyers sounded like philosophers, with arguments about trauma and free will.

Think about what he did...

Doesn’t that really define who he is?

Prosecutor Bernie de la Rionda

Can he continue to contribute to the human family from inside prison?

Defense attorney Alan Chipperfield
After several hours the jurors returned.

One juror told me, “It was his personal decision to do what he did, but society has some responsibility for making him who he was.”

Enough of them were convinced that Belcher’s life had value, despite his crime.

Belcher told me he was relieved to be off death row—perhaps he’s mentor young men again—and Baldwin’s work had taught him about himself.

Thank you, Jesus.

You are free, Earline.

I don’t like to use the word “traumatized” for myself, but it probably fits.
He said the hardest part of the trial was seeing the Embry family’s pain.

He still didn’t understand why he killed her. I realized perhaps nobody would have a satisfying answer.

But Baldwin’s work forces us to ask, When we consider that void, do we see a monster or a soul in torment?
A LETTER FROM LOUIS

Hello friends,

This issue’s Ohio Focus highlights how the state criminalizes people living with HIV. Our laws, which often punish people for failing to disclose the disease to their partners, have led to at least 200 prosecutions in recent years. Penalties can include prison time and sex offender registration. But critics say these regulations are outdated and have failed to advance with HIV science.

Before you dive into that story, I want to tell you about Cuyahoga County Reentry Week. During this April celebration, performers and writers brought to life the challenges of navigating reentry by sharing their personal experiences with housing, employment, probation and public perceptions.

Most memorable was an original play at Urban Community School called “A Day in the Life: A True Life Sentence.” “It was amazing,” said cast member Odetta Fields. “It is important to get our story out there to bring positivity into our lives and keep the negativity out. The skits make the world aware of our challenges and give those coming home hope.”

Reentry Week reminded me of my own incarceration, of those tough summers when family seemed so far away. It is especially difficult when you know you should be released but are being held due to a lack of communication or court errors in calculating jail time credit.

In light of that, The Marshall Project - Cleveland is looking to talk to other people in Ohio prisons who are trying to get their sentences and time credits corrected. This may include time someone sat in jail before a conviction or at sentencing when credits for time served were not correctly calculated.

If you are one of these people who have had trouble obtaining proper time credit, send an email tocleveland@themarshallproject.org. Make sure to include the Ohio county where your case was prosecuted, along with your case number, details about your sentence that needs to be fixed, and whether you have previously requested that your sentence be adjusted.

Thank you for reading and stay strong.

Until next time,
Louis Fields

Louis Fields
Louis Fields is the outreach manager for The Marshall Project - Cleveland. He served 23 years in Ohio state prisons and was released on parole in October 2021.
He’s in an Ohio Prison for Exposing Someone to HIV — Even Though He Couldn’t Transmit the Virus

Ohio has six laws that criminalize living with HIV, leading to at least 200 prosecutions in recent years.

By KEN SCHNECK, The Buckeye Flame, and RACHEL DISSELL, The Marshall Project

This article was published in partnership with The Buckeye Flame.

Illustrations by CANDICE EVERS FOR THE MARSHALL PROJECT

Caymir Weaver kept his gaze forward and his jaw set as a county judge chastised him during an October court date. “You disrespect everything that’s proper and moral and ethical,” Mahoning County Common Pleas Judge R. Scott Krichbaum told him.

Weaver was used to being judged for having HIV. He’d had it since he was born. But now he was facing time in prison for it.

Months earlier, the 22-year-old had reconnected with a high school friend. After chatting on social media, they hung out, and eventually, he gave her oral sex. Weaver thought his friend remembered he was living with HIV — he had been open about it his entire life — but after he reminded her, she got upset and called the police.

Prosecutors charged Weaver with felonious assault for not notifying his partner of his HIV status. He faced up to eight years in prison. It didn’t matter that there was “little to no risk” of transmitting the virus or that Weaver’s partner tested negative. But he was scared, so he took a plea deal. Prosecutors agreed not to argue for prison.

Now his fate was in the hands of a judge who was first elected in 1990, one year after Ohio made it a crime to expose a person to the virus. It was a time when an HIV diagnosis was basically a death sentence. Advancements in treatment now allow those with HIV to live full lives. The 71-year-old Krichbaum made it clear he still considered HIV lethal, and the law blunt. What Weaver did was “like shooting a gun and hitting somebody, and they survive,” Krichbaum said. “That’s what this crime is.”

And for that, the judge decided Weaver belonged in prison for a year. Krichbaum tacked on an extra 30 days in the county jail to punish him for showing up a few minutes late and for being dressed in a white tracksuit and tennis shoes — an outfit Weaver bought for the hearing, but Krichbaum deemed inappropriate.

Weaver’s resolve broke. His attorney handed him a tissue before deputies took him away.

Weaver is serving his sentence at the Ohio Reformatory for Women in Marysville. He has identified as male since high school but was assigned female at birth.

“It was hurtful how he spoke to me, how he treated me,” said Weaver, months later in a call from prison. “Like I was basically poison.”

A push to ‘modernize’ HIV laws

Across the country, there’s a push to repeal or update the types of laws that put Weaver in prison. Most of the laws were put on the books decades ago, fueled by fear and absent scientific understanding about how the virus is transmitted, and long before advances in HIV treatments.

Laws remain in place in 34 states. Thirteen states have repealed or modernized their HIV laws, according to the Center for HIV Law and Policy, a national legal policy and resource center working to decriminalize HIV. Illinois repealed its HIV criminal laws in 2021, with New Jersey following in 2022.

Ohio has six different laws that criminalize certain acts — some involving sex — for people living with HIV, or that substantially increase penalties for them, compared with people who do not have the virus.

There are no national reporting requirements that track the arrests or prosecutions. Most of the available information is collected by advocates or researchers. Until recently, it was unclear how often Ohio prosecutors charged people under the laws, some of which also apply to people living with viral hepatitis or tuberculosis.

In February of 2024, Equality Ohio and the Ohio Health Modernization Movement released results of a three-year effort to count prosecutions...
Ohio’s 88 counties. Compiling information from court dockets and public records requests to court clerks and prosecutors, the groups tallied 214 cases prosecuted over a six-year period.

About a third of the cases were like Weaver’s: felonious assault, which carries the most severe penalty of any HIV-related charge. More than half of the cases were for “harassment” with a bodily substance, most often involving law enforcement, corrections officers or health care workers. Ohio law doesn’t distinguish between bodily fluids that can transmit HIV, such as blood, and those that do not, such as saliva, urine or feces.

Ohio’s laws don’t require HIV transmission

Ohio’s laws are among the most punitive when it comes to HIV criminalization, said Jada Hicks, staff attorney for the Center for HIV Law and Policy. That includes stiff penalties for failing to disclose HIV status — regardless of whether the virus is or can be transmitted. In some cases, the law also requires sex offender registration.

“Ohio takes a more carceral approach to HIV than a public health approach,” Hicks said.

Mahoning County Prosecutor Gina DeGenova said it isn’t her job to weigh in on what the law should be. It’s to enforce the law as it is currently written, as her office did in Weaver’s case. DeGenova said with updates to technology and knowledge of how infections are transmitted, it “makes absolute sense to review the status of these laws.”

Ohio’s laws that criminalize living with HIV were first passed in 1989. That year, AIDS-related complications were the second leading cause of death among men between 25 and 44 years.

The original laws did not specifically reference HIV status, instead requiring prosecutors to prove that having sex while living with HIV was akin to carrying a deadly weapon.

Several high-profile examples of HIV transmission dominated the country’s attention in the 1990s, notably the New York case of Nushawn Williams, who had sex with over 100 women.

Following the media panic caused by cases like that of Williams, many states updated their HIV laws. In 2000, Ohio’s laws were changed to more specifically add HIV status into the language and criminalize exposure, not transmission.

A childhood spent managing HIV

Weaver was born with HIV in New Jersey in 2001, as some states were sharpening their HIV laws and ramping up prosecutions. His birth mother died of a heroin overdose shortly after his younger brother was born.

“I don’t really remember her,” Weaver said.

He bounced around to seven different foster homes and was separated from his four older brothers before being adopted at age 3. His new family also included a sibling set of five from Texas, adopted by — as he calls them — his parents.

From what Weaver was told by his parents, his birth mother was living with HIV and took antiretroviral medicines while pregnant with his older brothers, all of whom were born without HIV. Weaver and his younger brother were born with the virus, but his brother — and not Caymir — was given antiretroviral treatments and his status reverted to negative. Weaver was never told why.

As a child, Weaver’s family made regular trips to Cleveland and Akron to get testing and treatments for HIV. The medical treatments kept the levels of virus in his body at undetectable levels, his mother, Ruth, told The Marshall Project. Their church and some family members shunned them for adopting a child with HIV. Instead of staying scared, the family got educated about the virus.

From the start, Weaver’s parents had the same message: Be open, be safe.

“They gave it to me straight up. So if I was bleeding or cut my hand or something, they taught me that I always had to wear gloves and make sure that everyone was protected,” Weaver said.

His parents also gave him “the sex talk.” He remembers being in a doctor’s office when he was 9 or 10 and being shown how to put on a condom. Even then, he wasn’t worried.

“I already knew I wasn’t going to be having sex with guys,” Weaver laughed.

The lesson that most stuck with Weaver was to be open about his HIV status. When he would get close with people — friends or romantic interests — he would disclose his status, even if it meant being bullied as a result.

“Weople would use it against me, call me ‘HIV-bitch’ and other names. It did hurt me at one point in time, but there’s nothing I could really do. I was born this way and I had to tell people close to me,” Weaver said.

A reunion with an old friend, and a call to police

It was while scrolling through Facebook at the end of 2022 that Weaver saw the profile of a close high school classmate he’d lost touch with after dropping out his senior year. Weaver recalled exactly where they were about four years earlier when he told her that he was living with HIV: on the school bus with another friend whose name he specifically still remembers.

“I told her my whole story, [including] that I was HIV-positive. She sat there and took it all in and said she understood,” Weaver recalled.

The two met up in February 2023 and on the second day, things became sexual. Weaver said he gave the woman oral sex.
The next morning, after Weaver was back at his own home, a voice inside him told him that he should remind his friend about his HIV status.

“She flipped out. She said, ‘If I have it, I’m going to kill you!’ I just kept telling her that you can’t get [HIV] from saliva,” Weaver said.

A few hours later, the friend contacted the Austintown police.

Police questioned Weaver at his home that same day. But it wasn’t until months later that he was charged with felonious assault, arrested and booked into the county jail on June 1, 2023.

“I didn’t eat for five days. They put me on a suicide watch, which meant sleeping on a mat on a dirty concrete floor with cameras watching you,” Weaver said.

After seven days of suicide watch, he was placed in the section of the jail reserved for people accused of serious crimes, such as murder. He said the women there treated him like family, made sure he ate, and were mad about Weaver’s charges.

“There was even a nurse in that pod who kept saying, ‘But you can’t get HIV that way!’ Everybody knew that,” Weaver said.

Weaver sat in jail for 41 days, until eventually, his family was able to post his $12,000 bond.

**Medical experts say that fear is not rooted in science**
Dr. Joseph Cherabie, assistant professor in the Division of Infectious Diseases at Washington University, said that the risk of HIV transmission by oral sex between two individuals assigned female at birth is “zero.”

Cherabie pointed to research, including a 10-year study that observed no transmissions in people who received oral sex among 8,965 acts, and a 1998 study that observed no transmissions due to oral sex.

Under Ohio law, the science of transmission doesn’t matter. And it didn’t matter to Judge Krichbaum when he spoke to Weaver: “The law says it doesn’t matter what you do, you gotta tell somebody ahead of time, ‘This is what I have, do you still want to engage or do you not want to engage?’”

In Weaver’s case, the prosecutor said discrepancies around that key issue — whether he disclosed his HIV status — led to the plea agreement. DeGenova said had there been no deal, her office would have recommended a sentence similar to the one the judge gave Weaver, she said. The victim, she said, agreed to the plea deal.

**Laws disproportionately affect Black, LGBTQ+ people**

HIV decriminalization advocates say Weaver’s case highlights how the current laws can be used to discriminate against people living with HIV solely based on their health status, and even when there isn’t a risk of transmission. That is especially true for Black Ohioans, like Weaver, who test positive for HIV at higher rates.

In 2022, about 25,000 people in Ohio had an HIV diagnosis. The rate of Black residents diagnosed with HIV was more than six times the rate of White residents. The CDC has warned that laws criminalizing HIV exposure are outdated and may discourage testing, increase stigma and exacerbate disparities in Black and Latino communities. Advocating to modernize state laws is also a part of Cuyahoga County’s public health strategy to end the HIV epidemic, an effort supported by federal funding.

Authors of the recent Ohio report found that police and court records often lacked information on race or ethnicity, and the gender captured in law enforcement records didn’t always reflect a person’s gender identity. That prevents researchers from fully understanding the impact that these laws are having on some of the most vulnerable populations in Ohio, including LGBTQ+ people, people experiencing incarceration and people of color.

“These laws continue to harm marginalized communities, and we’re seeing [Caymir’s] case exemplify that,” said Hicks, with The Center for HIV Law and Policy. “We’re seeing someone who has already been othered based on their race. We’re seeing a little bit of homophobia. We’re seeing a little bit of HIV exceptionalism. We’re seeing fear-mongering. We’re seeing all of that in [this] case.”

In 2022, the Center for HIV Law and Policy filed a complaint with the Department of Justice on behalf of people living with HIV in Ohio and Tennessee.

In December 2023, the DOJ notified Tennessee it was violating the Americans with Disabilities Act by enforcing the state’s law that increases penalties for people convicted of prostitution if they also have HIV. On Feb. 15, 2024, the justice department sued the state and its state investigations bureau for discriminating against people living with HIV.

**Enduring prison and reflecting**

Weaver was released from prison in April 2024 to serve the remainder of his sentence at a halfway house in the Cleveland area.

He said he was scared when he was taken from jail to prison, but has met supportive people.

His mother Ruth has been there, too. They talk as often as possible between her shifts cleaning and working a restaurant job. It weighs on her that she couldn’t afford an attorney to help fight his case. She’d watched her child be hurt and rejected his whole life for having a virus he didn’t ask for. The judge added imprisoned to the list.

It’s not lost on her that the same judge who lectured her son about morality, weeks later hit a cyclist with his car, left them by the side of the road and ended up with only a $400 fine.

HIV decriminalization advocates say that Weaver’s case is the epitome of why they are pushing for reform of Ohio’s antiquated laws.

“The set of facts is so wildly disproportionate to any amount of harm that could ever be caused,” said Hicks.

Weaver agrees, taking exception to the comments made by Judge Krichbaum.

“If [HIV] was a death sentence, my whole family would be dead,” Weaver said.

Weaver is using his incarceration as an opportunity to figure out his life. He’s getting his GED.

Although his HIV status has been used as a weapon to imprison him, he chooses to see the virus as a “blessing.”

“I probably have it for a reason,” he said. “For you to tell my story.”

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ISSUE 17 27
READER TO READER

Visitation day behind bars isn’t just another day — it’s a chance to reconnect with friends and family and navigate the complexities of prison life together. These visits are often memorable and exciting, but they can also be emotionally challenging and anxiety-inducing. We reached out to incarcerated folks for their advice on how to prepare for a visit in order to make the most of these precious moments. From hygiene tips to keeping conversations flowing, their insights offer a glimpse into the complexities of visitation. Check out their responses below — they’re practical and might just make your next visit a little easier.

OUR QUESTION:

If you had to give advice to someone expecting a visit, what helpful tips or suggestions would you offer to help them prepare?

“Write down some ideas ahead of time of things you would want to talk about. Spend some time on the list. Think of what is really important to you, but also to them. When you have the list ready, go back through it and organize it in order of priority.”

— FROM A READER IN NC

“Talk about everything you can’t talk about on the phone, on your visit. Talking in person is much different and more effective for certain circumstances, especially when you’re getting acquainted with pen pals or new friends. I like being able to see a person and how they react to my questions. I read body language and facial expressions. I’ve talked to people for months, then met them on a visit and I became totally uninterested.”

— FROM A READER IN OH

One of the best ways I’ve found to prepare myself for my family’s arrival is to help prepare them. They are likely as excited and overwhelmed as you are. Not to mention that the logistics and prison strangeness concerns are very real for them. Helping them get past the initial concerns about the place — by providing them with images, drawings, layouts, or things the prison offers regarding the visiting room. It gets minds off the overwhelming parts and breaks the ice once they get here. Breaking the ice can be the hardest part.

— FROM A READER IN OR

Remember that your visitor has come to see you and spend time with the person you’re becoming, not the person who you were. Give yourself a chance to be open and honest about what you’re going through, and expect the same from them.

— FROM A READER IN WV
Of course, we all know to dress nicely. If I was to give advice, it would be to let your visitors know how much you love them and appreciate all they do for you. Our visitors do a lot for us. I hear a lot of these men cussing out their loved ones, which is not cool. Life does not stop for those on the outside, so if they cannot get to our requests right away, who cares? First, it is their money, and second, they are doing us a favor. So let them know you love and care about them. Show them you are a changed person through your actions and speech, and give them your full attention.

— FROM A READER IN CA

Remember that different prisons have different rules. Make sure you know what is acceptable to bring. Also, remember that the staff at the prisons are somebody’s family, too.

— FROM A READER IN NC

Before the visit, picture the best possible visit and the worst possible visit, and find gratitude in between. Attract and embrace positive emotions. Keep a third-person or outside perspective of how the visit will go, is going, should go, etc. It’s a blessing either way. God Bless.

— FROM A READER IN OH

I would recommend tracing out a coloring book or maybe making a word search for your kids if they are going to be visiting you, as well. The reason being, that some facilities do not have activities for young ones to fill their time with. I think we all know how quickly kids can lose interest in things and become a little disruptive.

— FROM A READER IN WV

Make sure you are as presentable as possible. Don’t have your loved ones risk their freedom by sneaking you in contraband. Don’t argue with people visiting you.

— FROM A READER IN WV

Tell your family to check the clothing guidelines and visiting rules, and follow them to the best of their ability. Also, check to make sure everything is ready and on point once, twice, and even three times so they don’t get turned away! Keep the prison phone number on speed dial!

— FROM A READER IN IL

In North Carolina, visit day is like Christmas! You can be sure to recognize a person who is preparing for a visit. All of the guys in the dorm hook the brother up with the newest of state-issued clothes, the best of oils, and some gum to keep his breath in check! Of course, we try to calm his nerves and anxiety because seeing a loved one after being separated due to incarceration brings shame and embarrassment! Remember that these people love you or care about you enough to visit you, so be yourself, have fun, and enjoy the freedom of being with the person in front of you.

— FROM A READER IN NC

I would stay in a good place in your mind because, with good vibes, good things are to come. But it depends on who you are getting a visit from. If it is a spouse, then always ask and never assume. And if it is parents or a parent, then always make the best of every situation because we’re not promised tomorrow.

— FROM A READER IN WV

When expecting a visit, make sure you are prepared. Do not be late when you are called. It is important to also be ready to have honest conversations. For instance, if this visit is with your children who are not doing well in school, you need to address what’s going on in their lives. Ask questions and give advice with love.

— FROM A READER IN NC

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— FROM A READER IN NC
Try to look your best. It may seem difficult in prison clothing, but wearing a clean uniform, being groomed, and using good hygiene shows your visitors respect for them for taking the time to come see you, and demonstrates your self-respect. Smile! A pleasant facial expression can set the tone for your visit. No one wants to spend time with a whiner who complains and frowns all the time. Remember... you put yourself where you are! Your visitors are sacrificing their time to see you. Don’t ask for money, food packages, books, etc. Let the visit proceed naturally. If they offer, sure, be gracious and accept. But don’t use a visit to beg for money.

— FROM A READER IN SC

Remember that every petty rule that is in place exists because other people before you tried to get around the rules. Don’t be that person who ruins it for future visitors.

— FROM A READER IN WV

Just try to relax and enjoy the visit. I know we like to stress and have to have everything perfect on these days. Just remember to pick out your best prison blues and get them pressed and creased. People are coming to visit because they care and are here to show support for you. Just share the good memories, have belly-hurting laughs of old times, and make new memories with your loved ones. Oh, and don’t forget, best of all, you get to eat good food.

— FROM A READER IN OH

Remember that your visitors are taking time out of their lives to do this most likely because they care, so focus on that point in time and don’t think about them leaving or what they might do when they do. Think about if that is the last time you would ever see them, what do you want to do or say?

— FROM A READER IN MI

After 11 years incarcerated without seeing an ex-girlfriend of mine, she contacted me for a visit. I was nervous but took a shower and shaved looking my best with my best clothes. When I first saw her come in, I was breathless and scared, but I kept my cool and remembered who I was when we were together. Our first re-encounter was shocking, but I put on a big smile, gave her a big long hug and took each minute of the two-hour visit asking her about her life and giving her compliments on her appearance. She loved the visit so much that she started coming to see me twice a week for the next two years. Stay comfortable and confident, and don’t forget who you are as a person.

— FROM A READER IN NJ

I would suggest trying to relax and just enjoy the visit. They are coming for a visit because they truly care and love you. They have most likely already seen you at your worst. They are visiting to show they still care and are here to support you. So take a deep breath and get your best state outfit pressed and creased and relax and enjoy your best memories with that person and share laughs together. Just let yourself get out of prison life for the time of the visit.

— FROM A READER IN OH

Prepare your heart and mind. Get your heart ready to enjoy the closeness of your loved one. Every visit isn’t perfect, so also prepare your heart and mind for bad news if it may come.

— FROM A READER IN VA

I would tell them to relax and just be themselves. Don’t overthink. Prepare for the visit and don’t be disappointed if things don’t go as you planned.

— FROM A READER IN AZ

If someone was about to get a visit, I would advise them to be strong because there are lots of emotions. You have to be prepared to look good inside and out because your family or friends also want to see you doing good while incarcerated. It is really important for the incarcerated person to tell their visitors the experiences they have in jail, good and bad because it can help spread the word to the community.

— FROM A READER IN TX

The artwork for this issue’s Reader to Reader comes from Isadora Kosofsky, whose series, “Still My Mother, Still My Father” documents bonding meetings between children and their incarcerated mothers and fathers at twelve men’s and women’s prisons in the state of Florida.
Our next Reader to Reader is about ...

Hearing from You

A core goal of News Inside is to dive deep into issues that resonate with you. For example, we’ve covered topics like sports, religion, food and personal finance, which play a part in your life while incarcerated.

We’re eager to learn about all the important aspects of life behind bars. And we’re relying on your input to identify the subjects that interest you!

Is there a topic you want us to explore further? Do you have a question or idea that you think deserves attention in our Reader to Reader column? Whether it’s about hobbies, health, relationships, or anything else, we’re all ears. Your insights will shape the content of News Inside, ensuring it reflects the diverse experiences of our readers.
HEX CO! WRONG CELL! I'M IN 16!

17 HAS A VISIT. NOT YOU!

Did they call you?

NO, SILLY!

Would I still be here?!

Do they worry, she could still be coming. Maybe she just took the Pony Express?

What happened?

Whatya think happened?

C'mon, Pedra you're doing too much.

Maybe her bus was hijacked by terrorists!

HAHA!

Doing way, way too much.

It's okay little bro, I'm not angry. I know Pedro doesn't mean harm.

It's hard for loved ones to visit way out here...

Especially when they're trapped in a dusty CAVE somewhere!

THAT'S IT, I'VE HAD IT! GO LET ME OUT SO I CAN SILENCE THIS MAN!!

See!? You makin' him crease my shirt.

ISSUE 17
Crossword

ACROSS
5 Shane redesigned the library at Sing Sing and created its first-ever ______ section. (1 acronym)
8 “So much of what our modern-day criminal justice system looks like was born of the _____.” (2 words)
9 Trump was ______ of falsifying records to cover up accusations of a sexual liaison before his 2016 presidential campaign. (1 word)
11 The _____ decimal system is a classification method libraries use to organize books by subject. (1 word)
13 Trump has “highlighted a core critique echoed by millions of Americans with criminal records: It is profoundly unfair and ______.” (1 word)
15 Someone who does research on a person’s life to find reasons why a jury should spare the person’s life. (2 words)
19 Ohio has six different laws that ______ certain acts for people living with HIV. (1 word)
20 These types of sentences saw the removal of discretion from a judge’s purview. (2 words)

DOWN
1 Name of the incarcerated dog trainer. (2 words)
2 A program that allows incarcerated people to live in a particular unit and train Labrador retrievers to become service dogs. (3 words)
3 “In some ways, The Tank is like a ______ for men who can never leave their cells.” (2 words)
4 “Prosecutors charged Weaver with ______ for not notifying his partner of his HIV status.” (2 words)
6 Gloria Gilbert Stoga founded PBB in 1997 in ______ Correctional Facility. (2 words)
7 “Ohio takes a more carceral approach to ______ than a public health approach.” (1 acronym)
8 Allan B. Polunksy Unit’s prison radio station. (2 words)
9 “I interviewed hundreds of people, and when I talked to drug dealers, I was amazed at how much they sounded like hardened ______ that you would read about in Bloomberg magazine.” (1 word)
10 Ramy Hozaifeh’s nickname. (1 word)
16 “In the 1970s, the Supreme Court said ______ had to assess peoples’ individual histories when considering the death penalty.” (1 word)
17 Trump was found _____ of 34 felony counts. (1 word)
18 Shane got assigned as a general _____ due to “facility needs.” (1 word)
An “In the Spotlight” feature is an honor. During my incarceration, I found solace and enlightenment in the library. Having access to News Inside’s criminal justice news would have been invaluable. Now, I am committed to ensuring that students in our program have access to this crucial resource.

Even the simplest acts of kindness can nourish people. My team strives to transcend societal norms, confronting the inequities faced by justice-impacted individuals. Our mission is to shift the narrative on how the world engages with these individuals, fostering an environment of radical hospitality during reentry.

One common challenge often voiced by our students is the lack of information about criminal justice news from the outside world. News Inside fills this critical gap, and I will forever support and partner with The Marshall Project to ensure its availability.

Shon Holman-Wheatley is the director of Transitional Programs at The Tennessee Higher Education Initiative, which provides holistic support to incarcerated scholars pursuing associate and bachelor’s degrees within Tennessee prisons. He leads a dedicated team of reentry professionals who provide individualized transitional services to students and alumni.

Holman-Wheatley has a bachelor’s degree in human development and learning, a master’s in educational leadership and policy analysis, and an education specialist degree in counselor leadership from East Tennessee State University. His experiences have equipped him with the knowledge and passion to advocate for and support justice-impacted individuals in their reentry journeys.

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We want to hear a bit about you and how News Inside has affected you. If you are interested in being featured in In The Spotlight, please mail us your response to the address on the back of the magazine, or send us an electronic message at newsinside@themarshallproject.org. If you are chosen to be featured, we will contact you to request a picture of you and discuss your response if needed.

Last Issue’s Answers

1 Short staffing overburdens the system, causing issues for both incarcerated people and other corrections staff. FALSE
2 These States Are Using Fetal Personhood to Put Women Behind Bars. TRUE
3 Prosecutors dropped the charges against her in November 2023. FALSE
4 Being a Corrections Officer Is Hard Enough. Doing the Job While Pregnant Is a Nightmare. TRUE
5 Good Intentions Don’t Blunt the Impact of Dehumanizing Words. TRUE
6 Elizabeth Holmes Has Two Young Children. Should That Keep Her Out of Prison? TRUE
7 “Stranger Fruit”: Black Mothers and the Fear of Police Brutality TRUE
8 According to the U.S. Census Bureau, in 2022, the number of people working for state prisons hit its lowest mark in over two decades. FALSE
9 Cuyahoga County Jail Shows People the Door, Offers Little Else to Aid Reentry. TRUE
10 How Cuyahoga County Picks Attorneys to Represent Children. TRUE
The Marshall Project is a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system. We achieve this through award-winning journalism, partnerships with other news outlets and public forums. In all of our work we strive to educate and enlarge the audience of people who care about the state of criminal justice.

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