

Continue from page 1 (**CALIFORNIA EXPERIMENT**)

But proponents of the bill estimate that it is between 400 and 800. In 2016, lawmakers rejected a bill that would have required prosecutors to collect data on felony murder prosecutions and report it to the state. A survey answered by 1,000 prisoners convicted of murder found that the felony murder rule disproportionately affects women and young people. Of the women serving life sentences for murder in California, 72 percent were not the killers, according to the survey, which was conducted by Restore Justice, the Youth Justice Coalition and the Anti-Recidivism Coalition, California groups that support criminal justice reform. The origins of the felony murder rule are murky. Generations of law students have been taught that it is a relic of British common law. But Guyora Binder, a professor at the University at Buffalo School of Law and a leading expert on felony murder, said he had found otherwise. He traced modern felony murder doctrine to the 1820s, when state legislatures in the United States codified criminal offenses. England abolished its version of felony murder in 1957, followed by India, Canada and other common law countries, and the United States remains the only country where the felony murder doctrine still exists. A Michigan Supreme Court ruling that did away with it in that state nearly four decades ago called it “a historic survivor for which there is no logical or practical basis for existence in modern law.” The proposed California legislation would not undo felony murder entirely, but it would carve out the group of people who had very little involvement in the underlying crime and no intent to kill anyone, Binder said. That could make it a model for other states.” This proposed bill is a very clever reform because it addresses the least popular and the least defensible aspects of the rule,” he said. But opponents of the bill argue that people will be less likely to commit crimes if they know they will face maximum penalties if someone dies.” The deterrence value is people are discouraged from participating in serious, dangerous felonies,” said Sean Hoffman, legislative director for the California District Attorneys Association, when he testified Tuesday in opposition to the bill. Prosecutors and victims’ rights advocates say that the doctrine is justified because people who choose to participate in dangerous crimes do so knowing that an innocent person could die.

OPENING STATEMENT

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“The way the legislation is written, it gives everyone a path out, and only penalizes the actual shooter,” said Eric Siddall, a prosecutor and vice president of the Association of Deputy District Attorneys for Los Angeles County. Siddall said the legislation could make gang prosecutions more difficult. Critics of the rule say felony murder can lead to absurd results. In some cases, accomplices have been charged with felony murder when the death actually occurred at the hands of the police or even the victim. In one notorious 2012 case in Indiana, a group of young men who became known as the Elkhart Four broke into a house searching for cash. The homeowner, who was napping upstairs, awoke, grabbed his gun and fatally shot one of the intruders. The remaining defendants were convicted of first-degree murder under the felony murder rule. The State Supreme Court later overturned three of the four convictions, but the felony murder rule remains. California courts have criticized felony murder, while leaving the rule intact. In 1983, the California Supreme Court called felony murder a “barbaric” rule of “dubious origins” from a “bygone age,” but concluded that only the legislature could change it. A killing in California in 1995 drew national attention after a group of young men received life sentences. Five teenagers had gone to another high school student’s house near Malibu to buy marijuana. During an altercation, one of the five fatally stabbed another teen. Four of the five — Micah and Jason Holland, Brandon Hein and Anthony Miliotti — were prosecuted for felony murder.” That case still haunts me,” said Robert Derham, a lawyer who represented Micah Holland on appeal. “It’s completely artificial. The punishment doesn’t fit the crime.” Tuesday’s committee hearing focused on the human impact of the felony murder rule. Jacque Wilson, a longtime San Francisco deputy public defender, recounted how in the summer of 2009 he got a call that his younger brother Neko had been accused of planning to rob a couple at a marijuana grow house in the Central Valley. During the robbery the couple, Gary and Sandra De Bartolo, were killed.

Jacque Wilson, left, and his father, Mack Wilson, right, testify about their brother and son Neko Wilson, during a California Assembly Public Safety Committee hearing on SB 1437 at the State Capitol. Neko Wilson is awaiting trial under the felony murder rule.

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MAX WHITTAKER FOR THE NEW YORK TIMES

According to testimony at one defendant's trial, Neko Wilson, 27 at the time, never went inside the house, but he was charged with first-degree murder." At that point, my world stopped," Jacque Wilson, said. "I had to explain it to my dad, how his son could be charged with murder without killing anyone." Wilson eventually took over as lead counsel to represent his brother, who has been in Fresno County Jail awaiting trial for almost a decade. California has become a kind of national laboratory for prison reform since 2011, when the United States Supreme Court upheld a court-imposed cap on the state's prison population, finding the prisons so overcrowded that inmates were dying. A series of legislative actions and ballot initiatives has reduced some felony crimes to misdemeanors, earmarked money for alternatives like drug and mental health treatment, and shifted more responsibility to the counties for supervising former prisoners. The reforms have prompted a backlash from many law enforcement groups, who say the changes have led to the release of dangerous criminals, caused an increase in property crime and removed incentives for people to participate in drug court. Many of these groups are backing a proposed ballot measure aimed at rolling back the reforms. One of the most contentious features of the felony murder bill is that it is retroactive, meaning that people currently serving life sentences for felony murder could petition the court to have their sentence reviewed. The prosecutors association has said the bill goes too far, raising concerns that retroactivity would cause "potentially disastrous and costly problems." Felony murder convictions in California are not tracked or labeled, opening the gates for anyone with a murder conviction to ask for a re-examination of their case. For those who took plea deals, there may be little on the record to examine. A state fiscal analysis found that it could cost millions of dollars to process resentencing petitions, as well as to transport people to and from courts for resentencing.

A photo of Colleen Khalifa, right, with her son Shawn Khalifa, center, and her daughter Jennifer Ponce, left, and Ponce's son Jackson Ponce, taken during a visit to the Coalinga State Hospital where Shawn was being treated.

JENNA SCHOENEFELD FOR THE NEW YORK TIMES

Skinner and the bill's supporters say savings from shorter sentences will offset the costs. The average cost to incarcerate an inmate in a California prison is about \$80,000 a year. Shawn Khalifa's mother, Colleen Khalifa, is hopeful the bill could give her son a second chance. He was tried as an adult and has already served 14 years behind bars for his role as a lookout." It would give us our lives back," she said. "Just the thought that there might be light at the end of the tunnel has given us hope. I already feel the anguish and stress being lifted."

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<u>Adding additional tablets</u>	<u>10/12/17 Submitted</u>
<u>Accessing Law Library Info on tablet</u>	<u>10/12/17 Submitted</u>
<u>Accessing GED materials on tablets</u>	<u>10/12/17 Submitted</u>
<u>Clear hot pot to be sold to population</u>	<u>6/5/18 Submitted</u>
<u>Rain Coats (clear) to be sold to population</u>	<u>6/5/18 Submitted</u>
<u>Donation table for St Jude Children research</u>	<u>6/5/18 APPROVED</u>
<u>Ice Cream sales on yard</u>	<u>6/5/18 Submitted</u>
<u>Drink area in visiting room</u>	<u>6/5/18 Submitted</u>
<u>Fundraiser for new chairs in V-R "in cell"</u>	<u>8/17/18 APPROVED</u>
<u>Email kiosk notification system</u>	<u>6/5/18 Submitted</u>
<u>Incentive Level 3 fundraiser "NON- A-Block"</u>	<u>6/5/18 Submitted</u>
<u>DRU fundraiser "Lanyards/ Glasses tethers"</u>	<u>8/21/18 Submitted</u>

LIFER'S SURVEY

As most of you know by now, we sent a survey to our members; this survey is our effort to empower each one of our club members. We are excited to collect this information and do our best as an executive body to use it for future decision making. Please return those forms as soon as you can. Thank you

BANQUET INFORMATION

The Banquet was a great success. A HUGE thank you to everyone that donated their time to come out, setup, and serve our members, not to mention our friends and family. We heard great things from each of you and no one walked away hungry. We want to ensure that we have enough food for everyone at our second banquet, so please get your CD-28s and information in no later than August 20th 2018.

We are filling up fast, so do not delay.

Announcements/Upcoming Events

2018 Meeting Dates

Sept 13th Banquet
Oct 11th Open – Misha Isaac – Clemency; Rep. D. Stark
Nov 8th Open – Just Outcomes
Dec 13th Christmas Party

Gentlemen,

We are working on a few things surrounding Telmate and the tablets. One being some form of notification that will let you, as a user, know you have a message before logging into the pay sites, similar to the kiosk system. The other thing is a user getting bumped off before getting a chance to check their messages or send a message - subsequently being charged twice to send one message. I personally have been in contact with Telmate, I have been told to e-mail them each time I get bumped off with the time date and as much information about that session as possible. So please e-mail them each time you have a problem with their system.

Address Label

In case any of you have run into problems with your friends or family members having trouble with Telmate the official Customer Service # is 866-516-0115

Lifers' Club Presents: BREW YOUR OWN COFFEE IN THE CELL

*This is a continuous fundraiser
for visiting room upgrades*



***Place this over your favorite
cup or mug
\$6.00**



GROUND COFFEE



***Melitta cone Coffee
filters 100ct for \$12.00
Or two boxes for
\$20.00**

**You will be placed on callout once your cd-28 has
cleared. Submit your cd-28 to Lifers #2430 write your
selection on the back of your cd-28.**

- Caramel Cake 11oz Bag
- French Vanilla 12oz Bag
- Original 12oz Bag
- Dark Roast 11oz Bag
- Cinnamon Roll 11oz Bag
- Cold Brew 4 x 2oz pks

Coffees will be available for continuous resale; flavors and prices are subject to change.



Music Notes



**Music Program Manager: Jeremy Metelak
Educational Director: Chad Hamlin**

We are currently asking the administration for an emergency fundraiser so we can fix or replace our main front of house speakers and our stage monitors. A lot of our equipment is on its last leg and without the money to alleviate this problem we will soon be unable to provide sound for the clubs events. We tried to come up with a few Music Program Specific items in hopes of representing the needs of musicians in our community so we hope you like what we have come up with.

In other news, we have a concert coming up on September 7th at 6pm so feel free to sign up. We have a variety of genres this time around. There are some really talented performers and it should be a blast!

Lastly, in October we have a special performance on our stage. A group of volunteers from the outside community will be coming in to perform a play called

"AN ILIAD."

This is really awesome of them to take time out of their day to come entertain us, so I encourage you all to sign up when it is advertised.

I also want to personally thank the Lifers club executive body for all their constant selflessness and assistance when the music program needs it the most. It means more than you realize.

Thank you all for your support,

Jeremy Metelak
Music Program Manager

DR. GARBARINO VISITS OSCI: A REFLECTION PART OF OUR COMMUNITY:

TREVOR WALRAVEN

We are Oregon Youth Justice Project, a coalition made up of community stakeholders including currently and formerly incarcerated youthful offenders, their loved ones, and advocates. — Thank you to all of you who found time to write to us and share your stories, personal insights, and questions. As we all know, the mail system is imperfect – please let us know if you or someone else has not received the newsletter and we'll get another copy sent out! We've had an exciting several months! We hosted our first public event When Our Youth Harm: How Communities Heal featuring restorative justice, victim advocacy, psychology, and law perspectives. We recorded the event and look forward to sharing it with you all! We also managed to get Dr. James Garbarino (author of Lost Boys and Miller's Children) to OSCI where he met with more than 50 men, many of whom are youthful offenders. See Tony's reflection on Dr. G's visit at bottom right of this page. In May, I attended a conference where I learned about an important and invaluable program here in Oregon called the CLiF Project. They are a pro-bono Project out of Tonkon Torp Law Firm in Portland working to get people off the Oregon SO registry who committed a sexual offense as a juvenile. OR has the highest rate of SO registry per capita in the entire US. Juvenile offenses make up almost 10% of those on OR's registry. Write to us for more information about the CLiF Project. - AS Some guys are huge fans of star athletes like Stephen Curry, musicians such as Jimmy Hendrix or actors like John Travolta. For a kid who grew up in prison feeling as though the outside world rejected me, listening to Dr. James Garbarino speak at OSCI was Like watching Curry drain threes, Hendrix play Purple Haze and Travolta dance to disco, all reflected in the friendly smile of a 71 year-old developmental psychologist from Illinois. "Dr. G" is my rock star. While I'm honored to have had the great fortune of meeting him and hearing him speak, I would be remiss if I didn't pass on the message he had for all the "Lost Boys" in prison still paying decades later for mistakes they made as children: "You are always in my heart, I carry you with me wherever I go." His words remind us that there are people out there, who not only care, but who are fighting daily on our behalf. People like him are the reason why the guy doing 180 days in seg or the one who hasn't had a visit in months because his family can't make the drive out east, should not give up on himself. Seeing his passion and dedication made me feel like I had an obligation to live up to the honor of knowing he carries all of us with him in his heart. Sometimes all it takes is knowing someone believes in you when the rest of the world has written you off, and we all have that in Dr. Garbarino. In his closing remarks, he mentioned meeting some "extraordinary human beings" in the work he's done with juvenile lifers, so in the words echoed in schoolyards everywhere, and which a developmental psychologist might appreciate, to Dr. Garbarino I say "it takes one to know one!" – AR.



My name is Trevor Walraven and I am one of the founders of the Oregon Youth Justice Project. In 1998 I made some horrific choices at 14 years old that devastated my community leaving a family traumatized and without their loved one. I try to live every day in service to a debt that I cannot repay – for me that means being thoughtful, giving back to my community, and caring for those around me. After waiver to the adult court and a Life-30 sentence for Aggravated Murder I was fortunate to gain release through Oregon's Second Look Statute after nearly 18 years. This was not an easy process and I am still in litigation as the State of Oregon has never agreed to my release suggesting that I was / am ineligible for Second Look consideration. My roll in advocacy came around 2011 after my first Inside-Out class through OSU. At the conclusion we were told "once you know, you owe" - that message sunk in for me and I soon after became the youngest elected President of the Lifers' Unlimited Club at OSP, a position I took seriously serving to the best of my ability until released in 2016. Since my release I have continued to advocate – I have given over 50 presentations in a variety of venues that include Youth facilities, County Jail, Universities, Advocacy Organizations and Oregon Corrections based groups. I hope to bring a deeper understanding of the criminal justice system to my community. This work is near and dear to my heart as I strive to be an example of what's possible and why more individuals should receive second chances. I don't take my freedom for granted. – TW

OREGON SUPREME COURT GETS IT WRONG IN KINKEL: WE ARE NOT IRREPARABLY CORRUPT

For our legal review this issue we turn to an opinion impacting one of our own, and thus all of us: Two weeks prior to the 20th Anniversary of the Thurston High School tragedy in Springfield, Oregon, the Oregon Supreme Court issued its decision in Kinkel v. Persson. In an opinion by Justice Kistler, the court ruled that the Eighth Amendment was not violated by multiple sentences for murder and attempted murder that cumulatively led to an effective life without parole sentence (112 years in prison). The court observed that the trial court had determined that Kinkel suffered from a permanent mental illness that distinguished him from ordinary homicide youth offenders. The court concluded that “no person could reasonably dispute, that [Kinkel’s] actions are the sort of heinous crimes that, if committed by an adult, would reflect an ‘irretrievably depraved character’ * * * or ‘irreparable corruption.’” In his dissent, Judge Egan rejected the idea that Kinkel’s crime reflects anything but the transient immaturity of youth. Judge Egan also rejected the majority’s conclusion that that Kinkel was “the rare juvenile offender whose crimes reflect irreparable corruption,” explaining that “there is no evidence that [Kinkel] had a disregard for human life before his crimes or that he retained a disregard for human life past the time of his crime.” Judge Egan admonished the majority for validating “onerous and disproportionately severe sentencing of child offenders” and for “reinforcing notions about mental illness in relation to mass shootings that reflect larger cultural stereotypes and public anxieties about matters such as race, ethnicity, social class, and politics.” The most glaring flaw in the Oregon Supreme Court’s decision is that it arrived at a judgment about Kinkel without giving him the “opportunity to show his crime did not reflect irreparable corruption” and demonstrates his maturity and reform. This is exactly what Miller and Montgomery require. Many of us have experienced courts and district attorneys treating us as the worst-of-the-worst. They have done this as a part of a system that looks through a lens of absolutes – black or white, good or bad, yes or no – a system that often results in outcomes the US Supreme Court have dubbed cruel and inhumane treatment of children over and over again. In spite of this opinion, we recognize the immensely hard work you have done to shake the super-predator labels, rehabilitate yourselves, and work towards positive and healing contributions in your communities inside and out – all in spite of growing up in prison. Most importantly, this decision is just the latest – certainly not the last and certainly not the end. The US Supreme Court has said repeatedly that youth are entitled to meaningful opportunities for release. Until that happens for every Oregon youth, our work will not be done, and we will continue forward. – CE

CONTACT: Oregon YJP PO Box 1622 Eugene, OR 97440

Spencer's Corner

We are creating a column for one of our esteemed club supporters, as a Certified Life coach, along with his many other talents, He will have a “dear Abby” style column in our newsletter. We will forward questions from our membership to Mr. Scott Spencer –Wolf, Ph.D. He will in turn reply to your anonymous questions in the next newsletter. Please keep your question polite and professional. We will review the question to make sure it suitable for our newsletter. Your kyte along with your questions will remain anonymous to the cage, and will be anonymous when it is printed in the newsletter.

LIFERS' Featured Member

Featured Member: As you can see we are changing the look of our monthly newsletter. We hope this new format will keep you abreast with current events and membership of the club as well as being more personable. Keep in mind that this is your club too. We want to hear from you. This new, featured member area is just for that. Let us know what you think?

Name: Robert Brown

Handle: Cyrus

Age: 47

Date of Incarceration: 1988

Sentence: Life W/30

Books or Movies: Movies

Top 3: Star Wars (all); Matrix; The Good, Bad, and Ugly

Club Membership: 3rd time member, active member less than a year this time.

How do you do your time: Quietly, comfortably, and mind my own business. I also write and do my artwork, and occasionally volunteer for the club.

What do you like about the Lifers' club: The Lifers' club seems to be dedicated and focused towards the welfare of the prisoner. This doesn't appear to be the case always with other clubs.

What direction would you like to see the club go: Not necessarily in a new direction, just fighting harder for our causes.

Parting shots: It would be nice to see less bickering amongst our selves and a more generalized focus on unity and cooperation with our membership.

2018 1st Banquet





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THE CALIFORNIA EXPERIMENT

Can It Be Murder If You Didn't Kill Anyone?

A distinctly American legal doctrine holds getaway drivers and lookouts as responsible for a death as the actual killer. California is having second thoughts.

Colleen Khalifa, mother of Shawn Khalifa, who was convicted under the felony murder rule, at her home in San Juan Capistrano, Calif.

JENNA SCHOENEFELD FOR THE NEW YORK TIMES

By **ABBIE VANSICKLE**

Late in the evening on Jan. 27, 2004, four teenagers broke into an elderly neighbor's house in the Southern California town of Perris, looking for cash. One of them, Shawn Khalifa, guarded the back door. Shawn, who had just turned 15, slipped into the kitchen and stole some chocolate candies. He briefly saw that the homeowner was seriously hurt, and he ran back outside. This story was published in partnership with The New York Times. No one accused Shawn of laying a hand on the victim, Hubert Love, 77, but a jury convicted the teenager of first-degree murder. Khalifa, now 29 and serving a sentence of 25 years to life, is one of hundreds of people convicted in California under a legal doctrine known as the felony murder rule, which holds that anyone involved in certain kinds of serious felonies that result in death is as liable as the actual killer." I knew I didn't kill anyone," Khalifa said. "I felt and kind of knew that I was going to spend the rest of my life in prison. It didn't seem like there was any room to be a human being again. My life was over." But the hard doctrine that sent Khalifa to prison may be softening. A bill moving through the California legislature would change state law so that only someone who actually killed intended to kill or acted as a major player with "reckless indifference to human life" could face murder charges. The measure, already approved by the California Senate, cleared another important hurdle Tuesday when it won the blessing of the Assembly's Public Safety Committee, despite strong opposition from law enforcement groups. If the bill passes the State Assembly, California will join a growing number of states in abolishing or severely restricting felony murder. Over the decades, legislatures in Hawaii and Kentucky have abolished the rule, and, last fall, Massachusetts joined Michigan in ending it through the courts. The Pennsylvania legislature is weighing a bill aimed at curtailing the practice." Many times in California, if you didn't commit the murder, didn't know the murder occurred, you could be charged and have the same sentence as the actual murderer," said State Sen. Nancy Skinner, who introduced the legislation in part because, she said, felony murder cases disproportionately affect women and young black and Latino men. "They had bad judgment, but they didn't commit a murder — and when I understood this, I knew we had to fix that." The total number of people serving sentences for felony murder in California is unknown because the cases are not tracked separately from other murder convictions

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Mission Statement

The purpose of the Lifers' Unlimited Club is to unite the incarcerated men of OSP with a goal of improving the quality of life for those inside and outside of these walls. The club will work with charity programs, informational services, youth speaking panels and other positive programs. We cannot change the past, however, we believe through rehabilitation and pro-social behavior we can create a more productive future.