



FDRAG address
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Newsletter April, 2016

Please share this newsletter with others who did not receive one because, for now, we are not able to cover every one of you. Do send us your ideas & information for the next newsletter. We love hearing from you! Send also the newsletter to friends or family, this way they may be interested in helping out, emailing us with suggestions, or donate cards and stamps. Our next newsletter will be due around July/August, 2016



Legal Column - Karin Elsea

In January the US Supreme Court handed down its decision in the case of *Hurst v Florida*, siding with Timothy Hurst whose jury voted 7-5 in favor of death and a judge imposed the sentence. Specifically, in a 8-1 vote, the Court voted against Florida's system because the state deems a judge's determination central "and makes the jury's function advisory only."

Previously, the judges could weigh aggravating factors as well as mitigating ones (which could include if a person is emotionally disturbed or has no prior criminal record) and then, "notwithstanding the recommendation of a majority of the jury," determine a sentence.

While the new law seeks to amend the issues raised by the justices, it does not clear up what happens to the hundreds already sentenced to death in Florida.

The state Supreme Court heard arguments in February about that very question, with the state arguing that the *Hurst* ruling was not retroactive and a death-row inmate's attorneys arguing that the ruling made his sentence unconstitutional. After oral arguments, the Florida Supreme Court agreed to call off that inmate's lethal injection indefinitely.

And finally, on March 8th the Florida governor signed into law a bill that changes Florida's death sentencing scheme-under the new law judges are no longer permitted to impose the death penalty after a jury recommends life imprisonment without parole. The new law increases the number of jurors required to recommend a death sentence from seven to ten but falls short of requiring a unanimous verdict for death as is required in all other states except for Alabama. When executions might resume and which death row prisoners resentenced appear to be left to the state courts

For information:

Pablo Ibar's conviction and death sentence were vacated and a new trial ordered (January 2016). The court found that Mr. Ibar's defense lawyer at trial, Kayo Morgan, failed to retain a facial recognition expert to challenge the prosecution's evidence that Mr. Ibar was at the scene of the crime. Mr. Ibar's former co-defendant, Seth Penalver, was granted a retrial after the Supreme Court found there was less certainty about whether he was the second robber and killer. Facial recognition experts testified for Mr. Penalver at his retrial in 2012, and he was acquitted.

Ana Maria Cardona's conviction and death sentence were vacated and a new trial ordered (February 2016). The Court found that inflammatory and improper statements made by prosecutors during closing arguments unduly influenced the jury.

Rickey Roberts has been sentenced to life in prison after prosecutors waived the death penalty (March 2016). Mr. Roberts was initially convicted and sentenced to death in 1985. He had been awaiting a new sentencing for several years but the case was delayed over and over as Roberts and prosecutors fought various legal battles at the appellate courts. The Florida Supreme Court granted a new sentencing hearing in 2002 as the prosecutor had improperly drafted the sentencing order for the judge.

Medical Update

Corizon News - Corizon Health has terminated its contract to provide health services per end of May 2016. The decision to terminate the contract, that was scheduled to expire in 2018, came as the Florida Department of Corrections was attempting to renegotiate the agreement amid reports of inmate maltreatment, chronic understaffing and rising numbers of unnatural inmate deaths.

Centurion of Florida LLC to take over health care services - On Feb. 1 the DOC signed an agreement with Centurion of Florida to run its prison healthcare system in Regions I, II and III Centurion. They will start operations this spring, in a contract that lasts until January 2018. Corizon will stay on until May 31, 2016

Corizon - Medical Issues If you want FDRAG to contact Corizon/Centurion for you it is necessary that you sign a medical release form (DC4-711B Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information (HIPAA Form) giving medical permission to discuss your care. You can write a DC6-236 Inmate Request to Medical Records asking to be called out to sign a release of information form. You can sign the form to Geesje de Jong and Karin Elsea .

Letter of Medical Complaint - March 17, 2016 - Karin Elsea has sent a letter of medical complaint to Dr Ogunsanwo, Assistant Secretary, Office of Health Services and the wardens, about various health issues that you have been contacting us about. Dr Ogunsanwo replied and in his letter addressed all the individual compliants. Karin Elsea will write to all who contacted us with medical issues.

Of Information

FDRAG contacted the DOC on your behalf for the following issues:

- **Telephone Use for Death Row** - March, 2016 - FDRAG has contacted Bureau Chief of Security Operations, Wes Kirkland to inquire about the progress of telephone use for death row. This is the reply we received: We have recommended changes to Florida Administrative Code 33-601.830 Death Row and 33-602.205 Inmate Telephone Use which will allow inmates on Death Row to make a social phone call. The recommendations are under review by our General Counsel. As of today, the rules have not been released for public review and comments. ”
- **The 6 foot headphone extension cords** - FDRAG inquired again about the extension headphone cords. Reply from Mr. Wes Kirkland; "The 6 foot extension cords should be available for purchase from canteen again in the near future". (We heard they are already available now)
- **Access doors** - Some of you contacted us that access doors are being slammed shut and that the notice "don't slam the doors" has disappeared from the doors. We contacted Mr.

Rickey Dixon about that.

- **Batteries** - Some of you wrote us about the new Brownie batteries that are being sold, that although they are cheaper than the Energizer batteries, they are lasting a lot shorter so are much more expensive in the long run. We contacted Mr Ricky Dixon about this and he said they are aware and are addressing the issue with the batteries. Please keep us updated.
- **Class B uniforms** - We received many letters about the memo that it is now compulsory to wear class B uniforms during administrative hours in your cells. FDRAG has contacted Secretary Julie Jones and we got a reply from her office that Secretary Jones is in receipt of our email and they will look into this situation and provide a follow up in a timely manner. This follow up we received on April 4, 2016 - "Inmates in the Death Row unit are required to be in at least a T-Shirt and state issued pants during duty hours Monday through Friday. Clothing is exchanged on a one for one basis on Monday, Wednesday and Friday. The temperature of the unit is monitored and modifications can be made as needed." Please keep us posted.
- **TV Antenna problem in UCI** - FDRAG contacted assistant warden Rossiter and he replied they are aware and they are trying to solve the problem. (We learned that the antenna is working again)

Correspondence - Requests for assistance in finding someone to correspond with must be send **only** to the FDRAG address on top of the newsletter. Please include also some details about yourself. We can not reply to the requests we receive from you, once you have written us consider yourself on our list. We have a long list so please bear with us! We comply with Title 33 of the Florida Administrative Code and do not place inmate ads soliciting pen pals or market advertising services.

Thank you! Thanks for stamps sent to FDRAG - Charles Finney, Anthony Farina, George Trepal, Michael Lambrix, Cleo and others. Thank you also for your Christmas cards & wishes sent to FDRAG!

Cards

Greeting cards can be requested from our card lady Gina Quick, **New Address: 710 Kestner Road, Atlantic Beach, FL 32233**. In order to receive cards, you will need to include 4 stamps in your request to cover the cost of sending the cards to you. Message from Gina: "Dear DR Guys, I just want to take time out to thank you for all the stamps you have sent. This is very generous and has helped tremendously. Thank you for all your kind words and prayer. Many Blessings, Gina Quick (The Card Lady)". Cards and stamps are always needed. Please ask family and friends to donate some and send to Gina's address.

Voices from Death Row - Book of poems and drawings

Voices of Death Row asks you to send in poems and/or drawings on peace & justice to be included in: **Book of Poems and Drawings on Peace and Justice by Death Row Inmates in America.**

Poems: either in prose or in verse, must not exceed two pages (typed or handwritte) and should relate to themes of peace and justice. You may submit up to 3 poems. Please send along a short biography (a 5 to 10 lines paragraph) of yourself with the poem.

Drawings: Drawings should also relate to themes of peace and justice
You may submit up to 3 original drawings (original i.e. not a copy, a computer print, etc.)
Drawing on an 8.5x11" preferably heavy stock paper, in black and white or in color (any medium, i.e. pencil, pastel, water color, acrylic or oil paint, markers, etc.) Each drawing should be accompanied by a short descriptive statement (a 3 to 5 lines paragraph) about the meaning of the drawing and its connection to peace and justice and please sign your drawing with a legible signature at the bottom of the drawing. Please include also a short biography (a 5 to 10 lines paragraph) of yourself. Submitted

drawings will not be returned.

All drawings and/or poems submitted will be considered and as many will be included in the book as allowed by space. In their final selection the editors will be looking for appropriateness to the themes of peace and justice, inclusiveness, and quality.

Poems and Drawings will be published in *Voices from Death Row: Book of Poems and Drawings on Peace and Justice by Death Row Inmates in America* to come out May, 2017."

Each poet or visual artist included in the book will receive a complimentary copy.

Poems and Drawings will be exhibited and the Book launched and available at SOS ART 2017, May 26- June 4, 2017, at the Art Academy of Cincinnati, 1212 Jackson St, Cincinnati, OH 45202

Submission deadline for poems and drawings: September 1, 2016

Please send poems and/or drawings by US mail to: SOS ART, 216 Erkenbrecher Ave, Cincinnati, OH 45229

If it is possible to send poems by e mail through a friend or penpal please send as a word document or in the text of the e mail to: sosartcincinnati@gmail.com

Poets and Artists selected for the book will be notified by December 1, 2016

Poems and Drawings may be shown at later dates in a traveling exhibit across the USA

In Memoriam

Remembering those we have lost on the row since November. May they now R.I.P. Our thoughts and prayers are with all their families, friends, pen-friends, and friends they have left behind on the row.

John William Kalisz 10/11/1954 - 11/03/2015

Robert Preston 11/13/1957 - 12/20/2015

Oscar Bolin 01/22/1962 - 01/07/2016

FDRAG (The Florida Death Row Advocacy Group) is dedicated to working to improve the living conditions on death row in Florida and we are here to try to help you with your concerns, complaints, issues etc. For those who would like help from FDRAG, we do ask that you contact us directly at the address on top of the newsletter.

Website: www.fdrag.kk5.org Email: fdragflorida@yahoo.com

Geesje de Jong - FDRAG Director - Maleme 17- 15237 Filothei - Athens, Greece

Janneke van Steenbergen - FDRAG Assistant Director - Maasdijk 1c W/S LEBA - 5317 KP Nederhemert, The Netherlands

Karin Elsea - Paralegal, General Legal Questions and Medical Issues - Chemin de Beau Val 18, 1012 Lausanne, Switzerland