



**FDRAG address: FDRAG
October, 2014
c/o Britta Slopianka
4301 Confederate Point Road, CD 39
Jacksonville, FL 32210**

FDRAG Newsletter

RIP Jojo Farr - Jojo Farr passed away on August 23. Jojo was FDRAG's director for many years and stepped down last year when her beloved husband and soulmate Victor Farr became ill. Jojo herself was diagnosed with pancreatic cancer in June and lost her battle just 2 months later. Our thoughts and prayers are with Victor, her family and her many friends. Jojo was loved and respected and will be missed greatly. We will never forget her dedication and her endless efforts for those on Florida's death row.

My friend Jojo - written by Hannah

Jojo was a very private person, but for some reason we hit it off from the very first day we met, sometime back in 1998, when I came to visit James for the first time. We used to joke about being aquarrious, we forgot things, even fast food after paying for it, we forgot birthdays, anniversaries, even our own, and we forgave each other easily because we were so alike. We also had deathrow in common, the outrage we felt for the inhumane treatment we kept hearing about, we had our love for a soulmate on deathrow in common, peoples judgement because of it and the way it affected our children. Jojo was fun to be around, my girls loved her to pieces, and so did I. And here come the tears, because it has only been a few months since she left this phere to enter the next, and although we talked about that too, reincarnation, karma, how we knew we were meant to meet and how we knew we would meet again. Missing her in this life still hurts. we had plans, travelling in europe together, me showing her Denmark, my homeland that she loved because I loved it. We won't be doing that this time around, and I miss her, the world has lost an awesome soul. Jojo was passionate about life, about injustice, about all of you guys on the row. She took over FDRAG when I had to leave it behind, without question or hesitation and she kept on going until her strength ran out too. To make sense of any of it, I hope that Vic and Jojo will be seeing eachother in a not so far away future, wihtout pain, or illness, without prison guards and visiting parks, just two souls loving eachother through it all. Until then, I hope she is relaxing and feeling the love from our heavenly Father, and although I know she would respond to something like this with " gag me with a spoon", I also know that the idea was not foreign to her, and definitely not the hope and longing for peace and love.

With love, Hannah

It has been brought to our attention that a number of men on death row believe that FDRAG should be re-organized, similarly to other groups with regional coordinators and a board of directors. While that may work for other, much larger organizations, the truth of the matter is that we are a relatively small group and contrary to what some believe we receive no compensation, while we devote both our time and our own money to FDRAG. We would gladly welcome people who want to join us in our efforts and we would love having enough people to be able to expand. Reality however is that it's hard to find new members. We do want to ask you to encourage friends, penpals and family to join us and suggest that they contact us if they are interested in being part of our group that supports you and makes positive changes.

Please note: FDRAG does its best to help with issues that are important to you, but it is imperative that you are completely honest about the circumstances or the requests you make. If we detect you have not been truthful, we will not be able to help you.

Holiday Packages

FDRAG inquired about availability of Holiday packages for death row. Debbie Burch, Bureau of Contract Management & Monitoring replied: Beginning October 6th, 2014. The DOC has conducted a bid process for food and property packages for inmates and has awarded to two vendors, Union Supply and Keefe Commissary Network. This program will include an extensive number of items for purchase by friends and family members. Package delivery will occur December 8-12 for the first program, the next program will be Mid 2015. Information will also be on the website. www.flpackages.com

Important: Only American credit cards can be used to make orders. There is no option for foreign credit cards at the moment. If this causes a problem, you can contact FDRAG, or have your friends from abroad contact us and we may be able to help with this.

Hobbycraft Items

FDRAG has asked about expansion of Hobbycraft Items for death row. This is the reply from assistant warden Rossiter: "There is currently no provision for cardstock paper. Drawings/painting may only be in a pad no larger than 20 X 20. Currently the canteen sells both paint pads and charcoal pads. They also sell paint brushes, squeeze tube paint, Crayola crayons, and Crayola colored pencils. Additionally they are authorized to participate in origami, paper flower construction, and jigsaw puzzles. Inmates can also submit an Inmate Request to the Warden if there is a specific item they would like added to the list of items for sale. If the Warden agrees she can submit to the Regional Director for review and submission to the Canteen Review Team in Central Office. The Canteen Review Team is the only entity allowed to authorize items to be sold in the Canteen."

Florida Death row Prisoner's Reminder - written by Emmanuel Johnson

IQ Tests: After the US Supreme Court's (USSC) April 24, 2012 ruling in *Martinez v Ryan*, many guys were assured by counsel, that despite being already in federal court or completely done with all appeals, a *Martinez* claim could be raised at any time; as a result, any such

Martinez claims – under the above appeals status – were time-barred if not filed by April 24, 2013. Just recently, in *Hall v Florida*, the USSC set a clearer standard with respect to IQ tests; here again counsel are assuring guys that this issue can be pursued later on despite being in the federal courts or out of appeals already. To be clear, anyone under the above appeals status has until May 27, 2015 to have a *Hall* claim filed on their behalf.

Availability of original habeas corpus to USSC after all appeals: In *Chavez v Secretary Florida DOC*, 24 Fla L. Weekly, Fed. C1043 (Feb. 10, 2014), a circuit court of federal appeals judge, despite having agreed to the denial of the petition as filed by Chavez after his death warrant was signed, laid out the means through which Mr. Chavez might have gotten his motion granted despite being time-barred under the 2254 Habeas Corpus standards: “I am less confident, however, that conflict-free counsel could not meaningfully assist Mr. Chavez in other ways. For example, Mr. Chavez, like all capital habeas petitioners, is free to file an original habeas corpus petition in the United States Supreme Court. See *Felker v. Turpin*, 518 U.S. 651, 660, 116 S. Ct. 2333, 2338 (1996) (concluding that AEDPA did not repeal the Supreme Court’s “authority to entertain original habeas petitions.”); We know, for example, that the Supreme Court’s original habeas corpus jurisdiction is not restricted by 28 U.S.C. § 2244(b)(3)’s gatekeeping system for filing second or successive habeas applications in the same way applicable to second or successive § 2254 petitions filed in the District Courts. *Id.* at 662, 116 S. Ct. at 2339 (“Section 2244(b) addresses second or successive habeas petitions. Section 2244(b)(3)’s ‘gatekeeping’ system for second petitions does not apply to our consideration of habeas petitions because it applies to applications ‘filed in the district court.’ § 2244(b)(3)(A).”). However, neither Mr. Chavez’s pro se motion nor his counseled pleadings has specifically requested conflict-free counsel for the purpose of presenting an original habeas corpus petition to the United States Supreme Court based on an ineffective assistance of trial counsel claim that his initial-review state collateral counsel ineffectively failed to present.

”I remind all of you, do not allow yourselves to be/become so afraid of dying that you end up too afraid to fight to live.

Arbitrary nature of collateral review process: By now most of us, on death row have heard of the recent finding by a federal judge in California, that the death penalty is that state was arbitrary and, therefore, unconstitutional. Closer to home, in a Florida case (*Lugo v Secretary Florida Dept of Corrections*, 24 Fla. L. Weekly C1260), an 11th Circuit Court of Federal Appeals judge said the same about Florida’s collateral review process: “Third, it is simply arbitrary for our collateral review process to allow some capital defendants to get federal habeas review (because their court-appointed attorneys appreciate the significance of AEDPA’s statute of limitations), while others do not. Cf. *Furman v. Georgia*, 408 U.S. 238, 294–95, 92 S.Ct. 2726, 2754–55, 33 L.Ed.2d 346 (1972) (Brennan, J., concurring). As the thirty-four prisoners identified in the appendix demonstrate, whether a Florida death row inmate gets federal habeas review may be decided without regard to the facts of their crime or the character of the defendant.” Through the above quote, the “arbitrary” nature of this state’s collateral review process” might reinforce

the motion to appoint conflict free counsel so as to file an [original] habeas corpus to the U.S. Supreme Court.

Message from Rudoph Holton, who used to be on the row and is now at Hardee:"Hello to everyone on death row. I love all you cats on the row and I'm always praying for everybody too. Tell everone on the row I said hello and may God bless you all"

Corizon - Medical Issues

Some of you have sent us letters with medical issues where Corizon has failed to provide adequate health care for. We have compiled these letters and will be contacting Corizon and FDOC this month and let you know individually and also address this in the next newsletter.

Christmas Cards - Christmas Cards (for resending purposes) can be requested this year again from Gina Quick, 325 Garden Lane , Atlantic Beach, FL 32233. If you are able to include some stamps for postage that would be greatly appreciated!

FDRAG sends warmest Christmas wishes and blessings for the New Year to all of you. Peace & Hope, stay safe & healthy, from all of us at FDRAG!

FDRAG 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. All the best on behalf of, The Florida Death Row Advocacy Group (FDRAG) www.fdrag.kk5.org

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FDRAG will be offering again our yearly Angeltree gift program. When you want your child/grandchild to receive a Christmas gift fill in the form and return it to us as soon as possible.



Angel Tree Gift Form

The idea is to help you buy a gift for a child: the gift will be mailed in time for the holidays with a card bearing your message.

Your name:

Name of the child:

Message on the card:

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(or include your message on a piece of paper)

Desired gift (give us 3 ideas):

Please keep your desired gifts under approximately \$20.

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Age of the child:Boy or girl:

Your connection to the child:

Address of the child:

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Please return the form to:

FDRAG

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