



STATEVILLE SPEAKS

Voices from the inside • Winter 2023

Could This Be the Day? A Reflection on Waiting for Clemency

by Eric Watkins

Editors' note: Many people inside Illinois prisons are waiting to hear back on petitions for clemency. Clemency includes both pardons (which nullify the consequences of a conviction) and commutations (which reduce a person's sentence), and it is granted by the governor. Public clemency hearings took place in early January before the Prisoner Review Board. The PRB will make confidential recommendations to Gov. Pritzker. The governor has an unlimited amount of time to grant clemencies. These "acts of mercy" are one way for the executive branch to correct the harms of mass incarceration. Our hearts are with those inside and their families as they wait patiently for freedom.



Art by Jared Rodriguez

"Could this be the day?" is a question often expressed by my mother as she stands in faith, paces in anticipation, and sits in restlessness. She has done this for over 25 years, awaiting my return home. I draw encouragement and inspiration from her unrelenting determination to see me free, again.

Throughout surviving breast cancer, stroke, heart attack, chronic arthritis, and immeasurable mental and emotional sufferings associated with family tragedies, my 72-years-young mom has invested her life into my liberation. This retired professor, who taught for 40 years, still teaches me invaluable lessons in how not to grow weary in well-doing while waiting for good (Galatians 6:9), and to be just while waiting on justice for myself.

Therefore, in waiting for clemency, I wait for restorative justice for my family. My release is their release, too.

My wrongful arrest and wrongful conviction wrongfully arrested and confined parts of my family members' lives as well, placing them on rollercoaster rides of perpetual appeals and wounded hopes along with me. However, after decades of disappointments, our life together as a family is held in a belly of abeyance while unpreserved from appetites of time and temporal opportunities. My children have grown from infants to adults with their own babies. They were too young when I was incarcerated to remember me free—but by God's grace, they long for to be free with me.

So, what is it like waiting on a clemency petition to be adjudicated?

It's knowing I (and we, and all human beings) have a greater purpose in life than being confined. It's knowing other persons convicted of the same or similar or greater charges, serving the same or similar or greater sentences, have been released, and that I should equally be free.

Waiting for my freedom is waiting for my life to begin with my family, and it's waiting for their lives to begin again with me. It is waiting for rest for our feet, balm for our wounds, and peace for our pain: for a new journey to begin together. ●

STATEVILLE SPEAKS

Winter 2023

Stateville Speaks is a newsletter written by and for incarcerated individuals, their families, those working in the correctional system, activists, advocates and everyone affected by prison conditions. It is available to any incarcerated individual who requests it regardless of their ability to pay, as well as any interested reader. Additionally, it is provided to every Illinois state senator, state representative, and Illinois Department of Corrections warden.

Cover author:

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Stateville Speaks Winter 2023

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Art by Arkee

Understanding Your Deadlines

By Clifford L. Powers

Once you're convicted it's important to understand what your options are and when to use them. In this article, you will learn what your options are, the timelines involved, and where you can look to learn more about them. I will cover direct appeal, post-conviction, federal habeas corpus, and motion for relief from judgement. The easiest way to kill your appeal is missing a deadline. Luckily, keeping up with them isn't that hard.

Direct Appeal: Your direct appeal includes taking claims to the Appellate Court, the Illinois Supreme Court, and the United States Supreme Court.

Appellate Court: Once your Notice of Appeal is filed with the trial court your case is sent to the Appellate Court to be processed. You will be assigned an attorney, or you can hire one, and they will file the briefs in court. If the Appellate Court denies any of your claims, then you have 30 days to file a motion for rehearing with the court. You will have to do this yourself unless your attorney offers to do it for you.

IL Supreme Court: If the Appellate Court denies any part of your appeal, then you have 35 days to file a petition for leave to appeal (PLA) to the Illinois Supreme Court. This must be done in order to preserve your claims for late review by the federal courts, but it will also buy more time to work on your post-conviction petition.

US Supreme Court: If the Illinois Supreme Court denies your PLA or any of your claims, then you have 90 days to file a petition for writ of certiorari with the US Supreme Court. If nothing else, this too will give you more time to work on your post-conviction petition, and you want as much time as you can get.

Post-conviction: The post-conviction process includes filing a petition in the circuit (county) court, the Appellate Court, and the Illinois Supreme Court.

Circuit Court: Once your direct appeal ends, you have six months to file a petition for post-conviction relief in the court where you were convicted.

There are four possible starting points for this six-month period, depending on at what point your direct appeal ends and whether or not you file one.

1. If you do not file a direct appeal, then your petition must be filed within three years from the date your sentence becomes final.
2. If you file with the US Supreme Court, then your deadline is six months from the date that court denies your appeal.
3. If you do not file with the US Supreme Court, then the deadline is six months from the date the petition for certiorari would have been due. (In other words, nine months after the date the Illinois Supreme Court denied your appeal.)

4. If you do not file a Petition for Leave to Appeal, then it is due six months from the date the PLA would have been due. It should be noted that a successive post-conviction petition can be filed at any time with permission from the circuit court.

Appellate Court/Supreme Court: If any part of your petition is denied, then you will have 30 days to file a notice of appeal with the circuit court. From here the process and timeline is the same as on direct appeal, except that instead of filing a petition with the US Supreme Court, you will file a habeas corpus petition with the federal district court.

If you miss the 30-day deadline for filing the notice of appeal, then you have an additional 60 days to file a late notice of appeal with the Appellate Court, but you have to explain why you are late.

Federal Habeas Corpus: Once you have completed your direct and post-conviction appeals, then you can raise any federal claims you have preserved in a petition for writ of habeas corpus with the federal district court.

Like the time for filing a post-conviction petition, the time for filing habeas a corpus petition begins the day your direct appeal ends, or the day your sentence becomes final if you don't file a direct appeal. You have one year to file, but there is a catch—the time you take to file your post-conviction petition eats up the time you have to file your habeas corpus petition. The clock on filing your habeas corpus petition stops when you file your post-conviction and starts back up again when the Illinois Supreme Court denies your appeal. To figure out how much time you have left to file in federal court, count the number of days from the date your direct appeal ended (or your sentence became final) to the date you filed your post-conviction petition, then subtract that number from 365.

Motion for Relief from Judgement: Commonly called a "2-1401 petition," this motion can be used for very specific purposes and is filed in the circuit court.

For most purposes, you must file your motion for relief from judgement within two years from the date you are sentenced. If you are seeking relief from a void judgement, then you can file your motion at any time.

When you are counting the days you have to file something in court, then you must start from the date the court made its ruling. Never use the date of the mandate.

The easiest way to kill your appeal is missing a deadline. Luckily, keeping up with them isn't that hard. ●

See page 7 for more resources.

CLIFFORD L. POWERS is a member of the Jailhouse Lawyers Initiative and a long-time advocate. He is currently serving a 45-year sentence at Western Correctional Center.

As Temperature Drops, Incarcerated People Face Dangerously Cold Conditions

by Katie Rose Quandt

"The cells don't have any heat. So, they're sleeping with their clothes on," a woman named Regina told *Truthout* of her son's experience in Hill Correctional Center in Illinois in early December. "They're not heating the tiers. There's no heat in the day room. There's no heat outside the showers.... The water is cold. You can let it run for a little while and you may get a little warm. But it's not enough."

Regina has felt the cold in the prison firsthand. "It's even cold in the visitor's room," she said. "I don't have any hair right now, because I have cancer. So, I wear a head wrap or a hat, but I can't wear it in there. Because you can't have anything on your head." She wrote three letters to the warden requesting a medical exemption, but never heard back. "So, I go in there with nothing on my head," she said. "My head is freezing. But I want to see my son."

As people across the country face cold weather, many of those who suffer the most are incarcerated in prisons and jails. Each winter, people in old, drafty facilities shiver for months in their cells, struggling to function and fearing for their health. They have no control over cell temperature, and often little access to warm clothes or extra blankets. Inevitably, some outdated heating systems across the country will fail, leaving people in dangerously frigid temperatures.

"This speaks to a much larger issue of the infrastructure, in general, of our prisons," Jennifer Vollen-Katz, executive director of the John Howard Association (JHA), an Illinois-based citizen correctional oversight organization, told *Truthout*. "In Illinois, we have many really old, decrepit facilities that are unsafe, and frankly, unfit for human habitation."

Both JHA and the Chicago-based Uptown People's Law Center (UPLC) receive letters every winter from people incarcerated in dangerously cold prisons in Illinois. UPLC Executive Director Alan Mills told *Truthout* that complaints come most frequently from the state's three maximum-security prisons, the newest of which was built in the 1920s. "They are long past their design life," he explained. "These are 100-year-old buildings, which have been heavily and hard used, and not maintained.... They haven't had an HVAC system that works, in any sort of modern sense, installed in any of these prisons. So, it's too hot in the summer and too cold in the winter."

Mills said old heating systems are susceptible to breakdowns, which can leave people without heat for days or weeks. "It's not like you can go to your neighborhood Home Depot and pick up a piece of hardware to heat a huge, old building like this. They're complicated to buy and manufacture, and they only come from one place."

Cold conditions are worsened by policies in Illinois and other states that ban family members from sending packages to their loved ones. The only way to obtain additional blankets, sweat-

shirts, and other supplies beyond the bare minimum supplied by the prison is to purchase them from the commissary, an overpriced and often understocked prison store.

As climate change results in increasingly hot summers, hunger strikes and lawsuits have drawn attention to the deadly heat and lack of air conditioning in many prisons. Just this past November, an article in *Environmental Health* calculated for the first time that 13 percent of deaths in Texas prisons during warm months can be attributed to extreme heat.

But cold can be deadly too. On Christmas morning 2003, Charles Platcher froze to death in a cell in Illinois's Menard Correctional Center — which opened in 1878 and is one of the three maximum-security prisons Mills said he frequently hears complaints from. Platcher was on suicide watch, with his regular clothes confiscated, when the heat went out in his unit overnight. Regina's son spent years in Menard before being transferred to his current facility. "That place is a hellhole," she said. "Plain and simple as that."

Like Charles Platcher, many people housed in restrictive isolation or on suicide watch can be additionally susceptible to the cold. On suicide watch, people often lose access to blankets, clothes other than a paper gown, and anything else that could potentially be used to self-harm. The cold might also be felt particularly acutely and have additional health risks for the more than 10 percent of people in state prisons aged 55 and older. Yet another at-risk group are those on antipsychotic drugs, some of which cause a decreased ability to self-regulate body temperature, which can lead to hypothermia.

Advocates stress that extreme prison temperatures do not exist in a vacuum. Cold weather also introduces other issues, from rodents to a higher risk of catching COVID and other infectious diseases.

And unsafe temperatures are related to — and exacerbated by — problems like over-incarceration and overcrowding; a disregard for human rights behind bars; and a long-standing move toward more punitive, isolating housing.

"It's really important to understand that the modifications that have been made [to old prisons] have generally made things worse," Mills said. In Illinois's older prisons, for example, cells were originally built with open bars on the front. The state has since replaced these with solid doors, which limit airflow and cause radiator heat to bypass lower-level cells as it rises.

"Most importantly, when they were designed, cells were meant for sleeping," Mills said. "People were out of their cells all day long, either at work — forced work sometimes, or at the yard, or just playing cards out in the open area. And pretty much all that has been eliminated. So, people are now spending 20 to 23 hours a day in their cell, where they used to spend just eight hours sleeping." In addition to the detrimental psychological, physical and neurological effects of being locked down in a cell day after day, this can mean more time spent on an icy tier.

When serving a prison sentence, "being denied your liberty is the punishment," said Vollen-Katz. "There is no mandate, there's nothing written into the law to require deprivation, and isolation, and extreme temperature experience, and all of the other really

problematic physical conditions of being incarcerated.”

She said Illinois’s prison population has significantly decreased in recent years, from more than 49,000 people in 2015 to around 29,000 today. “Frankly, we can, and we should, be shutting down the worst prisons that are currently functioning right now,” she said. “There is an opportunity.”

Vollen-Katz noted that beyond violating the basic human dignity of incarcerated people, freezing and other inhumane prison conditions have consequences for all of society. “The vast majority — 97 percent — of people that go into prisons come back,” she said. “If we don’t give them treatment and programming, if we treat people horribly, if we put them in hideous living conditions, how do we expect them to go forward better than they were before? With increased trauma from really negative experiences that are going to be very difficult to overcome?”

“What keeps everybody safer?” she continued. “What helps society be more functional? It’s making sure that when people violate laws, we give them the tools they need to do better, not lock them in cages and treat them horribly.” ●

This is a shortened version of a story published in Truthout.

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*“Time Marches On” by Michael Sullivan
Prison + Neighborhood Arts/Education Project (PNAP)*

The Lost Decades

by Mishunda Brown-Davis

There is a generation of youth that were sent away to prison in Illinois during what I call “The Lost Decades,” who came in at the ages of 21 and under. Many were first-time violent offenders. They have now served 20-plus years, have matured, and taken the necessary steps to rehabilitate themselves. Yet they are still doing long term sentences with no hope of relief.

Those sent to prison during “The Lost Decades” came in during

the years of 1998-2019 when Truth-In-Sentencing (TIS) laws ruled the legal landscape. These laws required that even kids 21 and under serve 85-100% of their sentences with out a chance for parole. Before TIS laws, they could serve 50% of their sentence and receive earned credit, and they had an opportunity for parole. To some that I’ve served time with, TIS has been a death sentence.

TIS was a “tough on crime” law enacted to protect public safety and the integrity of the justice system. However, it hasn’t stopped crime. It has instead crowded the penal system, costing taxpayers millions of dollars. What good is it to continue to house those sent away during “The Lost Decades” who are now elders and no longer a threat?

Laws are now changing after more than two decades, and many are receiving a second chance thanks to Honorable Governor J.B. Pritzker. These new laws are: Earned Discretionary Sentence Credit (730 ILCS 5/3-6-3(a)(3) giving offenders a chance again to earn time off of their sentence; The Resentencing Initiative Law (SB2129), which became effective Jan. 1, 2022, giving even violent offenders a chance to be resentenced after serving a decade or more of their lengthy sentences; and The Youthful Parole Bill (730 ILCS 5/5-4.5-110), signed April 1, 2019, giving kids an opportunity for parole after serving a decade or more of their lengthy sentences.

Yet, NONE of these laws are retroactive—they do not apply to those from “The Lost Decades” who were also kids when they were sentenced and have already served a decade or more of their lengthy sentences. Ask me how do I know? Well, because I am one of those from “The Lost Decades” trapped in the system without a chance because laws continue to pass us by.

Don’t get me wrong, I am happy for everyone given a second chance, but my heart cries out for us who are still serving time without relief. Does anyone hear us trapped for two decades crying out as the Israelites cried out to God?

How can the Youthful Parole Law only apply to the kids of 2019 and forward when us kids from 1998-2019 had the same undeveloped brain at the time of our offense? What makes the kids’ brains sentenced after 2019 more acceptable? This law should have been retroactive for ALL KIDS who were 21 & under at the time of their offense. Studies have concluded that the brain does not fully develop until the mid-20s. NO KID should be tried or punished as an adult.

I came to prison for murder at the age of 18. I was seven months pregnant, and had a one-year-old child at the time of my offense. Both of my kids are grown, I missed their birthdays and graduations. I am now a grandmother and have a chance to be present for my grandchildren in a way I never got to be with my own children. I believe there is hope for those from “The Lost Decades.” When will the lost be found? ●

MISHUNDA BROWN-DAVIS has served over 21 years of a 30-year sentence. She is currently at Logan prison working on a Master’s degree in Theology & Restorative Arts at North Park University.

We Must Stop the Policing of Play

by Erika Ray

When you think of prisons, there is an immediate understanding that a family has been destroyed, and that children are without their parents. For almost a decade, Chicago abolitionist and activist groups have worked tirelessly to reunite incarcerated mothers and their children through monthly visits that outline what reunification should look and feel like.

From the start of the pandemic in 2019 until mid-2022, the Chicago based organizations Women's Justice Institute (WJI) and Moms United Against Violence (MUAVI) were not able to host any reunification visits. On July 22, 2022, I was among the mothers and grandmothers approved to visit with my family. For the first time since 2019, I was able to hug my daughter and grandson. We sat in the Northwest section of the visiting room, away from the security desk and the potential obtrusive demeanor of the staff. I had a wonderful time holding my grandson, playing with him, and talking politics with my daughter. We ate cafeteria-style pizza, orange sherbet, cookies, and muffins provided by the organizations, and at 2:00 we were told by staff that the visit was ending. We held a trust circle to share our love and strength, said our "I love yous" and "see you soon's."

The reunification bus returned on August 19, and during this visit I was seated directly in front of the security desk. As I laughed with my grandson and spoke with my daughter, we were constantly distracted by the staff. For almost three hours we listened to correctional staff complain about the conduct of Black and Brown children, leaving out the play styles of the white children.

Now imagine, a room full of three- and four-year-olds laughing, running, rolling around on the floor, screaming, and releasing energy from a three-hour bus ride. It was enough to give us all gray hair. The joy of these children playing was interrupted by judgmental comments of, "Really?" "She needs to get control of him!" "Look at them!" And loud "uuuuggghhh"s. This commentary eventually turned into stare-offs between caregivers and correctional staff.

Eventually one brave woman with a young son said to a staff member, "Are you going to arrest the kids for playing?" The woman's mother then said, "This is what racism looks like up close. Now imagine these same personalities in an academic setting, where you are not present to provide a layer of protection for your son." She went on to further explain to her daughter that racism is in the DNA of America and this includes the carceral system and those who perpetuate systemic oppression in order to maintain their economic status.

If the mothers at Logan Correctional Center are asked about the reunification bus rides, we will all tell you that it is a blessing to visit with our families, and that we love being able to watch our children/grandchildren play together. But the visit on August 19, 2022 reminded us that systemic oppression is alive and well in the visiting room.

Because we are in prison, it is understood that correctional staff will be working inside the visiting room. While it is their job to watch us, assuring that everyone is safe and that no inap-



*"Reimagined Spaces" by Reginald BoClair.
Prison + Neighborhood Arts/Education Project (PNAP)*

propriate conduct takes place, what could be the rationale behind Black and Brown children being hyper-surveilled by prison guards and staff while playing with their white playmates?

Play is one of the first freedoms that children enjoy. As we have watched evolving fights for racial equality around the world, shouldn't we acknowledge play as the natural birthright of every child?

Policing the play of Black and Brown children is not new to American culture. We only need to look at the murder of Tamir Rice as he played with a toy gun in a park, or that of Emmett Till after he smiled in a candy store, to call forward this truth. As a mother, who loves to see children dream out loud, I wonder if Timothy Loehmann ever imagines that Tamir might have dreamed of being a protector of his community. As J.W. Milam and Roy Bryant's spiritual intellect remained suffocated by dormant American morality, did ever the light of Emmet's resounding smile call to mind the manners and politeness he learned from his mother?

Yet the racial judgments upon these Black and Brown children



will find a space to thrive in as these children grow into adults. They will manifest as economic, social, academic, and physical oppression from those in positions of power. The legalized oppressive tactics displayed by IDOC staff and law enforcement will, in turn, perpetuate the cycle that causes a Black man's last words to be "I can't breathe," and a Black woman to be shot in her home. And they will cause us to continue to take to the streets in protest of America's unchanged cycles.

unification with our families will not be reduced by the hateful acts of a few. These interactions during the visits are reminders of the work we still must do. Many of the children on these visits do not know that they are visiting their family members in a prison. They are unaware of America's racialized culture, of the othering they will experience as Black and Brown people, and the institutional harms that continue to harm their communities. These children, our children, our families should not be subjected to state institutions and abuses to have visits or gather in love.

Free Bernina, Free Them All!

by Bri Hanny and Maya Schenwar

Bernina Mata just endured her 23rd holiday season behind bars. A 52-year-old Latinx lesbian, she has been imprisoned for over two decades based on an overtly racist and homophobic prosecution. Although her initial death sentence was commuted in 2003 (when all such sentences in Illinois were commuted), she is still sentenced to death by incarceration—otherwise known as life in prison—for actions she took in self-defense.

Bernina has been a survivor of sexual violence and trauma throughout her life, yet this survivorship was not taken into account by the courts. She was convicted of killing John Draheim after he attempted to sexually assault her. The prosecution won its case with such phrases as, “We are trying to show that [Bernina Mata] has a motive to commit this crime in that she is a hard core lesbian, and that is why she reacted to Mr. Draheim’s behavior in this way,” and “[a] normal heterosexual woman would not be so offended by such conduct as to murder.” Bernina’s claims of self-defense were not taken into account in the prosecutor’s case.

LGBTQ people and women, especially BIPOC survivors, who defend themselves against violence are particularly vulnerable to arrest and incarceration. In recent years, a movement has grown to support and defend these survivors. Our group, Love & Protect, is part of that movement. We have witnessed how the state punishes BIPOC survivors multiple times over—by ignoring the violence against them, by abandoning their communities, by upholding white supremacy and patriarchy, and finally, by caging them and tearing them from their loved ones.

Now, Bernina and her freedom team are campaigning for her release, through a petition for clemency.

What is clemency? It’s when the state grants either a pardon (the changing or elimination of a conviction) or a commutation (the changing or shortening of a person’s sentence). Bernina, like many others in Illinois, is seeking a commutation. As Candace Chambliss, legal director of the Illinois Prison Project, has noted, the process of seeking clemency is challenging and there are no guarantees—but sometimes, petitioners do win in Illinois: “In the last three years, approximately 3,100 clemency petitions have been heard and about 10 percent of those have been granted.”

Why clemency? For people who don’t have remaining appeals, and for whom other routes to challenging their convictions have been shut down, asking the governor—or the president, for federal convictions—for clemency is a last resort, and a vital one. For many incarcerated survivors, like Bernina, clemency remains the only avenue for release.

Bernina told us, “I believe that everyone deserves to be given a chance at clemency.”

Meanwhile, Bernina and her team (#FreeBernina) are hoping that her release through clemency is close at hand. She has widespread support, including letters from her friends inside, who write that she has “a very delightful, amazing soul” and is always “willing to help the next person.”

Bernina is ready to make an impact on the outside—she has worked to train service dogs, is certified as an Americans with Disabilities aide, and is certified as a pet groomer and in computer technology. As her freedom team writes, “She deserves to be free and we deserve the benefit of her presence in the free world.”

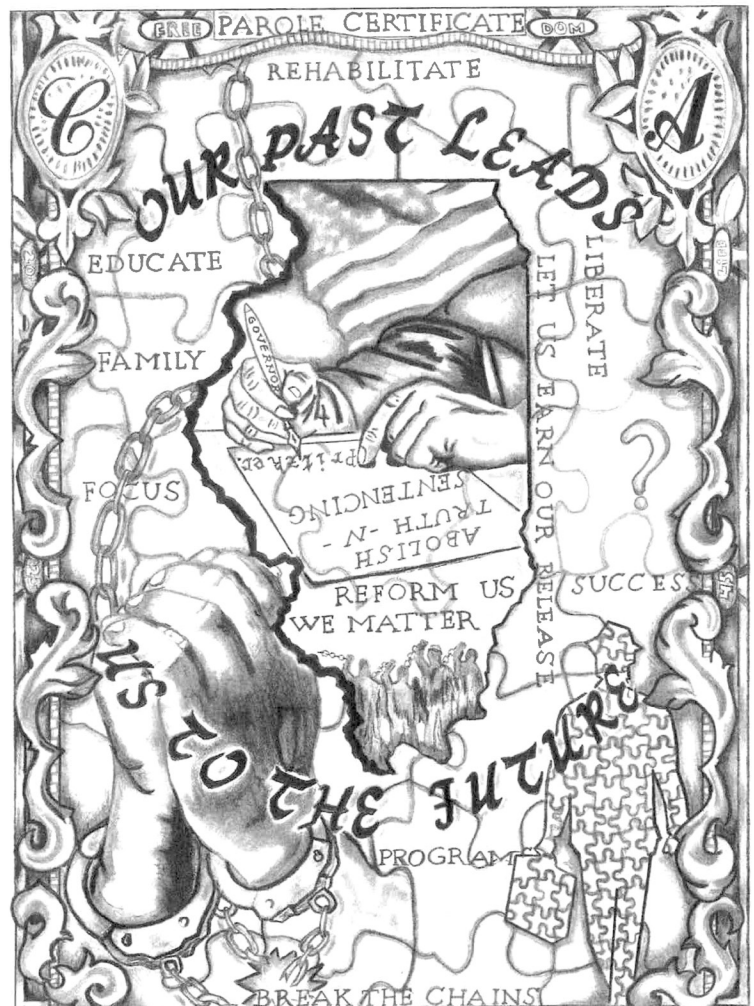
Free Bernina.

Free them all. ●

You can learn more about Bernina’s story and how to support her fight for clemency at www.freebernina.com.

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Art by Carlos J. Ayala
Prison + Neighborhood Arts/Education Project (PNAP)

Poetry

THE SUNFLOWER by Zeeshan N Rashid

The sunflower finally blooms through the soot.
it does not understand the land is not fertile.
To expect a miracle is moot.

Hiroshima, Nagasaki;
for the truth I go kamikaze.
The sunflower finally blooms through the soot.

Real life exterminated in the blink of an eye,
We say kill but do not understand [die].
To expect a miracle is moot.

When you commit an act that is a sin against the soul,
you reap what you sow; that is how it is told.
The sunflower finally blooms through the soot.

Far away the tremors were felt,
and a blast so hot it caused EVERYTHING to melt.
To expect a miracle is moot.

You continue to live for that which was lost & your pain you
don't show,
because even in the most desolate, wartorn, & ravaged places
something always grows.

The sunflower finally blooms through the soot,
To expect a miracle is moot.

UNTITLED by Rodney Love

In 1980 I broke two laws of white supremacy
I was born black & a male that is a violation of white
supremacy

I cross the line when I became conscious of the knowledge
of self, that broke the chains of white supremacy

So with that being the case I say the hell with white
supremacy

I come in the name of Jesus which to divide & conquer.
Either you choose life & live or die with white supremacy
The depths of evil flows through white supremacy so take
up your Armor so we must now eradicate white supremacy

Now we have the mobile power over white supremacy

This mobile power is unity, communication, knowledge, etc.
over white supremacy

We must pull all of our resources in unison and recognize
how the tentacles of this entity affects us all living through
white supremacy.

Then and only then it would be death to white supremacy

JUST MAKE'IN IT by Robert Washington

Most morning I would lie there staring at nothing.
I would be reminded of the last times that things were good.
We the convicted would often imagine the times before,
when life was free and uncontrolled.

I've lived in these daz mo crips almost two decades in
hopes to be free one day.

Unlike others I've known

These bricks and bars were their final resting place.

I lie there [staring] at nothing, longen to overcome these
daz mo crips as the days turn to weeks, weeks into months,
months into years.

I tell myself daily this will not be my final chapter of my life

I will be free again

HARD TIME DYING

by Marlon Coleman

Time passes and we are
not.

For fathers and sons have
gone off to war.

Have never come back alive
or in their full and right state
of mind.

Loved ones lost in a twist
of bombshells and a hellish
onslaught of bullets.

For across the world in
a hot desert, a cold and barren
land or a bug infested jungle
horizons.

Only to return home;
an ash of them former
selves.

Though in the moonlight will
you see the bruise of grief
that rocks that which remains
of their shattered life.

A tragic memory that
somehow persists. Day in and
out again.

Though not in a foreign land
but in our very own city streets
we must stop the brew of war. ●

The Children's Best Interest Act Aims to Keep Parents and Children Together

by Gail Smith

"Unless the court finds that the parent poses a significant risk to the community that outweighs the risk of harm from the parent's removal from the family, the court shall impose a sentence in accordance with [the law] that allows the parent to continue to care for the child or children."

This is the heart of Illinois' Children's Best Interest Act, which was drafted, championed and won by a coalition led by formerly incarcerated mothers. The new law took effect on January 1, 2020, and it has enormous potential to prevent harm to children when courts follow it. It also applies to caregivers who are needed at home by relatives who are ill, disabled or elderly. The law applies to fathers as well as mothers and nonbinary parents, and should be considered whenever there was a close, supportive relationship between the child and parent prior to incarceration.

Unfortunately, courts are not yet widely applying the law as intended. At the Children's Best Interest Project, we are working to change that.

Sentence mitigation laws are designed to reduce people's sentences. The Children's Best Interest Act aims to prevent parent-child separation, which is harmful to children's health and wellbeing. Parental incarceration is classified as an Adverse Childhood Experience, which can cause long-term damage to children's health far into adulthood. That's because the trauma of separation causes toxic stress, which affects children's brain development and can lead to heart disease, asthma, diabetes, some cancers, depression, and risk-taking behaviors. As children miss out on parents' emotional support and financial support, incarceration affects the whole family.

The Children's Best Interest Act is mostly used for people who are at the point of sentencing. For example, one Kankakee lawyer used it, along with other grounds, to seek a reduced sentence for a mother whose sons were affected by her absence when she was convicted of a DUI offense. The judge took six months off the sentence.

Factors that are considered in mitigating caregivers' sentences include their children's ages (with a particular goal of keeping parents with their preschool and school-age children); any special medical or educational needs the children have; the relationship between the parent and child; whether the parent provided financial support; and special consideration for babies, particularly if the baby is being breastfed.

The Children's Best Interest Project is working to make sure the law is used whenever possible. We are working to raise community awareness, providing webinars for defense attorneys and other court stakeholders, and teaching workshops for parents and their loved ones to create Family Impact Statements. In

mid-December, a Cook County Judge cited the Children's Best Interest Act in court when ordering a bond reduction that sent a young mother home to her seven-year-old child who has special medical needs. They have an especially close parent-child bond.

May more parents be able to return home to their children in the coming year! ●

GAIL SMITH is the founder of Chicago Legal Advocacy for Incarcerated Mothers (CLAIM) and the Children's Best Interest Project. She is also a member of Love & Protect.

Nine Men at Dixon Correctional Center Become Certified Opticians

by Ignacio H. Carillo, A.B.O.C.

The notification came in the prison's mail call: Congratulations, you have passed the American Board of Opticianry (ABO) National Contact Lens Examiners Exam! The look of relief, joy, and to some, surprise spoke volumes. The high fives flew, honey buns were opened, and the celebration began. In a place so devoid of hope, this was a rare ray of light in an otherwise dreary existence.

In the summer of 2022, nine men at Dixon Correctional Center became nationally certified opticians: Ignacio H. Carrillo Jr., Bobby Luga, Christopher Trotter, Christopher Caldwell, Johnny Wells, Jimmie Green, Krzysztof Bajdo, Modesto Echezarreta, and Michael Paulson.

They work full time at the prison industry optical lab making prescription glasses from Rx to completion for the Illinois State prison community. Those who pass the ABO exam will earn a national certification, 180 days EPSC (for those who qualify), and a \$50 bonus on their monthly paycheck. ●

IGNACIO H. CARILLO is an award-winning activist inmate writer. His drama has been produced in LA, NYC, and Chicago. His memoirs have been published in two anthologies, most recently in *Variations From An Undisclosed Location*. His nonfiction has been or is scheduled for publication in *Harbinger* (NYU Review of Law and Social Change), *The Evening Review*, *Blue Collar Review*, *Under the Sun*, and *Crime Report*, among others. He is a proud member of the inaugural Dixon CC Writing Team.

A note from the Stateville Speaks team: We sent our inside subscribers holiday postcards in December, but some of these were returned to us because we made the mistake of writing with markers. We sent these postcards because we wanted to let you know that we were thinking of you over the holiday! Our internship coordinators and student interns worked over several days to write to you and to send good wishes!

Announcements

New Housing Law Protects People With Convictions: The Just Housing Amendment (JHA) is a Cook County law that went into effect in early 2020. It protects people from housing discrimination based on their criminal records. Landlords in Cook County cannot deny anyone housing based on their involvement with the criminal punishment system. The exceptions are sex offenses requiring registration/residency requirements. Otherwise, when evaluating an application, landlords cannot consider any convictions older than three years or any non-conviction records (such as sealed or expunged records, arrests, citations, or juvenile convictions). Landlords can consider convictions from the last three years, but they must give applicants a chance to offer additional information about the conviction. If a landlord wants to deny an applicant based on a recent conviction, they must explain why accepting the applicant would be a risk. The time limit is based on the date of conviction, not release from prison. For example, a landlord can't consider a conviction from 2017 even if that person was released in 2022.

The JHA also requires landlords to follow a two-step process for housing applications. First, the landlord cannot ask for a background check or about any criminal history in the initial housing application. They cannot ask applicants to check a box if they have a record. They can only do a background check once the applicant is told they are otherwise qualified for the apartment. Second, when landlords do a background check, they must tell the applicant they are doing one, give the applicant a copy of the background check within five business days of getting it, and allow the applicant to offer additional information about anything on the background check. If the background check includes a conviction within three years, the landlord must explain why the person's crime is relevant to them obtaining housing.

If you or anyone you know has had their rights violated under the JHA, you or they can reach out to **Uptown People's Law Center at (773) 769-1411** or **uplcchicago.org** for more information and potential free legal assistance. -Alan Mills and Ashley Bishel

Alan Mills is the Executive Director of UPLC, where he has worked since 1979 when he started at UPLC as a student intern. Ashley Bishel began as a staff attorney at UPLC in 2022. Her work focuses on enforcement of the Just Housing Amendment.

Coalition to Decarcerate Illinois and environmental and prisoner justice partners met with the US EPA on Friday, January 13th. Coalition members shared first-hand stories that we continue to receive about the immediate health effects of contaminated water. These personal testimonies are the most impactful to push for change. The US EPA was mostly in listening mode, stating that they were constrained in what they can say given that they currently have active enforcement work in this area. This is news to us, and a significant development. The IL EPA informed the US EPA that they were finalizing a response to our concerns, had recently issued violations for three prisons' water systems, and expected to have an answer within the next month regarding which systems they are considering "exempt" vs. non-exempt. If you would like to share testimony, please have your loved one connect with us at **decarcerateilcoalition@gmail.com**

Pushing Envelopes Chicago (formerly Black and Pink Chicago) is grounded in prison abolition and builds LGBTQ+ community across bars through penpal relationships, legal aid, and re-entry support. 'To push the envelope' is a phrase that means to extend the limits of what is possible or take radical risks. We recognize that surviving incarceration is a radical and transcendent risk, and every day is an incredible act of resilience, particularly for LGBTQ+ people.

We are accessible to every prison and jail in Illinois for people who identify as LGBTQ+ and/or are living with HIV. We believe that no one is disposable, that abolition is inextricably linked to LGBTQ+ liberation, and that our work is not finished until everyone is free from all forms of imprisonment, surveillance, and punishment.

We collaborate with other organizations in Chicago to fight against criminal registries and housing banishment laws that perpetuate homelessness and reincarceration, to support clemency campaigns and lawsuits against IDOC, and to ensure that our folks have the tools they need to survive, both while locked up and for those who are released.

If you identify as being a part of this community, would like a pen pal or are getting released soon, don't hesitate to write to us. We will try our best to support. **[Pushing Envelopes Chicago, P.O. Box 577942 Chicago, IL, 60657](mailto:pushingenvelopeschicago.org)** or **pushingenvelopeschicago.org**. Sending lots of love to you all! ●

Subscribe or donate: *Stateville Speaks* is free to inmates that cannot afford it, but a \$10.00 subscription fee is appreciated from those that can help defray our publishing costs. *Stateville Speaks* is housed and creatively supported by NEIU, but we receive all of our monetary support from readers like you. We can only continue toward positive reform with your support!

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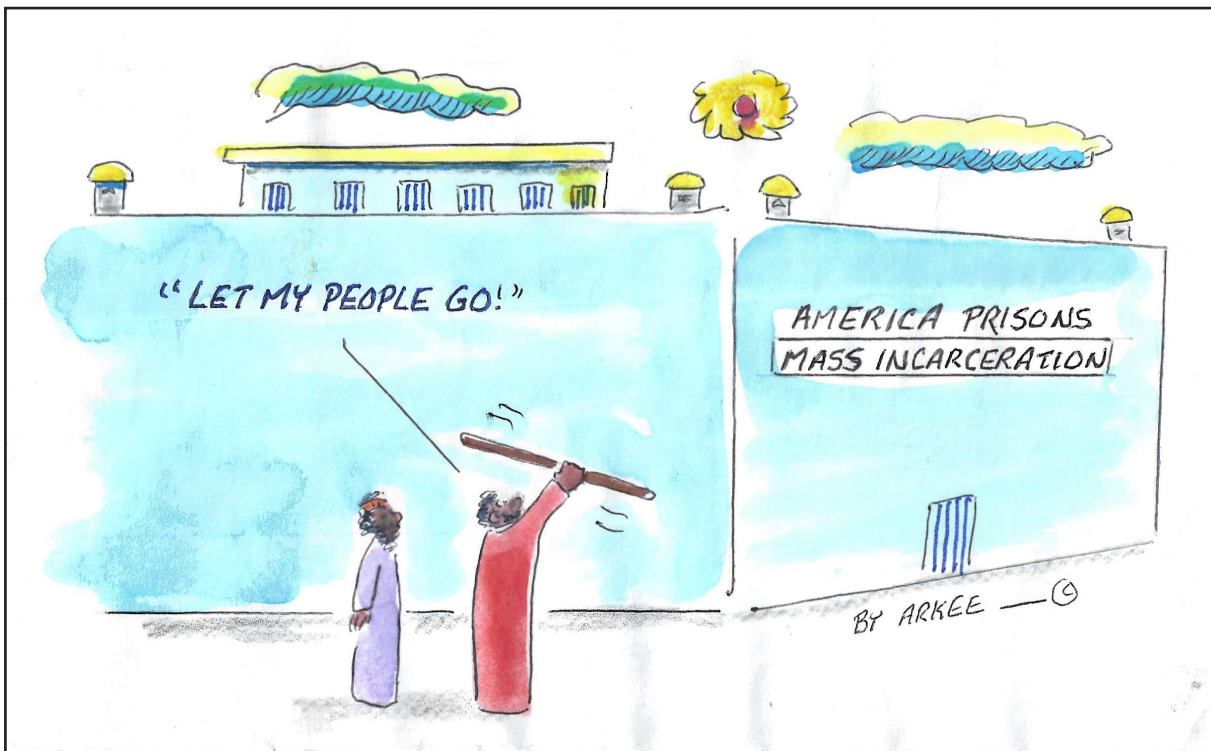
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