



**INSIDE**

<i>Personal Reflections / Views</i>	<i>Pg. 2</i>
<i>Guests Contributor</i>	<i>Pg. 6</i>
<i>Cultural</i>	<i>Pg. 9</i>
<i>Still Going</i>	<i>Pg. 11</i>
<i>Meet the Staff</i>	<i>Pg. 14</i>

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*Views on LIFE* is a biannual newsletter published by people dedicated to ending life sentences in Michigan (and ultimately the nation). Our rationale is that life sentences are counter-productive to criminal justice and "correctional" objectives. Ending them is therefore in society's best interest. Given that all members of society have a vested interest in such an important and impactful a goal, *Views on LIFE* seeks to bridge the gap between society and lifers by providing a safe literary space to engage in healthy dialog and debate; a space which must include those whose views differ from our own. For our part, we will provide information on a variety of topics, including ethnographic accounts of challenges unique to lifers (such as our efforts at ethical transformation despite the hopelessness of release); shed a spotlight on Felony Murder; sift through the collateral damage on the families and children of lifers; critique pop culture's portrayal of lifers; and, in the process, dispel the myths, misconceptions, and misunderstandings surrounding people serving life without parole.

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## **Am I Reformed and No Longer a Threat to Society, or Should I Forever Be Branded with the Mark of Cain?**

**RENÉ F. RODRÍGUEZ, Editor-in-Chief**

*“And now you are cursed from the ground, which has opened its mouth to receive your brother’s blood from your hand. ... And the Lord put a mark on Cain.” Genesis 4:11, 15 (ESV)*



Thirty years ago, I, and a group of friends, were hanging out on the street corner passing the time. I was 19 years old. We began throwing around ideas on how to get some money. We decided to rob someone. Just minutes into the conversation, one of the guys pointed to a potential target approaching in a car that parked in front of us. Wanting to be accepted by the group, I volunteered to rob the person.

Although our intentions were only to take his money, things went horribly wrong, as the young man in the car, who was 29 years old, lost his life. We were arrested and charged with his death. Friends became criminal co-defendants, and in the end, I was convicted of murder and sentenced to life without parole (LWOP) while the others were set free.

Some would say that I deserved to be given a LWOP sentence — banned from society and forever branded with the mark of Cain. The Bible story of Cain killing his younger brother Abel and condemned to infamy and ostracism, served as a template for punishing crimes. Because I committed homicide, I was deemed unreformable, a threat to society. This belief — a morally corrupt individual who is beyond hope or redemption — was the same belief I came to embrace as my own condemnation script, a fate I couldn't escape.

Accepting my fate in society was formed through the lens of an uneducated person. Someone who saw no value in myself or others. However, several years into my incarceration I began questioning the acceptance of my condemnation script. This shift in thinking led me to make a choice to pursue education, a path of ethical transformation.

I began with reading, first books about Puerto Rico and my culture. Then about world history, politics, religion, and philosophy. In these books I learned about the power of personal agency. If I wanted to change my ways, then the ability to do so rested on me. This is sometimes described as a growth mind set. I learned about moral concepts, and I began adopting them as a new way of living.

This mindset was new to me because I had never read to improve my mind. I began transforming my thoughts and behaviors through education. This was a major turning point, where I decided to purge my condemnation script and instead envision a life with a redemptive narrative.

This moral awakening deepened when I received a letter from the niece of the young man I killed. This woman (who was a young girl at the time) expressed the damage I had caused her family and how I ruined her life. By then I had been incarcerated for 13 years and not once thought about the implications of my crime. After reading her letter, I carelessly threw it away, dismissing what she expressed — or at least I thought. Later that night as I tried to sleep, I found myself haunted by this young woman's words.

After wrestling with her reproach, I confronted both the truth and reality of what I did, allowing me to accept guilt and responsibility. I realized the ripple effects of my crime, and the pain and suffering I caused this young man's family, including the niece whose letter has forever impacted my life.

Coming to terms with what I did caused my life to shift in a different direction. I needed to know where I went wrong and how I became so broken. Why was I so determined to live a life that caused so much pain and suffering? Why was I so easily influenced by criminal behavior? I started to look for answers.

I began a journey of self-development through education. I started attending peer sponsored critical thinking and impulse behavior courses. I read self-help books that taught me how to identify things like personality and criminal disorders. I then became aware of an opportunity to get a college degree. I applied and was accepted to Calvin University and given a full scholarship. In June 2021, at the age of 48, I earned a bachelor's degree in Faith and Community Leadership, with a minor in Social Work.



Harnessing the transformative powers of education was not easy, especially knowing that I was condemned to serve the rest of my life in prison. Understanding the impact of serving life without parole, Craig S. Lerner, a law professor at George Mason University, asserts that, "A young person who knows that he or she has no chance to leave prison before life's end has little incentive to become a responsible individual."

With no hope of ever leaving prison, I still made a conscious decision to improve my life. Had I not pursued this educational path, I never would have taken control of my unhealthy, unbalanced mind that produced a chaotic life. I never would have understood how to purge my criminal behavior. I never would have been receptive to a moral awakening.

French philosopher Simone Weil said, "Every being cries out silently to be judged different." Her words resonate with every fiber of my being. I long to be judged according to the person I am today, and not the dysfunctional 19 year-old I was. Thirty years ago, I was a threat to society. This is not the case today.

Studies on Violent Crime Recidivism, conducted by J.J. Prescott, Benjamin Pyle, and Sonja B. Starr, show that once released from prison, less than 1% are likely to commit another homicide. They also point out that offenders who committed their crime as a youth, and served an extensive number of years incarcerated, are less likely to pose a risk to public safety.

I have served 30+ years of incarceration. I have taken measured steps to extinguish any criminal thinking and behavior. It was done solely by my own initiative, even as a lifer without any hope and without anyone believing in my redemption. Now I face the task of convincing others that I am prepared to enter society peacefully as a successful product of higher education. So, I ask, am I reformed and no longer a threat to society, or should I forever be branded with the mark of Cain?

## The Myth of Felony Murder

By DAVID PAYNE, Staff Writer

Harry Potter uses his magic to imprison some people for life. Sounds farfetched? Then let's explore this: the origins of the first-degree felony murder statute are about as real as magic wands and flying brooms. So, although he may not be contributing to mass incarceration, Harry Potter and felony murder do share something in common: they're both examples of really good works of fiction.

Before understanding how first-degree felony murder works, let's first look at the rules, there are two: an old felony murder rule (before 1980) and a new felony murder rule (after 1980). This article will focus on the old rule.

Let's consider two hypotheticals: Say A, B, and C rob a store. A and B take guns into the store. C serves as a lookout and getaway driver. During the robbery, the clerk pulls out her gun and kills A and B. The driver flees but is eventually caught. Under the old felony murder rule, C could be convicted of first-degree felony murder and issued two, separate life without parole sentences for the deaths of A and B.

Now let's say A and B rob the store, the clerk calls the police, who pursue the robbers and kill A and B. Under the old law, C could also be convicted for A and B's deaths and charged with two life sentences.

Under the old law, all the prosecutor needed was a felony and a death. She could then invoke incantations from the mystical book of Michigan statutory law at trial to magically connect people to any death, regardless of intent.

Here's the bottom line: felony murder condemns people to die in prison regardless if they killed or NOT. Sounds crazy? Agreed. But consider the source.

The origins of felony murder can be traced back to England in 1716 — a time when the best legal minds believed witches were real and their guilt or innocence could be established in a trial by drowning. The law was eventually adopted into American legal practice.

Legal scholars mercilessly troll this law as draconian, harsh, barbaric, anachronistic, and morally regressive. Yet, surprisingly, most states still practice it — even conjuring some death sentences here and there. Who says medieval magic wasn't powerful stuff?

As if adopting a law from superstitious antiquity isn't bad enough, it gets worse.

Law professor Guyora Binder investigates the law's origins. After scouring English and American law, what does Binder find? Nothing. There is not a shred of evidence it ever became the prevailing law in England before American independence. And no documentation of its application in Colonial America or after



independence. In fact, it doesn't appear until the 1820s courtesy of American legislatures. So, felony murder isn't an import; it's American made. England abolished it in 1957, according to the website FindLaw.

This means felony murder's traditional origin story has no proven historical basis. It's a modern American myth. We might as well rename felony murder: the Harry Potter Law. And the implications are disturbing.

For one, the Michigan Supreme Court abolished this law in 1980. But it didn't make it retroactive — the Court only applied its ruling to a few, denying it to all others convicted of the exact same crime before 1980. This is like discovering the cure for cancer, healing just a few, then destroying the cure so nobody else can benefit from it. This denial of the equal administration of justice has left many to languish under felony murder's barbaric spell for the past 43 years.

It seems America conjured felony murder as late as the 19th century and exploits it to this day. Thus, exposing how backwards and out of step American jurisprudence remains from "the evolving standards of decency that mark the progress of a maturing society," words its own courts like to trumpet.

The most concerning implication of its mythical history is that juries and judges continue condemning people under an unenacted law — a law that never existed. Binder notes that whenever critics cite its concocted historical origins as authoritative, they undermine their own efforts to abolish it. However, acknowledging its fictional history may contribute to finally breaking its spell and liberating the people still caged under the myth of felony murder.



Panic over supposed 'super-predator' teens ended years ago, but its consequences did not. jabejon/iStock via Getty Images Plus

By **JULIE ELLEN McCONNELL**

A South Carolina judge [heard arguments](#) in late May 2023 to reconsider the sentence for [Jesse Osborne](#), who carried out a school shooting in 2016. Fourteen years old at the time, Osborne killed his father, then opened fire at Townsville Elementary School, killing a 6-year-old child and injuring others.

He was sentenced to life without parole, but his attorneys have asked that a judge “[give Jesse some hope](#)” of leaving prison decades down the line. The judge ordered the defense to submit a detailed report by late June about abuse Osborne suffered as a child and his potential for rehabilitation. He said the prosecution would have 10 days to respond, though no decision has been announced as of mid-July.

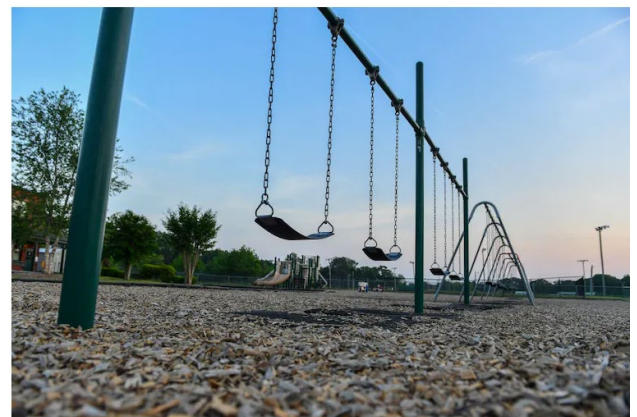
At the heart of this case is whether it is appropriate to sentence children to die in prison, with no chance of being considered for release. Half a century ago, offenders in the U.S. of any age were rarely [sentenced to life without parole](#), and it was not until 1978 that states began trying youths as adults. Between 1985 and 2001, however, youths convicted of murder were actually more likely to [enter prison with a life sentence](#) than adults convicted of the same crime.

Yet the use of juvenile life without parole, or JLWOP, has sharply declined over the past two decades and has been [condemned by the American Bar Association](#), largely thanks to [new research on brain development](#).

As a former prosecutor, I respect the need to consider victims’ perspectives. However, I also believe it is important to recognize that a 14-year-old child’s brain [is far from fully developed](#), and that retribution and accountability must take that into account – ideas that guide my work today as [a legal scholar](#) who defends youth offenders.

### **The ‘superpredator’ era**

In 1995, political scientist [John J. DiIulio Jr.](#) published [an influential article](#) arguing that the U.S. faced a wave of [child “superpredators”](#) who “prefer murder to mischief” and “perceive no relationship between doing right (or wrong) now and being rewarded (or punished) for it later.”



The playground at Townsville Elementary School where Jesse Osborne, then 14, shot three students and a teacher in 2016. Ricky Carioti/The Washington Post via Getty Images

DiIulio [blamed this predicted criminal conduct](#) on the “moral poverty” of not having “loving, capable, responsible adults who teach you right from wrong.” He repeatedly called attention to violence among Black youths in “inner-city neighborhoods.”

While DiIulio coined the phrase “superpredator,” his message resonated with many Americans used to “war on drugs” and “[tough on crime](#)” campaigns. America’s history of marginalizing and criminalizing Black citizens primed the media and the public to accept [his theory](#), as did several high-profile cases. The most notorious, perhaps, was that of [the Central Park Five](#), in which five Black teenagers were wrongfully convicted of raping a white woman in Central Park in 1989.

Throughout the 1980s and 1990s, well before DiIulio’s article, states had already been establishing harsher sentencing laws, [even for minors](#). [Across the country](#), legislatures embraced trying children as adults and rejected policies focused on [prevention and rehabilitation](#).

Between 1985 and 1994, the number of children tried as adults [grew 71%](#), and by 2012, 28 states had [mandatory life sentences](#) for capital murder for certain minors.

The “superpredator” theory turned out to be a myth: By the end of the 1990s, youth crime [had actually decreased](#), and that trajectory [has continued](#). Between 2000 and 2020, the number of incarcerated youths [fell by 77%](#).

By 2000, DiIulio had [retracted the superpredator theory](#) and was advocating for reform. Many laws from the “superpredator” era, however, are still on the books. The U.S. is still [the only nation](#) that sentences children to life without the possibility of parole.

### **Shifts at the Supreme Court**

Nevertheless, a sea change has taken place in legal thinking, as psychologists have argued that teenagers are less culpable than adults because of [the nature of adolescents’ brains](#).

Starting in the 2000s, the U.S. Supreme Court began to acknowledge that [child offenders are different from adults](#). In 2005, the court [banned the death penalty](#) for people under 18, and in 2010 [outlawed life sentences](#) for juveniles convicted of nonhomicide offenses.

Two years later, in *Miller v. Alabama*, the court ruled that, even in homicide cases, mandatory sentences of life without parole for minors [violate the Eighth Amendment](#)’s prohibition of “cruel and unusual punishment.” The justices did not ban life sentences completely, however – simply mandatory sentencing laws that require them for juvenile homicide offenders, without consideration of the particular mitigating factors of each case.

In [each of these decisions](#), [the Supreme Court](#) recognized that a lack of brain development makes adolescents, even those [who commit serious and violent offenses](#), [less culpable and more capable of change than adults](#). In *Miller v. Alabama*, the court emphasized that teenagers are impulsive, cannot escape abusive home environments, cannot properly assist their attorneys and have inherent capacity for rehabilitation.

**State-by-state change**

This change in attitudes has had [clear impact on state laws](#). Today, a majority of states [have now banned](#) or have no one serving JLWOP.

More than 500 people who received their sentences before these SCOTUS cases are still serving life without parole for crimes they committed as children. However, another 1,000 individuals [have been released](#) because laws changed to override their original sentencing, according to the Campaign for the Fair Sentencing of Youth, which advocates against JLWOP.

Virginia, for example, [passed legislation](#) in 2020 to allow people sentenced as youth offenders who have already served 20 years in prison to seek parole consideration. Approximately 17 have been reviewed and [granted parole](#) so far, including seven rehabilitated individuals whom my law students and I [have assisted](#).

Another aspect of adolescent development that research has emphasized is young offenders' potential for rehabilitation, challenging the idea that they are irredeemably dangerous. [One 2020 study](#) found that only 1.14% of people who had been sentenced to life without parole in Philadelphia and eventually released were re-convicted of any offense. Similarly, out of 142 individuals released in Michigan after the Supreme Court's Miller decision, only one [had been rearrested](#) as of 2021.

**The path ahead**

Nothing can bring back lives cut short. But in my more than 25 years working in the juvenile legal system, I have seen repeatedly that our society fails both defendants and victims by not helping them to resolve their conflicts before they get to that point. Those I assist as a defense attorney often come from the same environments and tragic backgrounds as the victims I served as a prosecutor.

Increasingly, however, it seems schools, courts and communities are turning to [approaches besides life without parole](#) to help young people move past the worst things they have ever done, or prevent them in the first place.

The primary focus of the juvenile court has always been rehabilitation rather than punishment. Courts now have improved assessment tools, [effective intervention programs](#), a recognition of the roles lack of brain development and trauma play in delinquent behavior, and treatments for underlying psychiatric disorders that can help achieve that purpose – if our society has the will to invest in these resources as early as possible.

**EDITOR'S NOTE:**

Julie Ellen McConnell is a professor of law at the University of Richmond.

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Jesse Osborne wipes tears after being sentenced to life in prison in 2019 in Anderson, S.C. Ken Ruinard/The Independent-Mail via AP



## **No Bake, No Cheese — Cheesecake** By **MICHAEL DINOFFRIA**

### **Ingredients:**

1 – 12 ounce bag of vanilla wafers  
1 – 10 ounce bag of dry powdered milk  
1 – 8 ounce bag of dry non-dairy creamer  
1/2 cup of Country Time Lemonade  
10.5 ounces of water

Accessories needed: one 10 inch by 11 inch cardboard box with lined wax paper or plastic bag.

### **Cooking Directions:**

First, crush vanilla wafers as best as you can (the finer the better). Place into a large bowl and add 2.5 ounces of water.

Knead the content until it forms the consistency of playdough. Make sure you do not add any extra water during this process despite thinking that you might need to.

Once you have successfully reached playdough status, take the dough, and place it into the box that is lined with wax paper or a plastic bag.

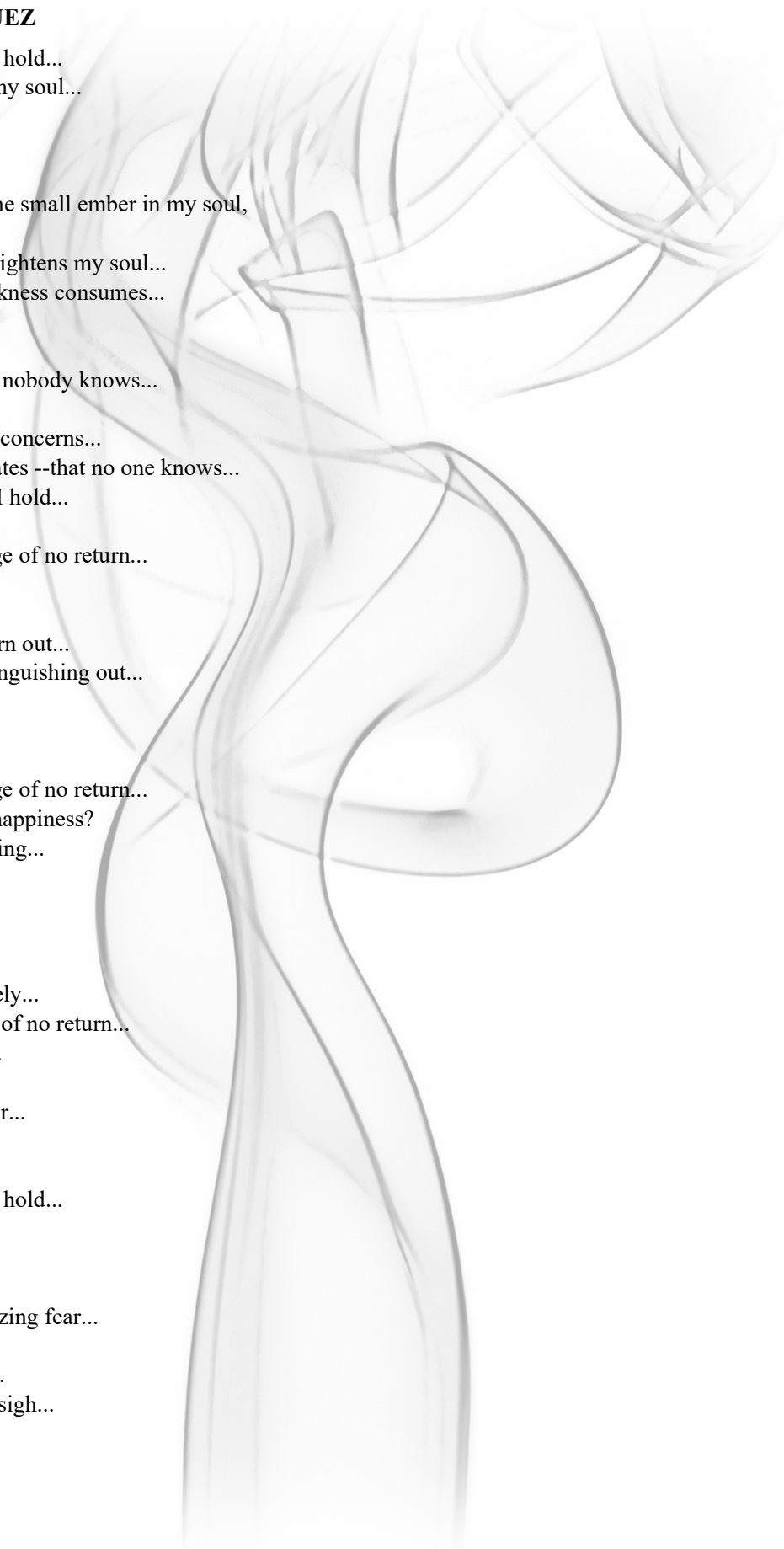
Pat down and smooth the dough until it evenly covers the entire 10 inch by 11 inch box. Set to one aside.

In a bowl, add powdered milk, non-dairy creamer, Country Time lemonade, and 1 cup (8 ounces) of water. Stir the mixture until all the powdered milk is completely mixed. Then pour the content over the vanilla wafer crust and smooth out evenly. Let the content set for at least 2 hours or longer (the longer the better). Cut into slices and enjoy.

### **Origin of recipe:**

Michael Dinoffria is serving a sentence of life without parole. Although not the creator of the recipe, Dinoffria gives credit to his friend Mexican Moe. He says that this particular “No Bake, No Cheese — Cheesecake” recipe is one of the tastiest desserts. Try it and you be the judge.



**On The Edge****By RENÉ F. RODRÍGUEZ**

--How much longer can I hold...  
before darkness engulfs my soul...  
--The walls are closing...  
I'm on the edge...  
the edge of no return...  
--So I desperately blow the small ember in my soul,  
hoping and praying  
it ignites the spark that brightens my soul...  
yet nothing ensues as darkness consumes...  
-- I'm scared...  
-- I can't share...  
because I'm all alone and nobody knows...  
--Oh!  
How I cry out for human concerns...  
but my environment dictates --that no one knows...  
--So I ask, how long can I hold...  
I don't know...  
I'm on the edge.... the edge of no return...  
--I desperately panic...  
--I'm hurting!  
NO! NO! Please don't burn out...  
as I watch my ember extinguishing out...  
--I'm suffering!  
So I ask...  
--how long can I hold?  
I'm on the edge.... the edge of no return...  
--Will I ever experience happiness?  
I doubt it! 50 years counting...  
--I'm hurting...  
--I'm suffering...  
--how long can I hold?  
--I see the walls closing...  
--as darkness creeps closely...  
I'm on the edge, the edge of no return...  
--I'm desperately crying...  
deep inside...  
as I'm watching my ember...  
slowly dying...  
--Oh! my soul...  
which no longer wants to hold...  
--the pain...  
--the suffering...  
--is too great and bold!  
--I'm struck with a paralyzing fear...  
as I contemplate...  
that my darkness is near...  
--So I close my eyes and sigh...  
--No more edges...  
--No more tears...  
--No more suffering...  
--No one's here...  
--I'm on the edge...  
--the edge to which there is no return...

**Still Going ... Konrad Cowell**  
**Interview By MICHAEL PERKINS**

*Views On Life* (VoL) is thrilled to introduce Michael Perkins as a special contributor for the segment Still Going. Perkins conducted an interview with a dear friend of his, Konrad Cowell, who he has known for over two decades. They were roommates for almost two years in the late 2000s. VoL wants to shine a light on Cowell's achievements because too often, the formerly incarcerated are not recognized for overcoming great adversity in their efforts to integrate back into society. Here is a success story.



**VoL:** As a youth, who was the most positive influence in your life?

**Cowell:** My uncle David. He was an entrepreneur, had a beautiful home, was liked by many of his peers, and most of all he took time out to talk to me. He made sure I was alright and supported me while I was incarcerated until his death.

**VoL:** Who was the most negative person in your life as a youth?

**Cowell:** My father. He was an alcoholic and physically and emotionally abusive to me.

**VoL:** What was the most destructive emotional stronghold on your life that eventually led to your criminal offense?

**Cowell:** Being put out of the house when I was 13 years-old, for sneaking out and taking my father's car. When I was cast out on the street, I didn't have the necessary survival skills to live the street life. I wasn't a street dude, but I turned into one. I sold drugs during my formative and young adult years.

**VoL:** What was the most traumatic experience you had as a youth that was an element which drove you to commit a crime?

**Cowell:** The physical abuse as a child. That had a profound effect on my life. And the culmination of events that lead to the fatal harm of someone.

**VoL:** Regarding your experience with the criminal justice system, describe one critical element that the system needs to change?

**Cowell:** It's the decision-making process with the initial charge(s). When dealing with criminal law enforcement the prosecutors need to be accurate with the actual charge. They know what the charge should be, but if there is a hint of evidence that supports a narrative for an elevated charge, then they will settle to overcharge you. It is an unfair strategy that seems to consistently work for them.

**VoL:** What crime were you convicted of?

**Cowell:** I was initially convicted of first-degree murder. The conviction was subsequently overturned, and I was resentenced to second degree murder.

**VoL:** As a man of God, while you were incarcerated, what was one of the most compelling conversations you had with God?

**Cowell:** When I was serving a non-parolable life sentence, I said to God that I don't want to spend the rest of my life in prison. However, if this is what you have decided for me, I will serve you even if you want me here. My passion was simple: I wanted to grow and do better. My destiny wasn't clear then. It took God to heal me, and in God's presence is where I am at peace the most. So now I always try to be peaceful in all aspects of my life. I just trust God wholeheartedly.

**VoL:** How long were you incarcerated?

**Cowell:** I did 1-1/2 years in Wayne County jail and 28 years in Michigan state prison.

**VoL:** While you were incarcerated, what did you do to pass the time?

**Cowell:** I served God, prepared myself by learning to walk through God's plan for me. This entailed being involved in ministry, praise, and worship, writing books, directing plays, and studying business.

**VoL:** During your incarceration, you were married. How long have you and Belinda been married?

**Cowell:** Belinda and I have been married since 2004.

**VoL:** 28 years of incarceration is a very long time. What sustained you to become the person you are today?

**Cowell:** God's grace and mercy on my life. My remorse and empathy for my victim and the harm I caused his family. Also, a passion to want to do better. I didn't like the person I was and the decisions I was making. The work I was doing in prison is the same work I am doing in society. It's just an expanded version.

**VoL:** When you returned to society, describe the most difficult aspect in your transition?

**Cowell:** Employment and housing. Due to my criminal record, I would start a job, and after two weeks the employer would come to me stating, "Although you are doing an excellent job, we ran a background check and have decided to let you go."

**VoL:** As a citizen in free society for over five years, what are you currently doing with your life?

**Cowell:** I am currently a life skills instructor, job coach, and an outreach specialist at the Center for Employment Opportunity, which is the largest organization in the U.S. providing an opportunity for returning citizens. What I like about the Center for Employment Opportunity is there is no other model like ours. I am also serving on the Board of Directors for the MDOC [Michigan Department of Corrections] Reentry Program. I am founder of Resurrection Back 2 Life, and part of a management team for artists like Grammy-nominated singer and writer Melanie Rutherford, who has written songs for Rick Ross, Redman,

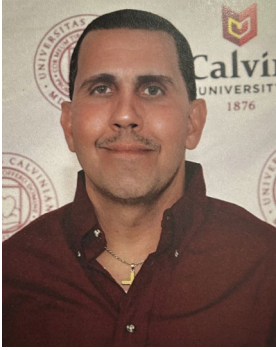
and other artists. Additionally, I am founder of Standing Pillars Transition Housing for returning citizens.

**VoL:** How can a recent returning citizen best serve his family and community after serving a lengthy sentence in prison?

**Cowell:** First and foremost, get yourself established. You must be a self-starter, purpose driven with determination and zeal in order to succeed in all areas of your life.

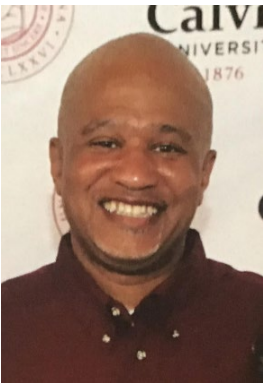
**VoL:** As a closing thought, what wisdom would you like to impart to the *Views on Life* readers?

**Cowell:** Learn patience. Understand that nothing lasts forever. Embrace the moments that life brings. And remember that negative energy is like a storm; this too shall pass.



**René F. Rodríguez, Founder and Editor-in-Chief**

Rodríguez hopes to use this platform as a positive outlet for those serving a life sentence, giving them a place to share their thoughts and views on politics, arts, culture, and everyday life with the purpose of engendering meaningful conversations. Learn more about Rodríguez and the work he engages in by visiting his website [www.viewsonlife.org](http://www.viewsonlife.org). Rodríguez holds a bachelor's degree from Calvin University.



**David Payne, Staff Writer and Contributor, Arts and Culture**

Payne writes on a variety of topics, but he especially enjoys analyzing cultural pieces such as films and their portrayal of lifers. Through this lens and with his writing, he hopes to widen people's perspective by dispelling myths and misconceptions about those currently serving life sentences. Payne holds a bachelor's degree from Calvin University.



**Ken Uncapher, Staff Writer, Contributor, and Social Media Specialist**

Uncapher hopes to engender conversations about America's use of excessive punishment by opening dialogues to discuss its impact, allowing for different views with the hope of gaining a better understanding of both ends of the spectrum. Uncapher holds a bachelor's degree from Calvin University.

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