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Please take a moment to visit our website: www.viewsonlife.org

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 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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LETTER

From the Editor

I'm so happy to report that *Views on LIFE* (VoL) is going on its third year! As an incarcerated individual, this is not an easy task to do when resources are limited, especially when it comes to financial support. Yet, our small team works diligently at producing quality work. We want to make sure that we are living up to our mission statement, which in part entails dispelling the myths, misconceptions, and misunderstandings surrounding people serving life without parole.

In the Fall/Winter 2022 issue, I mentioned that the Michigan Supreme Court (MSC), in a 4 to 3 decision, ruled that it was unconstitutional to sentence 18-year-olds to mandatory life without parole. (<https://viewsonlife.org/newsletter>)

While this particular ruling was indeed a great step in bridging the gap with "the evolving standards of decency that mark the progress of a maturing society," the ruling falls short of extending the same constitutional protection to those who are 19 and 20.

I hope that in time the MSC will raise the age beyond 18 by following the science, which verifies and validates 19- and 20-year-olds as possessing the same impulsivity in decision-making and self-control as young juveniles. (See *Brief of Amici Curiae Neuroscientist, Psychologist, and Criminal Justice Scholars in Support of Defendant of Defendant-Appellant Mr. Poole*, Feb. 8, 2022).

Personally, I continue to stay focused on my self-development, while being grateful to every single person who fosters my growth. This includes Hope Western Prison Education Program (HWPEP), where I work as a teacher's assistant/tutor. I'm deeply humbled and appreciative to HWPEP leadership and its students who have embraced me as part of their academic family. I've learned so much from them in the last couple years—you're all awesome! To the Diocese of Grand Rapids Prison & Jail Ministry Director, Tricia Worrell, thank you for sharing a space on your website (<https://grdioces.org/ministries/prison-and-jail-ministries/>) for *Views on LIFE*. VoL is so grateful for this extended support, as we are always eager to reach a larger audience. To the readers of VoL, I appreciate you! If you have questions, concerns, push backs on articles, or just want to know more on views of the prison culture, or any other subject, please send your questions via our website (www.viewsonlife.org).

Lastly, but more importantly, is my family. There are not enough words to express the gratitude I feel from your unwavering support of me. You inspire me to be the best that I can be, especially within an environment that is often unwelcoming. Thank you for keeping me grounded, and filled with hope that one day I will come home to you all. You guys are my rock and foundation, and I love you all so much!

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

The End of Life Without Parole

By **KEN UNCAPHER**

We've all seen death portrayed on TV and in the movies. These end-of-life transitions are usually peaceful. The protagonist slowly drifting off into the afterlife, after s/he relays their parting words to a friend or family member. That's how the hero dies. The villain's death is, most times, violent, like an explosion that crashes down upon the wrongdoer. For me, I've always seen this dichotomy as a metaphor, expressing that if you are good, the ending of your story will be as though you are simply drifting off to sleep while surrounded by friends or family, while the bad people are always brought to a painful and fitting end. In reality, though, end-of-life transitions are nothing like what we see on TV.

I've seen a lot of violence and death over the years. Some of it prior to my incarceration but most of it, however, during my time in the penitentiary. Almost everyone who has served time—at least a couple of years or more—has witnessed both. It is when we watch a person deteriorate and finally die, though, that we realize how finite our time on this earth really is. Working in hospice, I've had the honor of spending time with men for the last part of their lives, getting to know them, and sitting beside them as they pass. It makes one question how we have spent our time on earth and raises appreciation for the time we have left. It gives us a sudden shift in perspective that forces one to think about relationships and past wrongs. Realizing the finality of death as it unfolds right in front of our eyes makes us want to rebuild bridges that have been razed and ruined by pride and poor decisions. It also makes one wish there was a better way.

It is an unfortunate reality that there are many people incarcerated throughout our country who will die in prison, regardless of whether they are serving life without parole or not. It can't always be helped. Sometimes natural causes claim a life too early: cancer, diabetes, and heart disease are the most common. Sometimes violence claims a life. But there are many people serving life without parole who have been incarcerated for 30, 40, or 50 plus years who eventually succumb to any one of those causes of death. Men who have spent most of their lives incarcerated and have expressed remorse and regret, or are too old and infirm to commit another crime, these men could die at home or at least in the free world if there was a system in place that could expedite their release when they are near the end of their life.

I propose that if we cannot change the laws that mandate life without parole or institute alternative sentencing practices, why not pass a bill that allows a person's immediate release to family when they are days from death? Instead of languishing in a prison hospital or a cell somewhere in one of our country's hundreds of prisons, why can't we find a modicum of mercy in our hearts to let a person die with dignity? Should one die in a room where the last thing they see are the four concrete walls of their prison cell? Does every lifer deserve to wilt away after serving an entire lifetime behind bars? No one should be made to suffer until their last breath carries them away to a better place. But for now, at least, that is the only way that life without parole ends.



Second Chance and the Belief People Can Change By SHAWN ENGLAND

Many people have concluded that mass incarceration, driven by racist and discriminatory policies, has put the state in an untenable position vis-a-vis its criminal justice system. Harsher and longer sentences, intended to deter a hypothetical "super predator," created a system in which the inflow and outflow are out of balance. Beginning in the late 1980s, continuing through the 90s, and culminating in the early 2000s, a rise in long indeterminate and life sentences increased. Additionally, the position of the parole board that "life means life" all but eliminated any possibility of parole or commutation for those spending the longest periods behind bars.

Although Michigan has a purported commutation and pardon system in place, the actual number of people pardoned or commuted by any governor since the late 70s is infinitesimal in relation to the number of people serving more than 30 years. It has been reported that over 30% of prisoners in the Michigan Department of Corrections are serving 30 years or longer. Given the sheer number of people in that group (approx. 10,500), it is statistically unlikely that any of those people would meet the criteria for a commutation. For instance, less than 1% of people serving life without parole have been commuted over the past 40 years. However, thanks to the tireless efforts of advocates, it may be that change is on the horizon for those who have given up any hope of freedom.

It is not easy to advocate for legislation that gives people labeled as "violent" a chance at freedom. However, statistically, murder has the lowest recidivism rate of any crime. And, while very few paroles or commutations are granted to first degree murder or felony murder, second degree murder provides significant data from which statistics can be drawn. Additionally, it has been claimed that the primary difference between first and second degree murder is a plea bargain, so the inherent nature of the offender cannot be deduced by the degree assigned by the court.

To be fair, there are many factors that bear upon any statistic concerning parole, namely, the average number of years served before release, the low number of paroles/commutations issued to murderers, the age of the offender at the time of release, and the fact that murder is a devastating act, impacting both the victim and the offender. Murder leaves no one unchanged. Often, the willingness and ability to hurt another person disappears after the horrendous reality of the crime sinks in.

Second Chance legislation offers a way for Michigan to deal with the unintended side-effects of mass incarceration and harsher sentences. The name says it all, a second chance at life for those who did not think such a thing was possible. Soon, a proposal will be sent to the legislature that would allow for persons who have served more than 25 years to request a judge to review and reconsider the sentence. For the most part, the proposal is aimed at those serving the long indeterminate sentences that preclude them from even seeing the parole board.

Many of the people serving these sentences have worked hard to become better people. They have sought to rehabilitate themselves and become more moral as fellow humans, and many have simply "aged out" of criminality. Second Chance legislation allows a select group within the incarcerated population to have their sentences reviewed, and only if they are deemed to no longer pose a danger to their fellow citizens, reenter society and become productive members of the community. Ultimately, society will have to decide if people can change. If that is what we all believe, then Second Chance legislation allows society to make that clear.



The Why of My Violent Crime

By **BRUCE MICHAELS**

In November 1989, I robbed and killed two people for what amounted to spare change and miscellaneous possessions. I vaguely recall the crimes reported in the news as "senseless." For more than 33 years, I contemplated the seemingly senseless nature of my actions, and although I agreed that during my youth the crimes were senseless, I no longer believe they were.

I was 16 years old at the time and reeling from repeated traumatic experiences starting when a neighborhood boy broke my leg when I was four years old. Many teenagers have gone through as much or worse as a child, but I chose to commit among the worst of crimes in response. After decades in prison, I have returned to that one simple fact whenever someone has tried to explain why I committed my crimes. For example, if someone were to say, "Bruce, you experienced terrible things that drove you to commit those crimes," I would respond, "many good, law-abiding people have experienced much worse than I have." I haven't always had that response though.

I ceased my irresponsible, criminal, and addictive behaviors in 1996. At that time, I was developing remorse—not just regret—for my actions. I was beginning to see the wrongness of what I had done even though I could not explain why I did it.

I tried for many years to understand the why of my crimes. I reoriented my life towards academic learning. My educational background now includes a bachelor's degree in psychology and sociology from Adams State University and a master's degree from California State University. Even with these achievements I was still perplexed about my so-called senseless teenage behavior. I've searched for clues as to what triggers criminal behavior.



Throughout all of the college courses, prison programs, and independent studies, I have come to believe that my crimes made sense at the time they were committed. They made sense to me: a troubled teen who did not know how to cope with the thoughts and feelings related to the past. But that behavior made the most sense to me when I thought about the criminals on television, in the movies, and in songs that portrayed them engaging in nefarious activities to overcome life's adversities. They inspired me to overcome my fears and circumstances by any means necessary, and I did — albeit at the expense of creating new ones.

Now, I remember those fading memories of childhood, when I was so easily influenced and so quick to follow anything that promised to make life better. Education, career, friends, relationships, family, religion and so many other important topics were eclipsed by a fixation on my pains and losses. Violent crime was the

only option I believed could immediately provide me with a sense of safety and security.

Today I have self-awareness and insight into the why of my crimes. Untreated early childhood traumas were consistently agitated by negative self-talk, influenced by powerful negative role models, and ignited by circumstances. Those three factors, combined with intense teenage social pressure, and no responsible adult intervention present to counter the thousands of scripts that had accumulated, highlighting violence as a means of addressing anxieties. The different parts of the puzzle are all there, and I see how they fit together. When I was 16 years old, I did see all the pieces individually, but I didn't see how they fit together. I could not anticipate the cumulative effect they had on me. That is why my actions at 16 didn't make sense to me.

Anchored in Hope, Engaged in Service By **ANTHONY D. ROBINSON**

Standards in society change over time. In relation to condemning emerging adults (those who are 18, 19, and 20) to virtual death sentences, society is endorsing contemporary forms of punishment in place of past draconian ones. What drives this change is advancements in neuroscience that show how the brains of emerging adults are more identical to juveniles than actual adults. This discovery has spawned legal claims that challenges the constitutionality of condemning emerging adults to life without parole (LWOP). For the past few years, courts in Michigan and throughout the nation, guided by scientific research, have confronted this issue.

On July 28, 2022, Michigan's Supreme Court ruled in the case of *People v. Parks*, guided by precedent set by *Miller v. Alabama* (2012), that 18-year-olds who committed crimes resulting in LWOP sentences should be granted hearings because of their youth. Michigan courts, however, did not, as of this writing, extend those same privileges to the other ages of the emerging adult class. A ruling from the Commonwealth of Massachusetts, on the other hand, illustrates why Michigan courts should.



Before discussing this ruling, an excerpt from the Parks decision mentioned above, warrants attention. They start out by saying, "Moreover, our holding today does not foreclose future review of life without parole sentences for other classes of defendants..." (cited at *Parks*, 2022 Mich. Lexis 1483 no.9). Who are those "other classes"? When the court's definition is laid side by side with the research and analysis of neuroscientists in relation to the emerging adult brain, then it appears that 18-, 19-, and 20-year-olds are all part of the same class—emerging adults.

In the case of the *Commonwealth of Massachusetts v. Mattis*, decided on January 11, 2024, "emerging adults" are now entitled to the same constitutional protections as juveniles. What differentiates the decision in Massachusetts from Michigan's is that it extends its ruling to all members of the emerging adult class, while Michigan has not. Backed by modern brain science and the evolving standards of society, courts now have a reason to reconsider their dealings with this class of defendants.

Currently, I am earning a bachelor's degree through Hope College's prison education program and I serve on the board of Michigan's Consortium for Higher Education in Prison (MiCHEP), where I have been tasked with helping to improve higher education programs within the MDOC. One of my most meaningful enterprises during my incarceration was playing a part in building a youth deterrent program where I've shared the darkest parts of my past with other youths, hoping that my story deters them from ruining the most precious years of their lives.

What I have managed to accomplish in prison confirms the potential for rehabilitation. While the courts in Michigan deliberate the future of emerging adults, I purpose to remain anchored in hope while engaged in service.

Words on a Tombstone: Aiding Everything but the Sentence

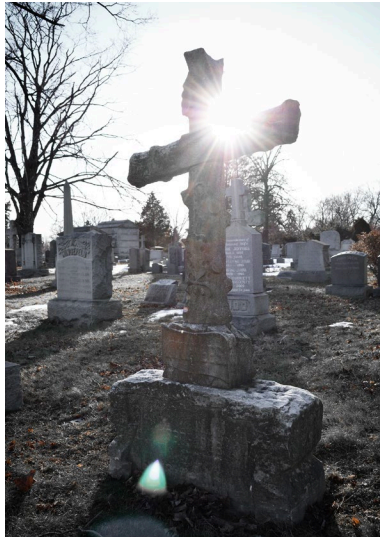
By DAVID WHEETLEY

Many factors are considered when determining the length of a sentence after conviction of a crime. These factors should include the severity of the offense, sentencing guidelines, and ideally, the needs of the victim. However, what's missing in these factors are a person's role and level of culpability in the crime.

In Michigan, under a theory of aiding and abetting for felony murder, the person's level of involvement cannot be considered for sentencing. Statue MCL 767.39, demands that every person convicted in the commission of a crime, whether he or she directly commits the offense, may be punished as if they were directly responsible. (See *People v. Mann*, 395 Mich. 47, 1975). This means a person convicted as an aider and abettor will be sentenced to life without parole, irrespective of their level of involvement. Even more jarring, the judge has no sentencing discretion to impose a lesser punishment even if they wanted to.

Under this theory, the person who is found guilty as an aider and abettor can be sentenced to more time than the person who committed the actual murder. For instance, in Michigan, the shooter can be found not guilty or does not even have to be formally charged and the accomplice can still be sentenced to life without parole. All that is required is for the prosecutor to charge someone/anyone and that person will spend the rest of their life in prison. I was convicted as an aider and abettor over 20 years ago. The actual killer has been out of prison for almost a decade. How can an individual continue to serve time for participating in a crime when the actual perpetrator has been freed? The question has never been answered except to say regardless of culpability, someone/anyone must continue to pay.

By refusing to adequately address this issue, the state's antiquated aiding and abetting laws have led to decades of unintended consequences. For instance, the law denies



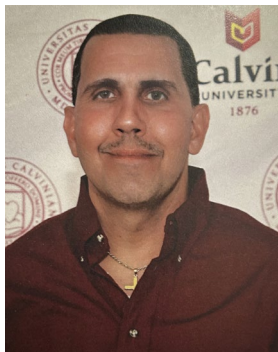
a person the right to defend themselves and therefore infringes on equitable concepts of justice. Prosecutors can charge and present the defendant as the principal offender throughout the entire trial. By the end of the trial if it becomes obvious that the defendant is not the primary culprit, the prosecution can then request an aiding and abetting instruction to the jury without allowing the defendant the ability to defend against this allegation.

It is a bedrock principle of law and equity that a person should be punished for his or her actions according to their level of individual culpability. However, allowing the trial to operate in the aforementioned manner, unjustly permits the jury to reach a compromised verdict by reducing the prosecutor's burden of proof. Unfortunately, the state of Michigan refuses to correct this injustice and many people, including myself, will die in prison as a result.

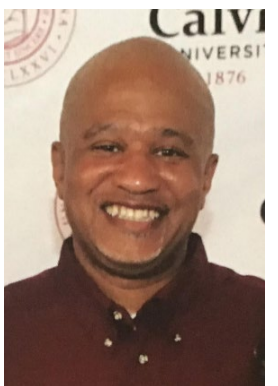
Other states, in response to these injustices and regardless of political leanings, have enacted legislative reform consistent with the principles of justice and equity. California, Nevada, Alaska, South Dakota, Iowa, Utah, Oregon, and New Jersey have either reformed or overturned long-running aiding and abetting laws. Michigan has the power to propose legislative reform requiring proportionate punishment relative to the principal's responsibility (see 2 Wayne R. Lafave, *Substantive Criminal Law* § 13.2). This lack of empathy reinforces the belief by so many that justice is truly blind.

Since being incarcerated, I have received multiple advanced certifications, I am pursuing several college degrees, and I have over 60 rehabilitative program completions.

Until fundamental changes are addressed, aiding everything but the sentence becomes more than a title for an article, it becomes words on a tombstone.

**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 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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