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CURRENT LIFE INMATE PAROLE ISSUE

“Some Evidence” standard. But some evidence of what?

The big question is whether “some evidence” supports the BPH’s denial of parole, or Governor’s reversal of the BPH’s grant of parole, or whether the appropriate standard is whether “some evidence” of these historical and ancient events that can never change creates a nexus to support an unreasonable risk to public safety if placed on supervised parole today.

CLIENT COMMUNICATIONS

Legal mail: Mark the outside of the correspondence with some indication the mail is coming from an attorney, and it contains confidential legal correspondence.

CONFIDENTIAL
LEGAL MAIL (SAMPLE)

The prison is *supposed* to call the inmate to a legal mail location, open the envelope or package in front of the inmate, make sure no contraband is included in the mailing, and not read the contents. Then give the mail to the inmate.

CONFIDENTIAL TELEPHONE CALLS

Call the prison and request the legal or litigation desk. Explain your need for a confidential telephone call with the inmate. Sometimes they will put you through to the inmate’s counselor and deal with it that way. Sometimes they will simply deny you access. Sometimes they will give the inmate a message to call you.

If you are given a confidential telephone call, don’t count on it being confidential. I always start it off with: “this call is supposed to be confidential. Let’s hope it is being recorded and that someone is stupid enough to use its contents. If that happens, we are in great shape when we go to court and there will be some people with a lot of explaining to do to the court.”

SENTENCING MISTAKES

Some prisons are very good at discovering sentencing errors, others are not. The biggest problem comes with the transfer from a prison that doesn't see the error to a prison that is more diligent and discovers it later. Until the inmate is released, there is no certainty the error will go unnoticed.

POINT SYSTEM FOR CLASSIFYING INMATES

A point system based on an inmate's sentence, prior convictions, marital status, armed forces service, etc. determines what level an inmate is classified at. Each year the inmate remains disciplinary free, the lower his total number of points lowers. Conversely, each disciplinary infraction raises the inmate's points.

The system classifies the inmate into a level one through four classification. Levels one and two are housed in dorms, levels three and four are housed in cells. Cells are way better than dorms. There is no adverse consequence to being in a higher level and a lot of inmates with determinate sentences purposely pick up disciplinary infractions to keep their points at a level three to avoid dorm living.

SENSITIVE CRIMES AND ATTACKS

Inmates of all crimes are attempted to be housed in the general population. When this results in threats and/or attacks because the nature of the crime becomes known (child molestation, etc.), the inmate is usually transferred to a sensitive needs yard. The prisons that have long had sensitive needs yards are Sierra Conservation Center, Mule Creek, High Desert, Pleasant Valley, and California Men's Colony. There are probably others, and the list is growing all the time. Not all yards at these prisons are sensitive needs yards, usually it is only some of the yards designated for that purpose, the others are for general population. Don't ever assume that your client is on a sensitive needs yard if he is at a prison that has such a yard. Also, don't assume your client is free from harassment if he is in a sensitive needs yard.

The best thing to do is ask the inmate what he wants done with his legal work. He may want it sent to a family member or may feel comfortable in receiving it himself.