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Lone, California

Established 2018

To Our Readers

By D. Razor Babb, Feature Reporter

AS SUMMER BEGINS to sizzle we at the *Post* are grateful to be included beneath the comforting shade of Pollen Initiative's journalistic umbrella. Thanks to the nonprofit, the *Post* is available on Edovo and we are receiving submissions from across the country.

Mule Creek's Rehabilitative Resource Committee is diligently working on avenues to incorporate the principles and pillars of the department's most heartfelt humanistic approach of California's new incarceration model into our environment. We believe communication is key, and our efforts and intent continues to focus on best ways to achieve the highest ideals set forth in rehabilitative, educational, pro-social, and philosophical principles.

Serving as an example of these ideals are the 18 graduates of the CSU Sacramento bachelor's program. A well-attended ceremony was held Thursday, June 12, in the Facility E visiting room with over 100 guests and supporters, and nearly a dozen prison administrators and CSU officials. Acting Warden Teauna Miranda commented that "What these graduates have accomplished is so impressive and valuable. It is fundamentally important towards their self-improvement." She pointed out that once an individual becomes educated, they can accomplish anything. We extend our congratulations to all the graduates.

On a hopeful note, we are looking forward to the many ways that the new California budget will enhance our goals and futures (the new fiscal year began July 1st) in rehabilitative, re-entry, and life-changing ways. Spending an approximate average of over \$99,000 per individual Mule Creek resident, we hope it *all* isn't spent on food and recreation.

Looking forward to all of your submissions! Guidelines are on page 4.



Victim Offender Dialogue participants gather for healing. From Left: Standing—Sammy Bacha, Robin Dasenbrock, Mike Barefield, Aorell Burrell, Kevin Wyatt, Trevor Terrill, Rose, Mark Daigre, Jose Duarte, Johnny Guerrero, Alex Rosales, Josef Jensen, and Miguel. Kneeling—Jarrod Wyatt and Lance. (J. Davis / Mule Creek Post)

Facing the Past: Survivors' Stories

By Jason Davis, Lead Reporter and Gerald McKoy, Feature Reporter

WALLS ARE BEING torn down between offenders and survivors through Victim Offender Dialogue (VOD), hosted by Mend Collaborative. On Jan. 24, 2025, incarcerated students of California State University, Sacramento had an opportunity to participate in a surrogate VOD, where survivors of crime talk with offenders of crime, creating the opportunity for a form of restorative justice that allows space for acknowledgement, growth, and healing for all involved. Mend Collaborative and two survivors,

Rose and Lupe, came to the Mule Creek State Prison to share their stories with the students, hoping to both give and receive insight into their tragic journeys.

The classroom was set up with chairs in a circle, with vulnerable space between them. As Rose entered the room, she wore pain and sorrow like a shroud; the 12 men sitting there welcomed her with empathetic hearts. She began her story of when she first fell in love; she was young and married a professional boxer. They had two children, however, they quickly realized their oldest was special — he was autistic. A few years into their marriage, Rose's husband became abusive. She eventually left with the children, but her life became unmanageable and she turned to drugs to cope, which led to a period of darkness in her life. While volunteering to feed the homeless in a questionable part of the city, she was kidnapped, drugged, and held for three days. Only one of the men who assaulted her was ever arrested.

This was not what Rose came to talk about; this was not the worst moment in her life. In 2011, while trying to get clean and sober, she came across a post on social media that her son had been murdered. On a river levee, in the same general area where she was kidnapped, her 25-year-old son was riding his bicycle when a homeless man stopped him. The man had a handgun and ordered Rose's son to get off the bike before shooting him. It was in this moment that Rose began to carry the pain and sorrow, and, for 10 years now, has been searching for healing. On this day, 12 incarcerated students felt that pain. They wept for Rose, for her son, and for the ones they had harmed. They were reminded that the ripple effect has a lasting influence beyond those directly involved, and healing is often a journey through the darkness.

The VOD with Lupe, while organized similarly, was quite (continued on page 2)



Analysis: CA Court Rules on *Briscoe*

By Jamel Walker, Mule Creek State Prison

ON SEPT. 25, 2024, the state's 1st District Court of Appeals granted Kyle Armando Briscoe's appeal of a lower court's denial of his motion for a Franklin proceeding and a parole hearing under section 3051 of the Penal Code (PC). The court held that as a youth offender sentenced to special circumstance murder during a robbery or burglary, the denial of the Franklin proceeding violated equal protection. The court argued that PC §3051 makes an "irrational" distinction between equally culpable youth offenders seeking parole, by excluding those sentenced for special circumstances during a robbery or burglary under PC §190.2(d), while including those convicted of non-special circumstance first-degree murder for the same offense under PC §189(e)(3). The justices remanded the case to the superior court, reasoning that because PC §3051 was intended to allow youth offenders to demonstrate suitability for parole, the proper remedy was to reform the statute to include those sentenced to life without parole under PC §190.2(d).

In April 1998, Briscoe and his codefendant

entered a home under the pretense of wanting to buy marijuana, and attempted to rob the occupants at gunpoint. There was a struggle over the gun, and the homeowner shot Briscoe and his codefendant, who died from his injuries. The state charged Briscoe with first-degree murder of his codefendant, robbery, and burglary. The district attorney alleged that the murder was committed during a robbery and burglary, and that Briscoe personally used a firearm in the commission of all three offenses (see §187(a), §190.2(a)(17), §211, §459, §12022.5(a)(1)). Briscoe, at 21 years of age, was sentenced to life without the possibility of parole. He appealed his conviction, but in an unpublished ruling, the court found his claims to be without merit and upheld his conviction.

In his 2024 legal challenge, he specifically offered three theories to support his claim. First, he argued that since PC §3051 extends to youth offenders convicted of first-degree felony murder under §189, but not those subject to special circumstance findings per the same standard under §190.2, this is a violation of his constitutional

(continued on page 4)

Wall City Magazine Debuts

By D. Razor Babb, Feature Reporter

WALL CITY MAGAZINE debuted its online edition in February (WallCityMagazine.org). Formerly San Quentin media center's quarterly glossy print magazine designed to "tell important stories with more space and creative freedom," *Wall City* is now a digital documentary arts magazine created to inspire conversations across prison walls. Publishing one submission per week on its website, and featuring incarcerated California writers and artists, the magazine encourages writers to "report, explain, celebrate and critique the world around them, across a variety of media and forms."

Wall City accepts "pitches from writers and artists currently or formerly incarcerated in California, and are seeking stories driven by curiosity, humor, nuance and a desire to dig deep." The magazine only publishes work that has been developed in conversation with its editorial team.

Sections and Honorariums

- **The Longread:** \$450 (1,500 to 5,000 words)
- **On Books:** \$200 (1,000 words)
- **Other Voices:** \$150 (600 words or less; three minutes or less for video or audio)
- **Cities Behind the Walls:** \$150 (600 words or less; three minutes or less for video or audio)
- **In-Sight:** \$100 (this section is for visually-driven works, as in a still image, animation or video, comics journalism, or any illustration that documents a scene or activity inside, or data visualization — such as interactive maps, results from surveys done on tablets, etc.)
- **Commissioned illustrations:** \$75

Wall City's debut edition features a story by editorial director Kate McQueen, titled "Introducing *Wall City*." It is an inspiring, beautifully composed piece that narrates the origin of the magazine, including this latest iteration with its foundational roots in the battered concrete of San Quentin, nurtured by the creativity of *San Quentin News* staff, growing into the expansive vision of Jesse Vasquez and McQueen that enabled the full blooming of Pollen Initiative. *Wall City* has "a mandate to cultivate media centers in other prisons," as it spreads the seeds of journalism and the creative spirit elsewhere.

McQueen writes about expanding *Wall City* "to include a wider range of documentary arts, across media, by contributors all around California. The state-wide focus will help fill a much needed gap in our understanding about California's role in the creation of mass incarceration." She writes about legacy prison gangs and newer ones on SNY facilities, still vying for power, while non-designated programming and integration of previously separated groups has created new factions and new social norms. With an eye toward progress, McQueen points out that "Many incarcerated individuals have seized the moment to recreate their facilities with hope in mind."

Wall City's debut is welcome, with its expansive vision and boundless hope to build something special. With this first issue, the seeds have been planted. For information, write to:

Wall City
P.O. Box 1493
Alameda, CA 94501

A representative will reply via tablet. Once a pitch is accepted, you will work with the editorial team to develop your idea. From pitch to publishing may take several months to complete.



Wall City editorial director Kate McQueen. (courtesy of Wall City)



Rose shares her story with a circle of students. From Left—Kevin Wyman, Miguel, Rose, Jarrod Wyatt with Lance, Trevor Terrill. (J. Davis / Mule Creek Post)

(from **Facing the Past**, pg. 1)

different from Rose's. Lupe's story revolved around Jesse, her fiancé and love of her life. She shared the small, precious moments they shared, the day he proposed to her, and of his murder just over a month later. On a visit to his cousin's house, Jesse and the cousin were shot in the front yard. They were taken off in an ambulance, while Lupe herself was whisked away to endure a whirlwind of questions and mug shots to identify the shooter, only to be informed of Jesse's passing in a small interrogation room not big enough to lay down in. Not only that, Lupe soon found out she was pregnant with Jesse's child, and would have to raise her daughter as a single mother.

It has been over 12 years since that incident, and Lupe still has intense emotions concerning the incident. However, she felt it was unfair that she would hold on to the pain and trauma of the event over the years, unfair to herself, unfair to those close to her, and to the memory of Jesse. The group talked about these effects of pain and trauma, as well as the results of the VOD she had with the offender. Lupe also shared how important she felt it was to grow into empathy; not just for herself, but for those around her, for her children, to provide what the offender did not have himself that led him to the event. Such engagement proved insightful and cathartic, not just for Lupe, but for every student in the room.

Victim offender dialogues are just one of the restorative justice programs available. They are an important aspect to healing for survivors and offenders. It takes tremendous strength and courage to face the past as Rose and Lupe have.



Survivor Lupe and Mend leader Misty Franklin. (J. Davis / Mule Creek Post)



From Left—Andressian Ararmzad, Luis Sosa, James Johnson Jr., Dr. Anna Zelenz, Gerald McKoy, Lupe, David Rodriguez, Misty Franklin, Wesley Mitchell, Jerry King, Mike Owens, Manny Mendoza. Seated is Maisey. (J. Davis / Mule Creek Post)

 [jstor.org/site/reveal-digital/American-prison-newspapers/mulecreekpost-30018421/?so=item_title_str_asc](https://www.jstor.org/site/reveal-digital/American-prison-newspapers/mulecreekpost-30018421/?so=item_title_str_asc)

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The Mule Creek Post Mission Statement and Staff

The Mule Creek Post's mission is to present content and messaging that encourages rehabilitation and pro-social values, and enhances a sense of community, creativity, and positivity.

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The views and opinions expressed herein are those of the contributing writers and do not necessarily reflect those of the facility or the California Department of Corrections and Rehabilitation.

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A New Kind of Hard Time

Making the decision to “drop out” from mainline population to PC/SNY/NDPF is not an easy choice, and many individuals resisted the move for up to several decades. This series explores the reasons individuals chose to remain in the stressful and toxic environment for as long as they did; what prompted them to change; what the actual process looked like for them; and what they see as the benefits and drawbacks of being on “the other side.”

My Transformation into Renewal

By Michael D. Niles, Mule Creek State Prison

FOR ABOUT A decade, I resisted leaving the mainline due to a false belief system. I hadn't learned to be my own man, and peer pressure was coming at me in waves to maintain the status quo. I didn't want to be an outcast in my neighborhood, which would've happened once I went into protective custody.

Our opinion of guys over here on this side was that they were nothing but rats and child molesters. But my false belief



system was turned upside down as I started to witness the double standards and lies being force-fed to all the youngsters. I realized that it was the same load of crap they told me when I first hit prison. I soon found a thirst for a better existence, and it was driven by all the senseless violence perpetrated by the so-called “shot callers” just for their own entertainment. There was no rhyme or reason behind it. I began to dislike myself very much; my self-esteem was the lowest ever. So, I decided whatever is on the other side has to be better than this.

I made the leap. By doing so, I opened my life to what prison life should be about. Being sent to prison should inspire one to self-reflect, to be ashamed and remorseful for their actions. One should strive to be a better person and live a more constructive life. I never thought I could one day hit the streets again. I never thought I would go to a parole board. All of this is now in my future because of my choice to become a better human being, and to like myself again.

SNY (sensitive needs yard) is a God-sent program that allows you to live the life of a reformed criminal while in pursuit of the decent human being who got lost — and is now found.

In Memoriam: Mule Creek Residents Say Goodbye to Two Friends

Clarence Sargent

By F. Orlando Wells, Feature Reporter

CLARENCE “SARGE” SARGENT was a Lakota Native brother who shared a great many traditions with the Native American Spiritual Circle here on Facility E, at the Mule Creek State Prison. He taught many songs and told funny stories; he loved to laugh. One of his biggest contributions was how he would teach the proper spiritual ceremonial practices to the brothers of the Red Tail Hawk Lodge.

He was a sacred water pourer and Sacred Pipe holder. In Native culture, there is great honor in serving the community as a water pourer for purification ceremonies, and for being a Sacred Pipe holder. These are the oldest and most cherished traditions of native spiritual practices passed from generation to generation for thousands of years.

Sargent struggled with the many generational traumas that caused him no end of pain knowing how much the Native people, including his own family, have suffered. He was a staunch supporter and member of the American Indian Movement as a way to stand up for Native rights.

His time with us is measured not in the things he felt were his failings, but with his complete dedication and service to his Native people, family, and youth.

Sargent found out not long ago that he had stage four liver cancer, and he didn't waste his moments on negativity; instead he gave everything he had to passing on his wisdom to the younger members of the spiritual circle. This was so they could continue with the healing and teachings of the indigenous ways by passing them on in the traditional ways of our people.

Sargent had a strong warrior personality consistent with the teachings he was given, and he has moved on to the spirit world now to be with the ancestors. His impact on the Native community is deeply felt, and his passing more so. To you, Sarge, out in the Great Spirit world, we send you with our prayers, brother. *Aho matakuye o yasin.*



Clarence Sargent
(J. Davis / Mule Creek Post)

Robert Von Villas

By D. Razor Babb, Feature Reporter

ROBERT VON VILLAS, a founding member of the *Mule Creek Post*, died Saturday, June 31, 2025. Bob was transferred to CSP—Corcoran about two years ago, but was still sending in his “Financial Corner” column to the *Post*. He was really into money and investing and last I heard he had accumulated a bundle from the dividend reinvestment program that he championed.

It's a good financial plan for prisoners because profits earned from buying certain stocks are automatically reinvested in acquiring more stock. A lot of guys have followed Bob's system and have earned well. I used to tease Bob by telling him he'd be able to line his coffin with all the cash he made from his investing. We got word a few weeks ago that he had been diagnosed with advanced pancreatic cancer. Even with the warning, when you hear that someone you've known for 25 years, worked with, and lived with is facing something like that, it hits you in a visceral way.

I met Bob at the Substance Abuse Treatment Facility in Corcoran. He was working in the program office and made copies of the *Corcoran Sun*; not any easy task and we couldn't have gotten it done without him. But Bob was one of those guys who knew how to get things done. He used to be an LAPD captain and carried that air of authority with him even as a prisoner. Almost 20 years after first meeting and shortly following my transfer to Mule Creek, he showed up on E-yard. He didn't notice me lying on the bunk in the corner and I remarked, “I guess they'll let just about anybody in here, huh?”

We'd walk the track and ate meals together, talking about getting another paper going at Mule Creek. We'd heard that the administration might be interested and we assembled a seven-man crew and started making plans. The Inmate Advisory Council got us into a warden's meeting for a pitch and Bob was there. He was comfortable around custody types, especially head honchos. As far as he was concerned he was their equal and everybody should know that. We came out with a handshake deal with the warden and Jesse Carson started doing a digital layout on his education computer at work. We copied the old cut-and-pasted *Corcoran Sun* blueprint for those first editions. We didn't have our own workspace or computer yet. That was a problem that needed solving.

One cloudy day, Bob and I were sitting near the fence by the associate warden's office when Vice-Principal J. Sherrard passed by. I said something to Bob about him maybe helping us find a space. Before I could finish the thought Bob jumped up and began walking with Sherrard. He came back in about five minutes and announced matter-of-factly, “Sherrard says we can use the education room in building 19.” I looked at him in disbelief; Bob had secured a newsroom in the building where we both lived, just like that.

Pretty soon we got a computer, then five. It took over a year but we also got (modest) pay numbers. We christened the room the “Robert Von Villas Memorial News Center.” Nobody else remembers that. We put a sign up, an 8 ½ x 11 paper taped to the wall that kept falling down. The joke was that it was Bob's “Memorial” News Center. Bob used to act as host when we'd have visitors or when Joan Parkin would bring in her college students from Feather River College as interns. You never saw so much interest in prison newspapering as when a bunch of college girls showed up. Bob would serve cookies and coffee and make the rounds telling stories and having a ball. Those are the days I like to recall when I think about Bob.

Some schools of thought say we are infinite souls temporarily inhabiting these bodies for a time, then, we move on. If that's true maybe I'll meet Bob again. Maybe he'll be there to greet me with, “I guess they'll let just about anybody in here, huh?”



Robert Von Villas
(H. Kim / Media Specialist)

Call for “A New Kind of Hard Time” Submissions

Do you have a story similar to Mike's about making the decision to leave the mainline? Are you interested in sharing that story, with the hopes of encouraging others to make the jump? The *Mule Creek Post* is seeking writers who can talk about the reason they chose to stay on the mainline for as long as they did, what prompted the change, how the process went, and what they see as the benefits and drawbacks of making the decision. We are not looking for war stories or the names of victims or perpetrators of violence, but first-person accounts of what life was like and what contributed to the decisions to stay and to eventually leave. Interested writers should keep their submission under 750 words, include information about how long you served on the mainline and how long ago you left, and answer the question “What do you wish younger you knew?” Please send your pitch to the address on page 4.

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My Fish Tale

By Walter Deckert,
Post Columnist

I GREW UP in a small Irish enclave on the Gulf Coast in Mississippi. My great-grandfather was a commercial fisherman who owned his own fishing schooner.

In 1906, while shrimping, he decided to push off from the schooner to do some personal fishing on a skiff. He liked to call these times his “meditation time,” when he could reflect on his place in the world. So, with rod and reel and 30-pound test line, he rowed some distance from the fishing boat. After a couple of hours, my great-grandfather knew he had a large fish on the line. Using all of his skill, he played the big fish for over six hours. By this time, the fishing schooner was far away on the horizon. Then suddenly the fish surfaced right next to the skiff.

Cap’n Mack, what most people called him, took his anchor and sank it into the gills of what was clearly the largest fish he had ever seen. Once the anchor was set, he realized his mistake: If the great fish dove below the surface, it would surely take him with it. Fortunately, the fish just gave up and died.

Now Cap’n Mack faced another dilemma. He was miles from the schooner, tied to this behemoth with no chance to row back without losing the fish and his only chance to prove that this was not just another “fish story” about the one that got away. Luckily, the deck hands he had left in charge were getting worried and went in search



Cap’n Mack and his catch. (Courtesy of Walter Deckert)

MULE CREEK POST Submissions

Freelance writers, staff, and others may submit articles or material to the *Mule Creek Post*, % MCIC AW’s Office, P.O. Box 409090, Lone, CA 95640, or by interdepartmental mail if living at MCSP. Submissions may be edited for length (please keep under 600 words) and content and become the property of the *Mule Creek Post* (authors retain intellectual rights to original material). When submitting legal news articles, include source material documentation. Include your name, CDC#, and address.

of him.

The crew found him hours later and were astonished by the enormous fish. They had to lower the mast and use the block and tackle to haul the fish onboard. In those days, there was no scale that could measure its weight. And, since there was no refrigeration, they had a big fish fry in the city park where the photo was taken.

The story with the photo circulated along the Gulf Coast for decades. One day, a tourist was in town to fish for tarpon and, having heard the story, asked to meet Cap’n Mack. The tourist was fascinated by the story and after leaving wrote a nice “thank you” note that read roughly: *Thank you for that incredible story. You are quite a fisherman. —Sincerely, Ernest Hemingway.*

Sadly, the note was lost to Hurricane Camille, and so our proof that Cap’n Mack was the basis of *The Old Man and the Sea*. There are about six people who lay claim to that honor, but ours was the most substantiated, up until the 1969 hurricane season.

(from **California Briscoe Ruling**, pg. 1)

rights under equal protection. Second, the statute applies to youth offenders convicted of first-degree murder and sentenced to life *with* the possibility of parole, but not those sentenced to life *without* parole for special circumstances murder. Third, as a youth offender, he is entitled to a Franklin proceeding under the equal protection guarantees of the California and United States Constitutions; in granting Briscoe’s motion for a Franklin proceeding and parole hearing under §3051 of the penal code, the appellate court agreed with his third argument.

Based on the “narrow factual context presented” by Briscoe, the justices conducted a *de novo* review, and reached their narrow ruling based on the deferential “rational basis” standard of review. Under this standard, Briscoe had the burden of demonstrating that there was no rational basis in denying youth offenders convicted of first-degree felony murder under §190.2(d) — which applies to non-killer participants in specified felony offenses during which a murder occurred — the benefit of youth parole eligibility, while granting parole eligibility to youth offenders convicted of non-special circumstance first degree felony murder for the same specified felony offenses (robbery and burglary) per the exact same standard under §198(e)(3).

The court’s review of these statutes revealed there was no rational distinction between someone described in §190.2(d) as “not the actual killer” and someone described in §189(e)(3) as a person who was a “major participant.” Because Briscoe was not the actual killer, under §190.2(d), but was found to be “a major participant” under §189(e)(3), there was no rational reason why he should be excluded from parole consideration when those sentenced under §189(e)(3) are given parole consideration.

In reaching this conclusion, the court elected to rewrite the statute to avoid striking it down as unconstitutional. Previous courts have “reformed” — i.e. rewritten — a statute in order to preserve it against invalidation under the constitution. In *Briscoe*, the reviewing court found, “Since the main purpose of §3051 is to give youth offenders an opportunity to demonstrate suitability for parole, we will reform the statute to include youth offenders like Briscoe who was sentenced to life without parole under §190.2, subdivision (d) for murder during a robbery or

Steps

Clarence dead?

I just saw him the other morning
chained to his truck, haggard,
but wearing the white bandana he always wore,
radiating defiance, dogless,

but I could still hear him saying
as he passed in the chow hall
with a new puppy in tow,
“Anyone want to buy a dog? Two soups.”

I can imagine him saying that about us
when he facilitated 2x2 Anger Management,
trying to help us see through the roots of entanglement
that kept us locked up, his carceral cancer.

I just saw him the other morning,
still ready to sing loud
at the Saturday sweat, I could see it
in his steps, like the big drum booming.

—By Brian Warner, Mule Creek State Prison

burglary.”

This is a narrow ruling. It *does not* apply to all youth offenders sentenced to life without parole. It *does not* apply to youth offenders who were the actual killer and charged with special circumstance murder during the commission of a robbery or burglary. These issues were not before the court. It applies to youth offenders, like Briscoe, sentenced to life without parole, convicted under the provocative act doctrine but not the actual killer. However, this ruling may have invited future irrational distinction challenges under the equal protection clauses of the California and federal Constitutions. For example, future litigants may invite the court to further “rewrite” PC §3051, since, in the court’s own words in *Briscoe*, “The main purpose of §3051 is to give youth offenders an opportunity to demonstrate suitability for parole.”

Sources: *People v. Briscoe*, 92 Cal.App.4th pg. 568; *People v. Briscoe*, 105 Cal.App.5th pg. 479.



A dialogue between Dortell Williams and Ruth Zalady centers around the Compassion Prison Project and the effects of trauma on both staff and the incarcerated. (J. Davis / Mule Creek Post)



Penanz performs on Facility D. (J. Davis / Mule Creek Post)

For more information regarding the Board of Parole Hearings, write to:

BOARD OF PAROLE HEARINGS

P.O. Box 4036
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(916) 445-4072

www.cdcr.ca.gov/BOPH

or read the *California Parole Hearing Process Handbook* in the Free section of your state-issued tablet, under the “Newspapers” tab in the Facility Information app.



The Prayer Warriors Alliance (PWA) is a non-denominational organization of volunteers who will assist anyone of any faith with research. The PWA charges no fee; return postage (up to 20 pages per request) is paid by PWA. See the July 2023 edition of the *Mule Creek Post* for more information about the PWA.

PWA follows all departmental mail restrictions and guidelines. PWA cannot search for legal or case information or individuals. Donations are gladly accepted.

Prayer Warriors Alliance
P.O. Box 28352
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SupportPWA.org