San Quentin News

THE PULSE OF SAN QUENTIN

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LOS MATLACHINES of Ballet de Folklorico

Sponsored by La Mexcla

SQ Latinos Celebrate Mexican Independence

By Jimmy Price

According to San Quentin convict Tiger Tovar, at 11 o'clock on the night of Sept. 15, 1810, Father Miguel Hidalgo, a parish priest in the little town of Dolores, State of Guanajuato, Mexico, made a speech to his people which is referred to as *el grito* (the cry) demanding his country's independence from Spanish rule.

The next day a small group of revolutionaries took up arms against the governing Spanish, thus beginning a long and bitter war that was to end 11 years later with Mexico's freedom.

Now marked as Mexico's Independence Day, Sept. 16 is celebrated in every city and village of that nation, always beginning with a commemoration of Father Hidalgo's *grito* at 11 p.m. the night before.

This year, the historic occasion was formally celebrated here at San Quentin on Sept. 26 in the north dining hall. The event, sponsored by La Mexcla and featuring traditional Mexican food and entertainment, was a testimony that the bonds of a people cannot be severed by prison walls.

Among the many guests and entertainers was Gloria Vasquez, a longtime friend, supporter and chief outside sponsor of La Mexcla and its function here at San Quentin.

In appreciation for her time, energy and unswerving devotion, Vasquez was presented a beautiful model cable car, made and furnished by Salvador Garcia in the name of La Mexcla.

Also present was speaker-lawyer Yvonne Garcia, who delivered an inspiring message of hope for the Mexican people.

Playing in top form — and never sounding better — was San Quentin's own prisoner band, Necka, who opened the show with a George Benson tune called "Breezin'," and the group breezed on through a well-coordinated set.

Necka leader Richard Ybarra, playing lead guitar, arranged and composed several of the tunes himself, including "Don't Rush Me," "Que Paso," "Christina," and "Chico's Blues."

Other members of the group are the cool and casual Leonard Santos, keeping rhythm on bass guitar; piano-playing Bob Varrichio, low-riding at the keyboards; and the dynamic Phil Burdick, of whom it is said can keep 34 drums and 19 cymbals all vibrating at the same time.

YVONNE GARCIA AND GLORIA VASQUES

Rocking the show to new life — and reminding everyone that celebration was the order of the day — the nine-member band, Briza 99, followed powerfully on Necka's heels.

From Fairfield, California, Briza 99 played their own brand of salsa and oldies, featuring a strong brass section and permeating vocals.

Master of Ceremonies, Jessie Tolco, then introduced the gala Mexican folk dancers, Los Matlachines, of the well-known San Francisco-based Ballet Folklorico.

Under the direction of Professor Mariano Tapia, himself donning a spectacular Aztec

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BRIZA 99—

Vows 'Swift, Sure' Justice

Brown Signs 'Bitch' Law; Other 'Anti-Crime' Bills

By Steve Wiegand
Chronicle Correspondent

SACRAMENTO — Governor Brown praised himself and the Legislature for their crime-fighting prowess recently as he signed 14 anti-crime bills into law, including life terms for habitual violent offenders.

"The legislative and executive branches together this year served notice that those who would terrorize California will be punished and punished severely," he said. "We have enacted a comprehensive program to help win the fight against crime by building new prisons, further strengthening sentencing laws and making justice more swift and sure."

Brown also said he would form a statewide committee to campaign for a $495 million prison bond issue that will appear on the June 1982 ballot, and would urge the Legislature to put a similar $280 million bond issue for local jail construction on the same ballot.

Among the bills signed were measures that require:

- Sentences of 20 years to life for violent crimes committed by people convicted of two previous violent crimes. The measure also requires that juvenile convictions for serious crimes be considered as part of an adult's criminal record.
- Prison terms and increased sentences in most cases for those convicted of child molestation or involvement in child prostitution. Currently, some convicted child molesters receive probation if they agree to undergo counseling.
- Notification by the state Department of Corrections to local law-enforcement officials when inmates are paroled and released.
- Fingerprints on all drivers' licenses to prevent falsifying of documents and to increase the licenses' identification value.
- An 18-year minimum age for people who want to buy spray paint in quantities of six ounces or more. The law makes it a crime for minors to even possess spray paint if it can be proved they plan to use it to deface property.

Brown's flurry of crime fighting came on the last day he had to sign bills passed by the Legislature. Bills that he did not sign or veto by midnight became law without his signature.

The bill signings for crime legislation culminated a legislative session in which lawmakers introduced hundreds of anti-crime bills. Aides to Brown said 45 of those measures actually received the governor's signature.

The Legislature did not approve Brown's own proposal to raise th state sales tax by ¼ cent for the next 10 years to finance crime-fighting efforts, but his idea was eventually transformed into the bond proposals.

The House

Hospitality Center For Prison Visitors

Contributed by
By Casey Burke

The House, located on Main Street in front of San Quentin, is a hospitality center for the visitors of prisoners incarcerated here. Mary Keelty, hostess-coordinator, and her staff of 12 full-time volunteers help provide a vast array of services.

This caring entity was founded in 1971 by Jim Kilty, sponsor of the Catholic Social Service of Marin. While visiting prisoners, Kilty observed a need for more organized services for visitors while they waited to be allowed in the prison.

Witnessing people standing out in the rain with confused looks clouding their faces, he formulated an idea for providing a sanctuary — a hospitality center. The product of this seed of thought became The House.

"The services provided to the friends and families of prisoners are limited only by a lack of imagination," said Kilty.

Transportation for visitors include service to and from the Marin Airporter, local hotels and motels for out-of-town folks. Families needing transportation to and from local supermarkets to purchase groceries for family visits will also be assisted, said Keelty as well as taking parolees into San Rafael so that they may make their bus hook-ups.

Childcare is provided at The House under the professional guidance of Joy Stillian, childcare coordinator.

"We offer a vast array of little-people-oriented activities," said Keelty. "For instance, if a child stays with us all day we provide hot lunches and snacks. This is in addition to providing loving care with a friendship approach."

The childcare program features field trips every Thursday during the summer for children six years and older, according to Stillian. "We go to the Indian Village at Point Reyes, the Oakland Museum, the San Francisco Zoo, the Afro-American Historical Museum and lots more," she added.

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Con Stabbed In Education

A young close-custody prisoner suffered two serious stab wounds after being assaulted in the education building Oct. 1.

Jeffrey Elkins, 22, from Alameda County, was treated for a stab wound to the right hip and one to the abdomen. Elkins was transferred to Marin General Hospital for emergency surgery and was considered in serious condition.

The suspected assailant in the incident was reportedly treated for a cut on his hand and was admitted to the prison hospital for observation.

Administrative Assistant John Campbell said a 9½-inch prison-made knife was found at the scene of the incident. Initial investigation, he said, indicates the matter was a personal dispute and not racial or gang related.

Because of these case factors there was no general lockdown ordered for the prison.

USPS 480-700

Beth Shalom Celebrates Jewish Rosh ha-Shanah

By EZ Williams

For a few thousand years, Rosh ha-Shanah has been recognized annually as the Jewish New Year. This year's Rosh ha-Shanah observance marked the beginning of the year 5742 of the World calendar, or Lunar/Solar calendar.

Although this 10-day ordeal is marked by labels such as Yom ha-Din and Yom Kippur, and is recognized by all Jews around the world, for the most part it is a very personal happening in which an individual spends much time pondering his internal spiritual structure.

CARL McQUILLAN reads from Torah.

Also know as "The Days of Awe," it is time set aside for repentence and introspection — a spiritual process of getting one's head together to face the new year.

The 10th day of Rosh ha-Shanah, known as Yom Kippur, is a day of fasting and congregating — a cleansing of the internal self in preparation for the year ahead.

The first day of Rosh ha-Shanah is known as Yom ha-Din, and is generally marked by a spiritual service and congregational celebrations throughout the world.

San Quentin Jewish congregation, Temple Beth Shalom, took in the annual celebration on Oct. 1 at the Garden Chapel, concluding with a large buffet-style meal in the visiting room.

HOWARD ROOK, Jewish Chapel clerk, assists with scriptural reading.

Close to one hundred people, made up of convicts and their guests, assembled at the chapel to formally recognize the Jewish New Year.

The celebration, or observance, was comprised of a two-part spiritual service, followed by a congregational meal.

Upon entering the chapel, all males present placed a *yarmalke* (skull cap) atop their heads, then proceeded to take their seats.

As this traditional service got underway, Rabbi Arnold Levine gave the opening prayer. This was followed by Cantor Ben Roth leading the congregation in several ancient Hebrew chants. Basically, these chants were of hope and asked for guidance through the new year.

As the service progressed, different members of the congregation read passages from the Torah. This was mingled with several more chants which generally included the entire congregation.

This, the first part of the traditional service, consisted of three main aspects in a specific sequence. First, thanking God for our creation and continued existence. Second, thanking God for revealing himself to us, and the acknowledgement of his spiritual being. And third, thanking God for our redemption in the future.

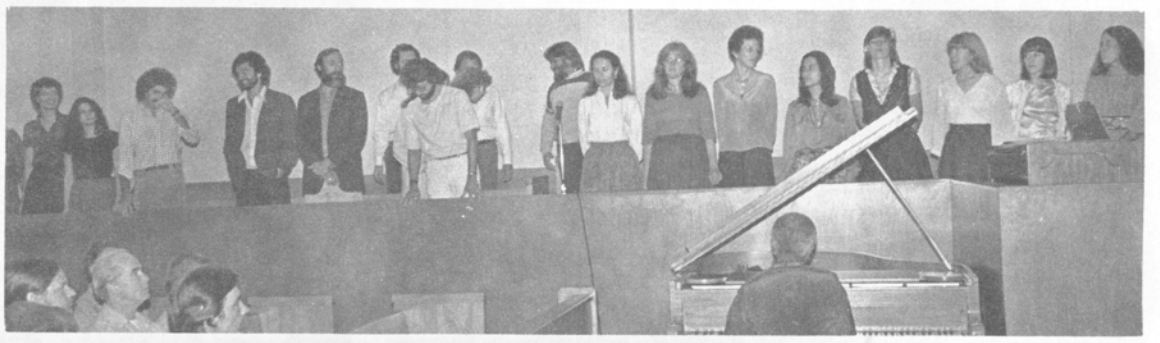
The second part of this service, called the Ami Da, was comprised of six blessings — three opening and three closing — and takes place with the entire congregation standing.

Amidst the blessings, two very significant rituals took place. The unveiling of the sacred Ark of the Covenant preceeded a special prayer. The prayer asked God to forgive our sins, to have compassion on us, to make an end to sickness, war and famine, to make an end to all oppression, to make the coming year good for us, and to give strength to God's children of Isreal. It was an awe-inspiring prayer which was followed by the closing of the Ark.

Then came the blowing of the *shofar* (a ram's horn). The blowing of the shofar was done thousands of years ago as a warning to the congregation of impending danger. According to Rabbi Levine, the shofar is blown in modern times as a reminder that all is not well in the world today.

The congregation meditated on Rabbi Levine's closing prayer, then all joined in to sing the concluding song. At this point, the congregation adjourned to the visiting room for the banquet and social gathering.

RABBI ARNOLD LEVINE partakes in ancient ritual, blowing the shofar.



LIGHTHOUSE GOSPEL CHOIR performing at Garden Chapel recently.

CANTEEN PRICE LIST

October 9, 1981

FOODSTUFFS	
A-1 Sauce	$1.15
Bean Dip, Jalapenos	.80
Beef Sticks	.30
Candy, Bags	.65
Candy Bars & Lifesavers	.30
Candy Bars, lg.	.95
Cheese, Sliced	1.25
Cheese, Loaf, 2 lb.	4.05
Cheetos	.95
Chile Con Carne	.70
Chile Peppers	1.10
Chile Sauce	.90
Chunky Beef Soup	.80
Cookies	1.20
Corn Chips	.95
Crackers, Graham	1.05
Crackers, Ritz	1.20
Crackers, Saltine	.85
Cupcakes & Fried Pies	.40
Dill Pickles	1.40
Donuts, Assorted	1.20
Dry Cereal	.20
Honey Butter	1.15
Honey Natural	1.30
Hot Sauce, Louisiana	.50
Ice Cream Novelties	.25
Ice Cream, Pint	.60
Jalapenos Peppers	.60
Jam	1.25
Marshmallows	.60
Mayonnaise, Miracle Whip	.65
Menudo Stew, 7½ oz. can	.45
Mustard	.40
Peanuts, Spanish, Salted	.80
Peanut Butter	2.20
Peacan Pies	.40
Pico Pica Sauce	.55
Popcorn	.20
Potato Chips, Bar-B-Que & Plain	.75
Pretzels	.80
Rolls, Assorted	1.30
Salami	1.55
Sardines	.75
Soup, Cup of	.15
Sugar Cubes, 1 lb.	.65
Top Ramen Soup	.35
Tortillas, Floured	.90
Tortillos Chips	.95
Tuna Fish	1.20
BEVERAGES	
Breakfast Drink	.95
Cocoa Mix, 1¾ lb. bag	2.75
Coffee, Hills Brothers, 4 oz.	1.90
Coffee, MJB, 10 oz.	3.80
Coffee, Tasters's Choice	3.60
Dairy Creamer, Maxwell	.90
Kool-Aid, 2 qts.	.65
Lemonade, qt.	.40
Milk, Chocolate, qt.	.75
Milk, Fresh, qt.	.65
Milk, Powdered	1.35
Ovaltine	1.65
Soda Pop, Canned	.30
Tea Bags, 100	2.85
Tea, Instant W/Lemon	1.00
V-8 Vegetable Juice	.40
TOBACCO & ACCESSORIES	
Beechnut Tobacco	.60
Borkum Riff, 1.5 oz.	.75
Bond Street	.60

TOBACCO & ACCESSORIES CONT.	
Bugler, 7 oz.	2.35
Cigarettes, Carton	$6.00
Dutch Masters Panatellas	.95
Garcia y Vega Cigars, 5-box	.35
House of Windsor	.20
King Edward Imperials	.45
King Edward Specials	.40
Lighter, Butane	.70
London Dock	.65
Mixture 79	.55
Papers, B&W	.15
Papers, Yorkshire Long	1.05
Pipe Cleaners	.35
Pipe Filters	.15
Pipes, Doctor Grabow	3.00
Prince Albert, lg.	3.85
Red Dot	.70
Rolling Kit, Bugler	1.95
Snuff, Copenhagen	.70
Top, 7 oz. tin	1.95
Top, Kite	.30
Velvet, sm.	.50
White Owl Panatellas	.75
SUNDRIES	
Aerogrammes	.30
Alarm Clock	7.30
Album, Photo	2.45
Album, Refills	.55
Art Corners, Photo Mount	.35
Bags, Zipper, Canvas	7.45
Batteries, AA (4)	.40
Batteries, C-size, D-size	.40
Batteries, 9-volt.	.60
Binder, 3-ring, 8½ × 11	3.70
Binder paper, 3-hole	1.50
Can Openers	.40
Christmas Cards, Box	1.69 to 3.29
Christmas Cards	5.00
Cards, Greetings	.25, .35 & .50
Cards, Greetings	.15 to 2.50
Decanter, Plastic	2.05
Dissolution, Regulatory	5.00
Divorce, Summary	5.00
Envelopes, Blank	.02
Envelopes, Color 24	.55
Envelopes, Expanding	1.60
Envelopes, Plain, Manila	.15
Envelopes, Stamped	.20
Fingernail Clippers	.45
Ink, Refills, Shaeffer	.15
Handkerchiefs	.80
Padlock, Combination	3.30
Paper, Blue Bond 16 lb.	5.30
Paper, Bond 16 lb.	4.70
Paper, Bond 20 lb.	5.45
Paper, Legal 26-line	10 for .13
Paper, Legal 32-line	10 for .16
Papermate Refill	.75
Pen, Lindy, Ballpoint	.25
Pen, Papermate, Ballpoint	.85
Pencil, Mech	.90
Plastic Containers, 4/set	2.45
Pocketbook	.75 to 3.90
Postcards, SQ (5-pict)	1.00
Postcards, Standard	.12
Room Freshener	.80
Scripto Lead	.45
Shoe Polish, Blk/Brn	1.15

SUNDRIES CONT.	
Shower Slippers,	.80
Spoons, Plastic	2 for .05
Stamps	.18
Sun Glasses	2.40
Sun Glasses, Clip-on	2.50
Tablet, Colored	.95
Tablet, yellow, ruled	.75
Tablet, white, ruled	.65
Toenail Clippers	.95
Tumblers	.80
Tweezers	.60
Watchband, Exp.	1.80
Watchband, Nylon	1.35
Watch, Pocket, Westclox	9.45
Watch, Wrist, Timex	17.90
MAGAZINES	
Air Progress	3.00
Astrology for '80s	.90
Bike Lifestyle	1.75
Choppers	1.75
College Football	1.95
Easy Riders	2.00
Football Action	3.95
Football Preview	3.25
Fling	2.95
Gallery	2.95
Harvey	2.95
Hot Rod	1.50
Hustler	3.50
Hustler Humor	2.95
Iron Horse	1.75
NFL Preview '81	1.75
Oui	2.95
Penthouse	2.50
Pigskin	2.75
Playboy	2.50
Players	2.75
Playgirl	2.50
Popular Crosswords	.99
Rolling Stone	1.50
Strength & Health	1.25
The Ring	1.50
TOILET ARTICLES	
Afta Shave	1.50
Brush, Shaving	3.80
Copper Tone Tan Lotion	1.50
Cocoa Butter	1.55
Chenti Panthenol Lotion	4.30
Colgate Shaving Soap, cup	.30
Colgate Rapid Shave	1.05
Intensive Care Baby Oil	1.35
Jergens Direct Aid Lotion	1.30
Magic Shave	.70
Mennen Cream, Brushless	.65
Mennen Cream, Lather	.65
Mennen Deod. Stick, 1¾ oz.	1.20
Noxema Cream, Brushless	1.05
Noxema Skin Cream	1.35
Powder, Casmere Bouquet	.80
Powder, Magic Shave	.85
Powder, Mennen, Bath	1.50
Powder, Mennen, Face	.90
Razor, Double II	1.25
Razor Blades, Double II	1.70
Styptic Pencil	.30

TOILET ARTICLES CONT.	
Soap Dish	$ .50
Washcloth, White	.45
HAIR ACC. & CONDITIONERS	
Alberto VO-5	1.95
Breck Cream Rinse	1.05
Chenti Panthenol Rinse	1.70
Combs, Natural	1.25
Combs, Regular	.45
Comb, Natural Pick	1.25
Combout	1.30
Dixie Peach, lg.	1.15
End Paper	.90
Hair Brush	1.40
Hair Food	1.85
Hair Glo	.95
Hair Oil Hqz	.65
Magnetic Hair Rolls,	1.05
Mustache Wax	1.05
Perm. Creme Relaxer	4.30
Proline Combout	1.30
Proline Cond., Gel	3.35
Protein 29	1.35
Roller Pins	.35
Wave Rods	1.20
SOAPS & SHAMPOO	
Shampoo, Chenti Panthenol	1.70
Shampoo, Head-n-Shoulders	1.20
Shampoo, Prell	.85
Shampoo, Pro-Line	.95
Shampoo, Sebutone Tar	2.80
Shampoo, Subulex, Med.	2.30
Shampoo, Sulphur 8	2.05
Shampoo, Spring Feeling	1.20
Soap, Cocoa Butter	.85
Soap, Dial	.55
Soap, Irish Spring	.40
Soap, Palmolive	.40
Soap, Sastid	1.35
DENTAL SUPPLIES	
Binaca Breath Drops	1.15
Cepacol Mouthwash	2.00
Dental Floss	.70
Denture Brush	1.20
Efferdent Cleaner	1.80
Polident Cleanser	1.65
Poligrip Adhesive	.85
Toothbrush	.30
Toothpaste, Colgate 7 oz.	1.45
Toothpaste, Pepsodent, sm.	.30
Toothpaste, Topol, 3 oz.	3.30
Toothpicks	.45
Toothpowder, Colgate	.90
DRUGS	
Alka Seltzer, Pk. of 2	.15
Clearasil	2.25
Cough Drops	.35
Hoffman's Energol, 8 oz.	4.90
Hoffman's Hi-Pro Pwd., 1lb.	3.55
Chapstick	.60
Quinsana Footpowder	1.95
Tums	.30
Vicks Vapo-Rub	1.35
Visine Eye Drops	1.75

Misplaced and Overlooked

Innocent Man Does 29 Years

WEST CHESTER, Pa. (AP) — Emmanuel Treadway walked out of prison a free man recently after a 29-year ordeal in which he was "lost in the system" without ever being convicted of a crime.

A small, shy man with a hump, Treadway, 46, was to have been released from Chester County Prison at 4 p.m. But authorities released him earlier to avoid reporters who waited at the gates.

He had entered prison as a "defective delinquent" at 17, when he was charged with attempted rape and assault. He spent 18 years in prisons at Huntington and Dallas before being moved in 1970 to Pennhurst Center for the retarded, where he was later diagnosed as mildly retarded.

With no family or attorney to press for his release, he remained at Pennhurst seven years until he was charged with raping his girlfriend at the institution and transferred to Chester County Prison.

"This man was lost in the system. I think they forgot about him," said public defender R. Kerry Kalmbach, who became Treadway's lawyer in 1977, got the charge dismissed and began working for his release.

Treadway's plight also came to the attention of Chester County Warden Thomas Frame.

"I wasn't pressing the issue (his release)," said Frame. "I knew he couldn't function outside."

Treadway didn't speak when he was transferred to the prison in 1977. "It wasn't that he couldn't speak, but . . . it took awhile to adjust," said Kalmbach. "The prison officials really went out of their way to assist him once the charges were dropped and he began to come out of his shell."

Last year, Frame found a job for Treadway at a Chester County nursing home "just to get him out of jail." Treadway will keep his job stacking shelves at the home near the prison while living with another man and a mental health supervisor in an apartment nearby.

For the past year, Treadway has spent his evenings working in the prison gardens, Frame said. "I came to like him so much I hate to see him leave. He's like an adopted son," said the warden, who added: "I don't think he comprehends what's going on. He's been saying he's going home for years."

Frame is not the only one reluctant to see Treadway leave prison.

"It really is questionable whether this will benefit him," said Chester County Judge D. T. Marrone, who signed the release papers. "But we all knew this day was coming."

Kalmbach said it may take awhile for Treadway to adjust to not having people to tell him what to do.

Dr. Steve Chafetz, mental retardation coordinator for Delaware County, which is now responsible for Treadway, agreed. "Anyone coming out of an institution, particularly the mentally retarded, have a difficult time adjusting," he said.

"It will be difficult, but he'll have continuity in keeping the same job and he will be supervised all the time."

Treadway also will be able to return to the prison to visit friends or even spend a night, Chafetz said. "It's been his home so many years."

San Quentin Question Man

By Arthur Hemphill

How do you feel about the working conditions at the furniture factory and what could be done to improve them?

K. Beanson: Food and service of food needs much improvement. Wage per convict is way below any standard and conditions to permit a person to work and maintain good health are poor.

Julio Guzman: I have been working in the industries at San Quentin and CMC for a total of eight years. If a man has been working for more than eight months and decides that he wants another job, he should be able to do so without a lot of problems. Also, such rules about the policy or any changes that are made should be put up on the bulletin board so that newcomers, as well as the other workers, will be made aware.

Raymond P. Rios: Promises that Mr. English said would come about never happened. The phone was never installed, the food was never changed, the money situation was never put into effect. I feel if these things were taken care of the convicts would be a lot happier.

Lucio: The staff has a weekly meeting—why shouldn't the inmates and staff get together and discuss any problems concerning the furniture factory employees and inmates? Also the feeding takes too long. Thirty minutes is just not enough time.

John Ellis: I think overall working conditions in the furniture factory reflect San Quentin's conditions. There's very little communication between workers and staff—especially at the job. There should be more rewards for a job that's well done. Food could be improved. Who feels like working after eating poor chow?

L.A. Bus Due

The San Quentin visitors' bus from southern California will leave the Los Angeles area the evening of Oct. 16, allow visiting for the next two days, and return on the evening of Oct. 18.

The bus is provided through the Help Public Service Foundation, a private non-profit organization, at 5311 S. Degnan, Los Angeles, Ca 90008. Their telephone number is (213) 292-0144.

Comatose Cons Less Trouble, Says Senator

SPRINGFIELD, Ill. (UPI) — Senate Republican counsel Philip Weber says prisoners should serve time in two ways; in comas where they pose no danger to society, and working in municipal jobs, wearing day-glo orange uniforms and shaved heads so they can be identified.

Weber, a member of the Illinois Bar Association's prison reform committee, was mulling the prison situation with associates in a bar and came up with the plans.

But interviewed at a later date in his office, he said he intended the plans be taken seriously, though most government officials and lawyers scoff.

"We're still talking about the penitentiaries as the only way of handling crime and we're just packing people in," Weber said. "I'm serious, but I don't make policy.

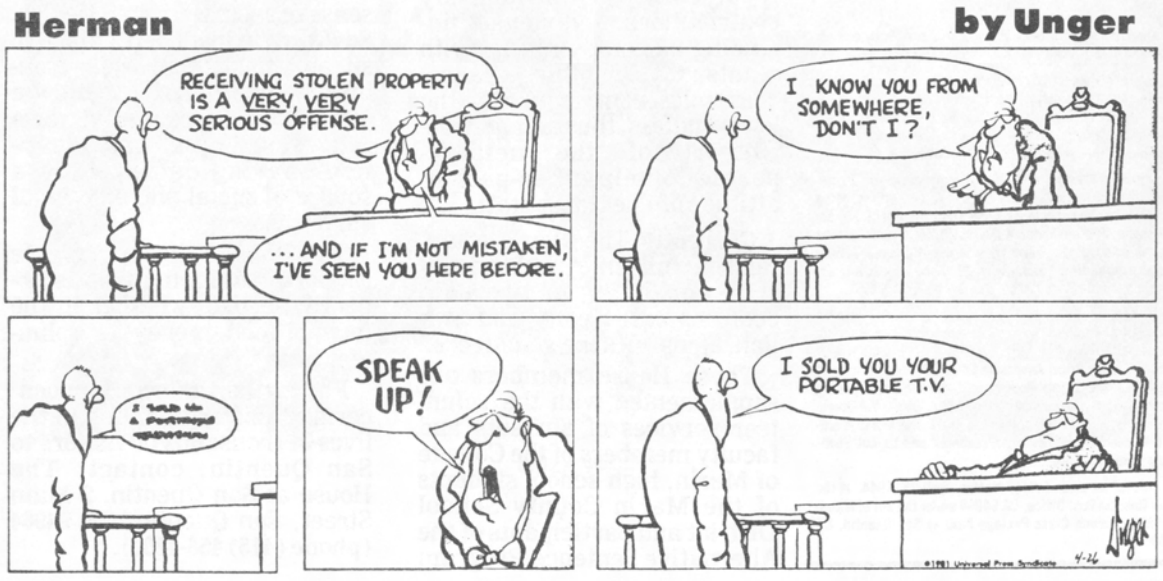
"I just thought we should consider some punitive alternatives. They are deliberately extreme, but . . . we could modify this and come up with some reasonable proposals."

Under his proposal, prisoners would be paroled to municipal governments, where they would be put to work doing menial jobs.

But to tell the prisoners from the regular city workers, Weber recommends prisoners be dressed in day-glo orange uniforms and have their heads and eyebrows shaved.

"This concept is less offensive than putting someone in the penitentiary for four years and let them sit on idle hands and go stir crazy," he said.

Herman **by Unger**



LAW COLUMN

People vs. *Foreman* 123 Cal. App. 3d 44

Summary

After entering guilty pleas pursuant to a plea bargain, defendant was convicted of kidnaping for the purpose of robbery (Pen. Code, § 209), false imprisonment (Pen. Code, § 236), automobile theft (Veh. Code, § 10851), and robbery (Pen. Code § 211). At the proceedings on his guilty pleas, defendant did not expressly and vocally state that he waived his constitutional privilege against compulsory self-incrimination, right to trial by jury, and right to confront his accusers. The trial court fixed a six-year determinate sentence for robbery as the principal term, to be served consecutively with a subordinate indeterminate sentence of life imprisonment with possibility of parole for kidnaping for the purpose of robbery. Defendant unsuccessfully applied to the trial court for a certificate of probable cause required by Pen. Code, § 1237.5 for appeals. (Superior Court of Alameda County, No. 70281, Jacqueline Taber, Judge).

The Court of Appeal modified the judgment by striking therefrom recitals that in the perpetration of the crimes charged in three counts, defendant intended to, or did, inflict great bodily injury, and affirmed the judgment as so modified. Such modification resulted from the fact that the attorney general agreed that under the plea bargain agreement the great bodily injury allegations were to be dismissed. The court held that defendant was not precluded from seeking appellate review on the issue of whether there had been a recorded waiver of his constitutional rights, even though he had not obtained a certificate of probable cause. The court further held that there was a specific and express showing on the face of the record that defendant waived his constitutional rights, and that the trial court was not required to advise defendant that by pleading guilty he was waiving his right to raise on appeal issues antedating the proceedings on his pleas. The court also held that the trial court was not required under former Pen. Code, § 1170.1, to fix the indeterminate life sentence as the principal term. The court held that the trial court's error in failing to state reasons for imposing a consecutive term for a count of robbery was not prejudicial. (Opinion by Elkington, Acting P. J., with Newsom and Grodin, J.J., concurring.)

People vs. *Daugherty* 123 Cal.App.3d 314

Summary

Following sentencing of defendant on her conviction of a grand theft charge pursuant to a negotiated plea, defendant was arraigned and held to answer on three similar theft charges that were pending at the time of her plea bargain, despite the prosecution's promise not to prosecute her on any similar charges based on any acts of defendant prior to the bargain. Though one of the three charges was subsequently dismissed, defendant was convicted and sentenced to middle state prison terms of two years on each of the other two charges, after her motion to dismiss the charges on the ground she was entitled to specific enforcement of the prosecution's promise against additional prosecutions was denied. The trial court found that by accepting without protest sentencing on her guilty plea, defendant has waived the prosecution's breach of its agreement against additional prosecutions on similar charges. While the prosecution had agreed not to prosecute defendant on similar charges, defendant's right as specifically set forth as part of the plea bargain to withdraw her guilty plea on the breach of the prosecution's agreement applied only to a breach involving a prosecution of charges pending at the time of the bargain. (Superior Court of Santa Clara County, No. 75186, John A. Flaherty, Judge.)

The Court of Appeal reversed and remanded to the trial court for reconsideration of defendant's motion to dismiss. It held that any substantial ambiguity with respect to a plea bargain in a criminal prosecution is required to be resolved in favor of the defendant. It further held that the bargainers must conduct themselves openly and with the utmost fairness, and that subject to the trial court's power to reject a plea bargain in the exercise of sound judicial discretion, if the plea rests in any significant degree on a promise of the prosecution that can be said to be part of the inducement or consideration, the promise must be fulfilled. It additionally held that withdrawal of defendant's guilty plea is not defendant's only remedy, if the prosecution repudiates its part of the plea bargain, and that in a proper case the remedy of specific enforcement of the plea bargain is available to the defendant. It further held that the trial court erred in finding a waiver by defendant on the prosecution's breach of its agreement against other prosecutions against defendant, and that in erroneously finding defendant's waiver of the prosecution's breach, the court improperly failed to consider whether the interests of society and justice call for judicial approval or disapproval of the subject plea bargain. (Opinion by Elkington, J., with Racanelli, P. J., and Newsom, J., concurring.)

SQ Football Pirates Gear Up for Gridiron

By EZ Williams

As the summer sun slowly sets,
The breeze picks up for fall,
Caps are shed, helmets donned,
The season turns to football.

Yes, football fanatics, it is that time of year once again. Bruises have healed, bones mended, teams of taped-up gladiators are ready to resume battle. Thus is true of our own padded warriors, the perennial powerhouse Pirates of San Quentin.

After two league-leading seasons, the Pirates fell short of the top last year with a record of three wins, four losses. With the acquisition of so many rookies, getting back to the top may be quite a task for Coach Mike Ferretti and his 1981 Pirate team.

Ferretti openly acknowledges that the Pirates do have a strong, sound team this year and should be tough, if injuries are kept at a minimum. Ferretti's main concern appears to be the lack of depth at most positions. The fact that quarterback and team leader Bone Walker is out with a severe case of locked-up fever doesn't help matters much. However, the Pirates do have some outstanding personnel starting for them.

The offense shows a well-balanced attack, featuring last year's Athlete of the Year, Joe Ratti, at the tight-end spot. At that position, Joe appears to be a consistent short-yardage threat, but in reality he's strong and fast enough to break open for a long gainer any time he has the ball.

Adding sheer dynamite to our ground game, Sonny Smith has returned and will be leading the charge of the Pirate backfield.

Another veteran standout, Tiny Manning can be found in the real war zone — the trenches — clearing bodies out of the way for our runningbacks.

Leading the defensive counterattack is Olten Williams at the uncompromising middle-linebacker position. With Williams dictating the action at the center of the field, it's plain to see that an opposing team will have nothing coming up the middle.

And with John Barrett and Bob Richards on each side of Williams, it's obvious that nobody will be sneaking around the corner either.

The Pirates secondary looks to be the corner stone of the defense, but the backbone of the defense is definitely the front line. Comprised of some big bad bruisers named Jones, Makaio, Lewis, and Jackson, word has it that the Pirate defensive line is about as impenetrable as a nun in a kayak.

The Pirates only real question mark is at the vital quaterback position: who will replace Walker? Ferretti assured this reporter that his present quarterbacks are quite adequate, though he will be calling the plays from the sidelines.

So if injuries are kept at a minimum, it looks to be another winning year for the San Quentin Football Pirates. For six consecutive Saturdays, beginning Oct. 17, anyone and everyone is welcome to attend the games. Kickoff time will be at 10 a.m. on the lower yard.

San Quentin Pirates 1981 Football Schedule

Oct. 17—Concord
Oct. 24—Coast Guard
Oct. 31—Treasure Island
Nov. 7—Mare Island
Nov. 14—Moffett Field
Nov. 21—Alameda

Sports Brief

RECENT RACQUETBALL WINNERS, John Weichman and Wayne Parks

Lower Yard Canteen Open on Weekends

The lower yard canteen, a project of the Men's Advisory Council, finally opened for busines this month. Construction of the building, begun in February and slated for completion June 1, was reportedly hindered becauss of some vandalism.

The store is presently operating between 10 a.m. and 2 p.m. on weekends, according to the MAC office. Available items include cokes, candy, ice cream, and popcorn. No cigarettes or cosmetics are currently being handled.

Profits on sales will initially go towards increasing the quantity and variety of supplies, said an MAC spokesman, then will be used to fund other MAC projects.

Letters

Dear Editor:

I just received a copy of the California Supreme Court's decision/opinion in *People* vs. *Davis*, Crim. 21721 and thought you might like to print it as it affects some of the men here in San Quentin.

Defendant, who was 16 years old at the time of the offense, was convicted of murdering a 13-year-old girl with two special circumstances. Since he was ineligible for the death penalty because of his age, he was sentenced to life without the possibility of parole. He challenged the admissibility of his confession and the legality of his sentence. *Held*, conviction affirmed and sentence of life without the possibility of parole modified to straight life. The court first rejects appellant's contentions that his confession was the fruit of an illegal seizure and arrest and that his confession was involuntary. Distinguishing *Dunaway* vs. *New York*, (1978) 442 U.S. 200 on the ground that here, unlike *Dunaway*, the defendant was free to leave police custody and was not compelled to come to the police station to talk with the police officers, the court holds he was not illegally "seized." The court also concludes on the basis of defendant's admission that he was with the victim at the time of her death and the accounts of other witnesses that an argument was going on between the defendant and the victim at that time, that there was probable cause to arrest the defendant. The court also rejects defendant's contention that he had asserted his right to remain silent and that his confession was involuntary under *People* vs. *Pettingil* (1978) 21 Cal. 3d 231 and *Jackson* vs. *Denno* (1964) 378 U.S. 368. The defendant's mere failure to respond to questions by the polygraph administrator did not constitute an assertion of his right to remain silent, but only a reluctance to submit to the polygraph examination. The confession was otherwise voluntary.

On the sentencing question, the court read the statutory history and language as ambiguous. Former section 190.1 appears to explicitly limit use of special circumstances to cases in which the alternate penalties of life without the possiblility of parole or death are possible (Death is not possible for minors). On the other hand, former section 190.4, subdivision (a) contains no such limitation. Resolving the ambiguity in defendant's favor, the court looks to legislative history and concludes that purpose of the 1977 law under scrutiny was not to alter the longstanding maximum sentence applicable to minors, but simply to enact a capitol sentencing scheme that would survive constitutional scrutiny under *Gregg* vs. *Georgia* (1976) 428 U.S. 153 and *Rockwell* vs. *Superior Court* (1976) 18 Cal. 3d 420. The legislature could be expected to speak clearly if it had intended to increase the penalty for juveniles, and it has not done so.

Paragraph two and three are brief summary of the California Supreme Court's opinion in *Davis*.

Persons who committed their crime *after* the November date (11-7-78) will have their sentence reduced, if they were juveniles, to *twenty-five years to life*. This will make them eligible for parole at 2/3 of twenty-five years. Persons who committed their crime *before* 11-7-78 date will have their sentences reduced, if they were juveniles, to *seven years to life*. This is my understanding of the law.

One final note. There are several cases in the California Supreme Court just like the *Davis* case, of course not all of them are dealing with the same issues. *People* vs. *Willliams*, Crim. 21783, on whether a special circumstance finding can be striken in a life without case; in *People* vs. *Zimmerman*, Crim. 21858, on whether life without is cruel and unusual punishment; and in *People* vs. *Ramos*, deals with the felony-murder rule.

Hopefully some of this information will help those of you that are affected by the above mentioned cases. For further information you should contact your appellate attorney.

Respectfully Yours,
Frank M. Claxton C-07705 Max B

San Quentin News

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The San Quentin News is published weekly by and for the men of the California State Prison, San Quentin.

The opinions expressed herein do not necessarily reflect those of the administration, nor the prisoner population and should be considered solely as the opinion of the individual author unless otherwise specified. Articles without bylines should be attributed to the editor.

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La Mexcla . . .

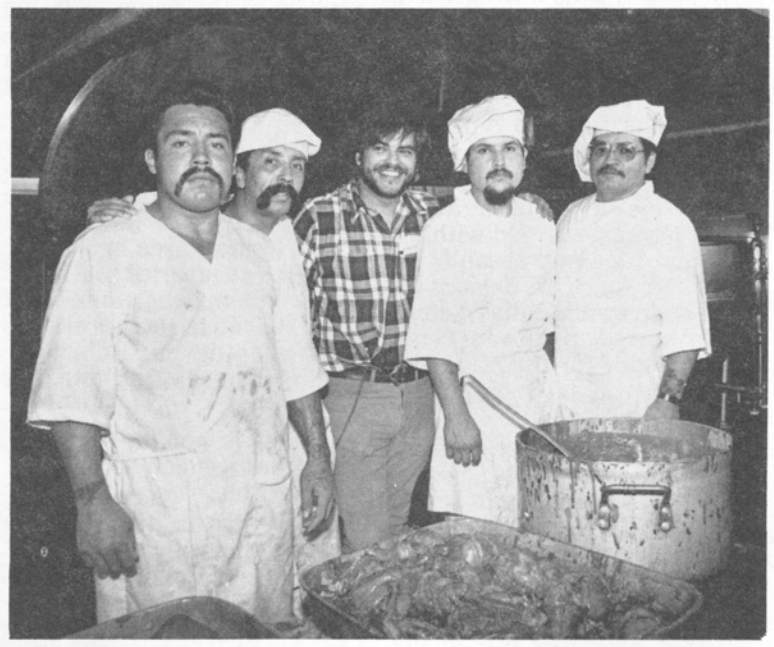
Continued from page 1

who earlier had delivered an inspiring poem in Spanish.

Following the entertainment, cons and guests joined costume, Los Matlachines livened the show with a colorful display of traditional festive clothing and folk dancing.

Introducing their style of Nortenia music was the four-member band, Los Trovadores. Joining this group for one number was Rafa Herrera, together for a festive feast of Mexican food, which was prepared by Gabby Sanchez, Bobby Lucio, Gato Gonzales, and Pancho Morales, under the supervision of free cooks Mr. Narvarro and Mr. Adler.

Many cons and guests commended the members of La Mexcla later for their remarkable courtesy and hospitality shown their outside supporters.



CULINARY CRAFTSMEN, Gabby Sanchez, Bobby Lucio, Mr. Navarro, Gato Gonzales and Pancho Morales

SQ ROCK BAND NECKA

The House . . .

Continued from page 1

"Playground facilities constructed with the loving and caring talents of some prisoners, provide hours of joy-filled recreation for the kids in the spacious backyard of The House," said Keelty.

"It's just beautiful witnessing the love-support of the prisoners and outside community members, as they donate their time, labor, money and various goods of all types — which are always needed and welcomed with heartfelt acceptance — in a common effort of maintaining humanitarian communication.

"We really have some fine grass-roots support from this community. Church groups donate — on a regular basis — food, clothing and monthly contributions, Individuals, including ex-cons, drop by with plants, toys, clothing, cakes, casseroles, contributions — the list is endless, thus aiding in the support of the helping-people-to-help-other-people attitude of The House staff."

Currently The House maintains a full-time professional staff consisting of two paid coordinators, Keelty and Stillian, along with the volunteers.

These House members are supplemented with the volunteer services of students and faculty members of the College of Marin, high school students of the Marin County School District and participants of the Alternative Sentence Program of Marin County.

Another service of The House is it's referrals to legal, welfare, lodging, housing, and other critically needed resources.

"We handle any and all problems," said Keelty. "If we can't help you, we'll help you find someone who can — which, in quite a few instances, turns out to be yourself."

The House also acts as a liason between prison officials and visitors, helping visitors to understand the prison rules. While enjoying an amiable rapport with the prison officials, The House staff is able to help both the administration and the visitors in rounding out their respective troubles.

"The environment at The House is caringly warm with a sense of security," said Keelty. So if people just need a place to sit and talk about their troubles, we are there for them. We offer informal counseling in a relaxed setting in which problem sharing can provide a source of social and emotional support."

The House relies on private support. Additional help is urgently needed, whether in the form of food, money, or volunteer time.

For further information concerning this critical link in the lives of thousands of visitors to San Quentin, contact: The House at San Quentin, 2 Main Street, San Quentin, CA 94964 (phone (415) 456-4200).