

FED NO: 09407510
DORM B1
FEDERAL PRISON CAMP
PO BOX A
ALDERSON WV 24910
06/24/2024

SOUTHERN DISTRICT COURT
124 BARNARD STREET
SAVANNAH GA 31401

U. S. DISTRICT COURT
Southern District of Ga.
Filed in Office

10:00 A.M.
July 5, 2024
Deputy Clerk

Ref: Request for a Public Defender Attorney

Docket No: 3:23CR00003-1

My name is Gladys Harun currently incarcerated at Alderson Federal Prison Camp. I was sentenced by Judge Bowen on 01/23/2024 for 60 months. I hereby request a court appointed attorney to represent me in filing post-conviction motions including a 2255.

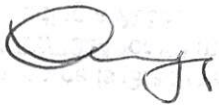
I also need help since Alderson Prison Camp does not comply with federal law regarding second chance act and First step act (FSA). Staff here refuse to calculate our time FTC(Federal Time Credit and First step Act) FSA projected conditional release dates. I have requested my team including the case worker to calculate my release dates with the credits but they refused. I have started the administrative remedy with BOP(BUREAU OF PRISON) but the process is cumbersome and takes a long time before issues are addressed if lucky. Staff here tells us that they do not honor Second Chance Act and First step act credits, they prefer us doing majority of our time. I do not know when I will be release which is traumatizing for me and my family especially my minor children. Denying me these time credits cruelly delays my return home. The inefficiencies and illegality in this camp have caught the attention of various leaders like Georgia United States Senator-Jon Osoff who sent a concerned team here earlier this month to speak with inmates about the many problems and torment we go through daily. Kindly see attached newsletter.

My financial situation is indigent and nothing has changed since last year when I completed a financial form with the court; I was then qualified for assistance by a public defender. Kindly consider my request. Thank you

Thank you

Sincerely

Gladys Harun



TRULINCS 09407510 - HARUN, GLADYS - Unit: ALD-B-A

FROM: Gilna, Derek
 TO: 09407510
 SUBJECT: Federal Legal News 6-10-24
 DATE: 06/10/2024 10:21:01 PM

Conditions of Confinement and Guidelines Changes Boost Compassionate Release Chances; Shameful Conditions at FPC Alderson Not Unique in Federal Prison System; Compassionate Release language; Sentencing Commission News; Further Explanation of Proposed 841 Guideline Changes; Appellate Updates.

By Derek Gilna, Director of Research

How do "conditions of confinement" impact sentence relief? By now most of you know of new 2023 Guidelines change that classifies lack of access to medical care as an "extraordinary and compelling" reason for compassionate release. All Office of Inspector General (OIG) audits of federal prisons show that in all prisons visited, medical care was substandard.

The avalanche of complaints regarding the Bureau's "Conditions of Confinement" has also motivated Congress to pass legislation appointing a new Ombudsman who will possess authority for unannounced visits to Bureau facilities to document instances of malfeasance. It is clear that all federal prisons have black mold, disintegrating infrastructure, substandard food, minimal access to FSA programming, and rampant drug use. However, one prison seems determined to add to that litany of failure a brazen disregard of Director Peters' stated goals of boosting rehabilitation, and appears to take pride in its failure to comply with federal law regarding Second Chance Act halfway house placement and awarding of First Step Act (FSA) sentence credits: Federal Prison Camp Alderson, in Alderson, West Virginia.

The consistent, verified complaints coming out of that facility-since at least 2020-have caught the attention of a varied group of advocates, public office holders, prisoner families, and the news media. Remember that it is "CAMP," and designed to prepare its low and minimum security residents for release back into the community. Except that it isn't doing that, or even pretending to, and staff, from the warden on down the chain, even brags about its non-compliance with the law.

Although we receive credible complaints about abuses and poor conditions from dozens of both men's and women's prisons each and every week, the situation at Alderson is different. From prisoners there: "Alderson staff refuses to calculate our time using the FTC (Federal Time Credit and First Step Act) FSA Projected Conditional Prerelease dates as well as FSA Conditional Dates per BOP policy. They have said they do not favor Second Chance Act and First Step Act credits and believe people should do the majority of their time in a facility. Like many here, I have no no idea when I'm returning home. Because the calculations aren't done, we are left guessing when we ask for a date, we are often told to wait until our next Team Meeting (and nothing is provided at that time) There is a K-2 drug problem on the campus that employees do nothing about. I have witnessed several overdoses (Some women have been here) over a year and not seen a Gynecologist." This problem has even gotten the attention of Georgia United States Senator Jon Osoff, and former UN Ambassador Andrew Young, who have sent people to the prison to meet with prisoners, and created a private taskforce, complete with database to corroborate and document the problems there. "We are listening to a symphony of stories that outline the injustices (at) Alderson FPC. These voices cry out for help and it is our goal to share this symphony with the nation, and begin a national dialogue of understanding, prison system correction and healing of families," one of the task force members said.

It is the task force's concern with the affected families that I feel will make the difference in bringing about change. The incarceration of one prisoner can negatively impact as many as 20 other members of his family, many of whom share the financial burden of paying for commissary, computer minutes, and restitution payments. EVERY federal institution shares most these problems and retaliates against whistle-blowers, which can take the form of confinement in the SHU, but can also take the form of loss of phone, email, and commissary.

From the often-sued Lompoc: "you wouldn't believe the living conditions here. The second-floor bathroom has sewage leaking from the exposed ceiling pipes the floor is like a lake with a constant inch or so of stagnant water and has little black worms wiggling in it the case managers are not doing their jobs I am doing multiple programs and am FSA eligible but my earned FSA time is not being applied..."

Here is the (very condensed) compassionate release language relating to medical care that you can use either in your requests to the warden and in any subsequent court filings: "The pandemic, however, only exacerbated chronic, longstanding staffing shortages. See Staffing shortages and deficient training leave First Step Act floundering, federal prison employees say, Erik Ortiz, U.S. News, July 28, 2022 (describing difficulty of implementing First Step Act's requirements, and quoting one employee, the literacy coordinator at Coleman FCI, "I'm the education department, and we're never open, and if we are, it's barely[.]"'). See also Keri Blakinger, et al., As Corrections Officers Quit in Droves, Prisons Get Even More Dangerous, The Marshall Project (Nov. 1, 2021). The Bureau is also in violation of its own Program Statement, 6031.04, dated June 3, 2014, which states: "'Health care will be delivered to inmates in accordance with proven standards of care without compromising public safety concerns inherent to the agency's overall mission.' However, those standards are being compromised as a result of staffing shortages that the agency has faced for years now with no apparent solution. See also the OIG Report outlining the deficient response of the Bureau to the COVID-19 pandemic: <https://oig.justice.gov/sites/default/files/reports/23-054.pdf>. Also, DOJ, Office of Inspector General Review of FCOP Medical

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Staffing Challenges, at 1, (Mar. 2016).

The US Sentencing Commission (USSC) issued an interesting announcement the past week, indicating that they are interested in expanding the scope of sentence relief beyond what its own studies have suggested thus far, presumably to eliminate sentencing inequities. This is highly significant since it shows that the USSC is more than ever supplanting a dysfunctional, who has been unable to pass even the non-partisan EQUAL Act, despite the lack of any serious opposition to its adoption.

Summary of 841 changes: "Application of Subsection (a). Subsection (a) provides base offense levels for offenses under 21 U.S.C. §§ 841 and 960 based upon the quantity of the controlled substance involved, the defendant's criminal history, and whether death or serious bodily injury resulted from the offense. Subsection (a)(1) provides a base offense level of 43 for offenses under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), or (b)(1)(C), or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3), to which the mandatory statutory term of life imprisonment applies because death or serious bodily injury resulted from the use of the controlled substance and the defendant committed the offense after one or more prior convictions for a serious drug felony, serious violent felony, or felony drug offense statutory minimum term of imprisonment of not less than 20 years to life applies because death or serious bodily injury resulted from the use of the controlled substance. Subsection (a)(3) provides a base offense level of 30 for offenses under 21 U.S.C. § 841(b)(1)(E) or 21 U.S.C. § 960(b)(5) to which the statutory maximum term of imprisonment of 30 years applies because death or serious bodily injury resulted from the use of the controlled substance and the defendant committed the offense after one or more prior convictions for a felony drug offense. The terms "serious drug felony," "serious violent felony," and "felony drug offense" are defined in 21 U.S.C. § 802. The base offense levels in subsections (a)(1) through (a)(4) would also apply if the parties stipulate to the applicable offense described in those provisions." So, in summary, the amount of punishment depends upon your drug priors.

Appellate updates: US v Canada, 22-4519, (4th Cir. June 3, 2024) held that that "the district court erred in sentencing Canada under the ACCA. That statute requires at least a 15-year sentence if the defendant 'has three previous convictions . . . for a violent felony or a serious drug offense . . . committed on occasions different from one another.'" 18 U.S.C. § 924(e)(1). Here, one of the three convictions identified by the district court was for criminal domestic violence in violation of South Carolina law. In *Borden v. United States*, 593 U.S. 420 (2021), the Supreme Court of the United States held that "a criminal offense" may not "count as a 'violent felony' " under the ACCA "if it requires only a mens rea of recklessness." *Id.* at 423." Reversed and Remanded.

In *US v Pupera*, 20-4544, (4th Cir. May 30, 2024), "A jury convicted Frank Craig Purpera, Jr., of 56 counts of distributing controlled substances outside the scope of professional practice and without a legitimate medical purpose, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), (b)(2); two counts of obstruction of justice, in violation of 18 U.S.C. § 1512(b)(2)(A), (b)(3); conspiracy to commit health care fraud and falsify information, in violation of 18 U.S.C. §§ 1035, 1347, 1349; and health care fraud and falsifying information, in violation of 18 U.S.C. §§ 2, 1349. Here, the record contains Appellants' testimony that he believed there was a legitimate medical purpose for his prescriptions. A jury could have relied upon Appellants' testimony to reach a contrary finding on the scienter element. Accordingly, we vacate Purpera's 56 convictions for unlawful distribution of controlled substances."

Add your family to our growing list, of email subscribers, at dgilna1948@yahoo.com. Thank you. Be not afraid and let not your heart be troubled.

Derek Gilna, Director of Research, JD, (De Paul Law School, 1975), MARJ, (Vermont Law School, 2020), Federal Legal Center, 133 W. Market, #171, Indianapolis, IN 46204; dgilna1948@yahoo.com (English newsletter and ALL inquiries, English or Spanish); federalllc_esp@yahoo.com, Spanish newsletter, but NO inquiries. (This Newsletter is for Information Only and Does Not Constitute Legal Advice.) Please retain the originals of all documents sent to the office as we cannot always guarantee their return.

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**Dog Bite
Awareness**
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