

In The Name of Allah, The Beneficent, The Most Merciful!
I Bear Witness That There Is No God But Allah and The
Honorable Elijah Muhammad Is His Messenger.

July 1, 2020

c/o Director Nora Krinitzky

c/o Megan Wilson

Attention: Carceral State Project

On the day I sat down and drafted my written testimony, it was June 23, 2020. A very special day for me. The 43rd remembrance of my birth. This year I did not celebrate it. The night before and the morning of the remembrance of my birth I reflected over the fact I arrived at prison when I was only 19 years old and been in prison since. I been incarcerated more years I lived free in society.

On October 16, 1996 I entered the prison quarantine facility at Riverside Correctional Facility in Zonia Michigan. It was a prison for youth 21 and under. I was sentenced to 3 to 40 years for drug possession. Before I was sentenced I told Judge Denise Langford-Morris that I had a drug problem. And instead of prison I requested drug treatment. especially considering the fact that in the 1990's certain people from the suburbs was getting treatment instead of prison.

Plus, I was already on life-time probation for a prior drug conviction and had tested positive for drugs in my system. However, Judge Morris was not buying it. In her mind, a young Black male needed to have his life further dissipated and calculated in statistics of failure.

It was not only Judge Morris that had determine I needed prison. It was also the recommendation of the presentence investigator, Nancy Mudd. She stated in her report

Incarceration is recommended in this case.

Lamont Heard is 19-years-old. The defendant was on life probation in Oakland County Circuit Court for Delivery of a Controlled Substance Less Than 50 Grams at ~~the~~ the time this incident occurred. The defendant has also recently been convicted of Receiving and Concealing Stolen Property over \$100.00 for which he was given a one year jail sentence that was suspended for completion of the Sheriff's Boot Camp. The defendant was released from jail in March, 1996. In April, 1996, he was arrested on misdemeanor charges, Fleeing and Eluding and Driving Without a License for which he is given a 90 day jail sentence. He was released from custody in

in June, 1996. In August, 1996, the defendant was arrested for the instant offenses. The defendant has a juvenile record for Attempt UDAA, Breaking and Entering of a Motor Vehicle, Felonious Assault, and Second Degree Retail Fraud. It appears that the defendant has been in continuous trouble for the last five years. (Evaluation & Plan, 1996).

I eventually took a plea agreement to 2 to 40 years in prison. However Judge Morris sentenced me to 3 to 40 years in prison.

As noted above, prior to being sentenced to prison I had a previous drug conviction. In that matter, investigator William Bullard wrote in his report:

Writer recommends that the defendant be sentenced to prison for a short period of time. Such a sentence is within sentencing guidelines. Writer believes that the fact that the defendant is unemployed or employed but not receiving any money (as he claims) denotes an unhealthy situation that can be best served by a period of imprisonment.

The outcome of that case was life-time probation. The difference is I paid my court-appointed attorney in the first case. The difference also could have been it was my first adult offense. But I doubt it because I had friends who were in prison for their first drug offense.

What these reports demonstrate is no matter how low level the offense, the aim of the state is to incarcerate the young Black male for a period of time. However, if a defendant has an effective attorney, alternatives to incarceration is available.

Another glimpse reveals, even if an alternative to incarceration is offered, the system still is set up for ~~to~~ a defendant to be fettered to the system for a life time. Meaning the system find ways to profit from crime. Through fees, sanctions and extending penalize sanctions. For a person like me, I start to view the system as a money making machine that profit from my deviants — instead of a institution that renders justice. And since I been incarcerated I know through empirical data, numbers from Just and Safe Michigan that over half of Michigan's prison population is Black males and women despite we are only 13% of the state's population. Therefore, in my mind the local law enforcers

lawyers, criminal justice education programs, judges, guards, telephone company — and the list goes on — all profit from incarceration, therefore these technocrats have no interest in either the reduction or elimination of mass incarceration. They have no interest because it would mean a loss of a job for them. Accordingly, me and others ~~the~~ see the system as one of profit, not one of justice.

Secondly, another glimpse reveals I was an adolescent. And what any educator or student in the criminal justice field knows is; a teenager will have anti-social behavior because his or her character is not developed yet. Plus, the part of the brain that control impulsive behavior and check recklessness in emotional situation is not developed in the brain to the point of maturity. see Steinberg. 2016. symposium: Young Adulthood as a Traditional Legal Category; Science, Social Change and Justice Policy, 85 Fordham L. Rev. 641. Therefore, Z should not have been treated as if my thinking and actions were comparable to a matured adult who had fixed criminal character. At the same time, Michigan had an alternative justice system for youth. But the system did not see me to be a redeemable youth. The only recommendation was removal ~~o~~ from society and to be treated as harsh as an adult whose character was fixed in criminal behavior.

Yes, at age 18 Z was living a criminal life-style. But what Z was actually doing was searching for my place in society. I did not want to have a career in drug dealing. I wanted more out of life. Yet it is a known ~~assumption~~ reality a criminal conviction cut a person out of the full opportunities of citizenship. Thus, the more times a person is arrested and convicted he or she knows his opportunities to be full citizens are denied. But in the streets a person can be all they can be - ~~at~~ as long as they don't get caught.

I once had a conversation with a person, name Torriano. And told me, since Z was not a part of the labor force, incarceration is a tool used to both keep track of me and profit from me all at the same time.

What we all know is Z was not born a criminal. Therefore, criminality is a learned behavior. And since Z lived in a housing project high on crime, and went to poor performance schools, I was a child involuntarily influence and shaped to think anti-social. And the problem with this is I was born June, 1977 - the state of Michigan should have had the best environment for me to reach my God-given purpose for being born into this world. Instead I was born into a world that statistically predicted

I would not have and enjoy the full benefits of being born in America. I was born into a world that failed to remedy social-ills. I was born into a world that was starting its political tough on crime agenda, the Joseph Biden Crime Bill and the Bill Clinton partnership with states to continue former president Ronald Regan agenda of mass incarceration and flood the neighborhood with Drugs - the money from drug purchase - was being used to fund wars in South America and the Middle East.

What anyone educated could readily see is that I was an out-of-control youth searching for my place in society. Growing up in Lakeside Homes Housing project, in Pontiac, Michigan I adapted to the anti-social environment. Also I did not complete high-school. In fact I was kicked out of high-school because I was falsely accused of stealing a car. When the charges were drop three days later, the principle told me not to return.

Point being - socially wise - there was nothing palpable and visionaly in place or in my community that serve an alternative to the road I was headed down. The system provided on lane change. There was no drug treatment program offered. No plan to enroll me back into high-school, to go to college, reach maturity, develop a moral character, a

career or ascertain how I could potentially contribute to society. No! The system had already decided my life had no value by the time I reached adulthood.

Yes, I was living a criminal life style. But criminality is a learn behavior. No community want its youth incarcerated. In the event ~~that~~ a person becomes a tyrant in the neighborhood the community want the person reformed. Incarcerating the young has the effect of taking a way the protectors of the community. It weaken the community politically - through the lost of voting power, ideas and voice. Lastly, it weakens the community morally. Because everyone does not believe a defendant should be incarcerated or should not be incarcerated for a long period of time or for life. Therefore, incarcerating one individual leads to the dissipation of the entire community.

My "unhealthy" life-style was partially in part the result of a perverse system that gave up on educating me, providing me with discipline structure and a path to pursue my career and purpose in life. The technocrats seen me through their education, learning of patterns and cultural and systemic racism. Therefore, when a Black man run from police he is not only trying to escape a having his civil rights being violated. He is

also running from being trap and caught up in a system that seeks to remove him from society for a "period of time" and fettered ~~into~~ him to a system that is design to deprive him of life, liberty and the pursuit of happiness. He is running from an albatross, having his voice taken away, his power stripe from him and his life extinguish.

Most Black technocrats come into the system with the hope of making it fair. But they quickly learn they will be outcast and label as a radical - which hurt their career. So the reason why the system allowed Black technocrats, because counter-productive because Blacks see Black technocrats as being more harsh than white judges. Because the Black judge has to show he or she is "safe" instead of "fair."

Nelson Mandela wrote in his book words that ring true to me. He stated "prison is designed to break the human spirit." I would add to that, prison is design to confine the mind.

To keep any light of knowledge from the mind that will rise one above the mind set he was in at the time of his condition, in order to challenge and teach others how to change both themselves and the system.

For example, I want to pursue a career in computer science. However, the prison will not allow me to possess the books

because it would somehow be a threat to the security of the institution. Furthermore, the prison allow college programs. The government provide funding for those who are serving sentences less than seven years. But for those who are serving life sentences cannot get funding because the government see no value in educating everyone in the prison environment. The government totally ignore the fact everyone is in prison together. This create an environment of reducing some to a breast and elevating others to humans. There is value in teaching those with life because they can become tutors, teacher aides and reform.

However, those who are serving life without parole sentences, such as myself, in the matter of Oakland County Circuit Court, People v Lamont Heard, case No. 98-163887-FC, the system automatically determined we are incorrigible. This is done through law - not a psychologist. See Life with Out Parole article, Heard. 2019. Therefore no matter how much my character has become fixed in doing good, the system will not acknowledge it. Me and others have transform our lives to become the model, the encouragers, father-figure and counselor to the ones the parole board decide are worthy of parole. In other words our sentences no longer fit us. We are the suffers.

I survive prison through my faith and learning. I love learning and relying on God. My hopes and strides toward achieving my freedom keeps me alive.

In closing, what I would like people to know is the system is unfair. It's racist, it's harsh. Yet it could serve a person for those who need it. I would agree my actions made me a candidate for prison. Yet, the system must be reform to produce productive members of society. But before then, sending people to prison because economic crimes should be eliminated as a deterrent. A person should be given treatment and therapy. Resources should be taken away from police and given to qualified professional that can reform people. Because there is only individuals who choose to reform or do it bigger once release. Lastly, what people should do is find a way to identify through the court system who need more help than prison. And there must be a way to find out how to determine which person serving life without parole is reform.

Sincerely,

Lamont Heard

252329

Lakeland Corr. Fac.

lamontbheard@gmail.com

THE PROBLEM WITH THE BLANKET ASSUMPTION ABOUT EVERYONE CONVICTED OF MUDER IS INCORRIGIBLE

A person convicted under Michigan Compiled Laws (MCL) 750.316, First-Degree murder statute, is automatically sentence to life without the possibility of parole. Such a sentence is meant to keep society safe from the offender committing another violent crime against a citizen of the state. Thus, included in the sentence is the assertion that the offender will in fact commit another crime. The sentence is society statement that the offender that committed the crime can not be rehabilitated and a productive member of society. There is a problem with this blanket policy. That being the blanket assumption that everyone convicted under the statute is incorrigible.

Everyone convicted of first-degree murder is not incorrigible. There are two basic reasons why a person is convicted of first-degree murder. The first factor is the circumstances of the crime. Some offenders actually plot out their crimes in cold blood, thus, this would make a person eligible to be charged with premeditated murder. The other less known factor is the prosecutor's attitude of the offender when making the decision what to charge. If certain factors are present in a murder beyond the actual crime, the prosecutor automatically want to charge the highest offense possible in order to remove from society a certain segment of people forever. Those factors being: if the crime is drug or gang related, poverty, a crime against a prominent member of the community and the age and skin color of the offender and victim.

According to research from The Sentencing Project, there are 5,137 prisoners in Michigan Department of Corrections (MDOC) serving sentences of either life with eligibility for parole (LWP) and life without the possibility of parole (LWOP). Of both populations Blacks make up 3,329 (64.8%). This is a salient example of how prosecutors view the corrigibility of Black offenders. This plays into stereo-types of Blacks: being less intelligent, super-predators and incorrigible.

Yet, those factors outside of the crime are mostly transient, other than race. If you walk into a prison or know someone in prison and you did not know what they were in prison for, you would be surprised to learn that decade or more ago, that person committed a murder. These persons have distinguish themselves from the harden criminals and despite their sentence, they constantly work on improving themselves, with dissipating hope of ever returning home. Moreover, what distinguish them from other offenders is that they become the tutors, clerks, instructors, peace mediators and mentors that help other offenders return home to be productive members of society. Thus, the sentence no longer fit the offender.

by Lamont Heard
252329
lamontheard@gmail.com
lamontb.heard@gmail.com