

Sharon Hamilton brings Set Me Free bang up to date March 2011

When I finished writing the second edition of Set Me Free at the beginning of 2008, Jerry's Situation hadn't changed. He was still confined to a cell at Oklahoma State Penitentiary and having discharged a 25-year sentence and then paroled a 5-year sentence, he'd begun serving a sentence of 115 years but still had several more consecutive sentences after that. He had 28 years of imprisonment in maximum security under his belt. His next scheduled parole hearing was 2015. We'd done everything possible within the system to move him forward in positive ways with no result. He couldn't work and couldn't rise higher than Level 2. We'd hit a massive brick wall, but at least we had the book. The same month the second edition was published, I flew from Britain to Oklahoma and met up with Tami. We collected several dozen copies from Ronda at Briggs Printing in McAlester and drove to the State Capitol in Oklahoma City where I distributed them to as many senators and state representatives as I could. I also met with Senator Constance Johnson and she took several copies to give to people she thought might be interested including two of her friends on the Board of Corrections. We even left copies at the premises of 25 Fox TV and Channel 4 – NBC. We drove to the offices of The Oklahoman and left a copy for Julie Bisbee. An article recounting my visit to the State Capitol written by staff reporter Josh Rabe appeared in The Oklahoman the day I flew home in March. I also had several visits with Jerry and that would probably have been the sum total of what I could achieve that trip except that a golden opportunity appeared right out of the blue.

A chance remark by Tami as we drove to the State Capitol led to my meeting with James Brown a lecturer in Sociology at McAlester High School and serving member of the Oklahoma pardon and parole board. I walked into McAlester High School as the students were walking out at the end of their school day. Our meeting will stay with me forever as one of the most amazing events of my life. I placed a copy of the book on the table in front of Mr Brown as he introduced himself to me and I began to explain the reason for my wanting to speak with him in person. Before I'd got very far he'd asked me for Jerry's DOC number and as I sat watching him, he phoned J D Daniels, deputy director of the Pardon and Parole Board. What happened next was just like a scene from a movie. James Brown was aghast at the information relayed to him by JD. Among the many words of emotion exploding from him were, "Man, a hundred and fifteen years! They don't give out sentences like that for murder! What the hell is happening here? I want this man out of prison and home with his wife he's been locked up long enough! I want his paperwork on my desk by the 25th!" The call ended and we looked at each other. He said, "I don't need to read a word of what's in that book of yours to know that there is something very wrong with your husband's incarceration. The information I've just been given tells me everything I need to know. Your husband has been lost in the system. Did you hear what I've just done?" I told him I wasn't sure what had happened. He said, "I've just brought your husband up for an early parole hearing. Now I don't do such a thing lightly, but he's been lost in the system and something is very wrong." He told me he'd do everything he could to get Jerry to the end of his sentences, but ultimately, it would still be down to the Governor to agree and sign any recommendation.

Once our meeting had ended we walked out of the school together and went our separate ways. I drove in a complete daze to the car park of McAlester library and looking out in the distance to the prison where Jerry was stuck in his cell, I sat in the car and cried tears of relief and joy because at last someone could see what the ODOC had done to him.

James Brown was as good as his word and I flew out again in July to speak for Jerry at his parole hearing held at the Hillside Correctional Facility in Oklahoma City. We were both filled with hope, but really we didn't know what to expect. In the end the parole board recommended that his sentence of 115 years plus a 2-year sentence be commuted to time served. I stayed in McAlester into the following week so that I could visit with him and tell him the result in person. He was disappointed in many ways because after my meeting with James Brown he'd expected more and yet he was grateful at the same time. His life wouldn't change though. He was still confined to a cell, but we both agreed that the commutation was better than a kick in the teeth.

You'd think that having been in maximum security for 28 years, the ODOC would have recognised the Board's decision to take 117 years off Jerry's accumulated sentences as something positive, an affirmation of their belief in him. His crimes were so old and he'd not physically harmed anybody at any time. Director Justin Jones continually highlights the fact that their prisons in Oklahoma are overcrowded and they don't have enough money or staff to run them. But it wasn't to be. Less than three weeks after this decision by the Board, Jerry was transferred to the Davis Correctional Facility in Holdenville, to a brand new unit for maximum-security prisoners; an offshoot of Oklahoma State Penitentiary. Davis is a privately run prison owned by Corrections Corporation of America that houses DOC prisoners for profit. Visiting for those in Max is by video teleconferencing. Despite many, many letters from myself to Davis and the ODOC and other organizations, and a grievance filed by Jerry nothing would change. We've not seen each other in person since his transfer almost three years ago. Our visits are via a television screen and our conversations conducted by telephone. A most horrible and uncomfortable way to visit, much worse than non-contact visits behind glass at OSP which are reserved for those on death row and with active disciplinary cases. I have an email from Okcure explaining to me how they'd been led to believe by the ODOC that only "trouble makers" were being transferred to this new max unit at Davis? How could they tag Jerry as a troublemaker when he'd not had a disciplinary for years?

Governor Henry signed Jerry's commutation in December 2008 and I hoped that James Brown would help again, but when I contacted him he declined. We're still trying to understand his U-turn? Undeterred though, I managed to speak with Susan Loving, another serving member of the parole board. Much to our great relief she brought Jerry up for another early parole hearing, this time it would be in August 2009. Once again I appeared before the parole board members, they included James Brown and Susan Loving. I pleaded with them to help my husband. They paroled Jerry from the 25-year sentence he was serving to his final sentence; this was the sentence he'd got because of the riot in December 1985.

Meanwhile in November 2009, the situation for Jerry at Davis was dire. One day his cell partner Gerald Bell, suffered a heart attack. Jerry kicked up a fuss because that was the only way he could get the unit staff to take notice and bring help, but in the end it resulted in him being placed in lockup and given a 'bogus' disciplinary case; his first in Oklahoma since 1987. At least he'd managed to get them to take Gerald to the infirmary.

After defending himself in writing Jerry managed to get the bogus disciplinary dismissed, but they wouldn't release him from the detention unit. His only means of helping himself was to go on hunger strike. The hunger strike lasted approximately 12 days. He was finally released from lockup after 45 days. Unknown to him, this fast was to trigger a gall bladder attack that has plagued him several times since. An extremely painful condition that can be caused by severe weight loss and once activated, it's like a ticking time bomb, he has no way of knowing when an attack will happen and unable to get help when it strikes, he is left in his cell to endure the event alone. Gerald Bell survived his first heart attack but sadly a second one killed him a few weeks later. My concerns today for Jerry's prevailing health problems continue to grow. His liver count is high, but that's as much as we really know at this point in time.

The condition of his confinement at Davis didn't improve after his release from lockup and so in March 2010 he began another hunger strike. This one lasted for 25 days and only came to an end because of the emails I sent Jimmy Martin, Deputy Warden at Davis warning him of his plight. Below is a copy of some of the emails that passed between us:

Mr. Hamilton is logged as receiving a tray on 3-24, 3-25, 3-26, 3-30. He is being weighed in medical and shows no weight loss at this time. He is receiving canteen items and is not consistently accepting food trays as they are offered to him. He is making demands for a cell move and has made allegations of wrong doing by staff at OSP over 20 years ago. He is refusing medical care of which I will not or cannot force on him unless it become a life threatening circumstance. I am continuing to monitor daily and will advise if any change occurs. Jimmy Martin

-----Original Message-----

From: Sharon Hamilton [<mailto:sharonhamilton@care4free.net>]
Sent: Saturday, April 03, 2010 4:01 PM
To: Martin, Jimmy
Subject: Re: Please will you answer this email

My reply

Mr. Martin,

I've received letters from Jerry today. The most recent was written on Monday, April 5th. All the food he'd ordered with the canteen was still intact. He'd not eaten any of it. He's not been receiving any food trays. He'd not eaten for 21 days and yet you tell me in this email that he'd been weighed and hadn't lost any weight?

Please can you tell me what is happening at this date? Do you know for certain that Jerry is eating? I am very concerned for his health and welfare.

Jimmy Martin's reply

I and Warden Keith went to Mr. Hamilton's unit and talked to him Friday 4-9-10. After talking to him, we were able to resolve a prior canteen issue he had. At the conclusion of our visit Mr. Hamilton did eat two trays and stated he has no further issues at this time. I checked on him yesterday and found he has eaten all weekend. Hopefully, he has put this behind him. He is lucky to have someone like yourself that cares for his well being. JM

-----Original Message-----

From: Sharon Hamilton [<mailto:sharonhamilton@care4free.net>]
Sent: Monday, April 12, 2010 2:24 PM
To: Martin, Jimmy

Cc: donna.boone@doc.state.ok.us

Subject: Re: Please will you answer this email

The allegations of wrong doing by staff at OSP 20 years ago that Jimmy Martin refers to ended with Jerry being charged and found guilty of his first disciplinary case in Oklahoma since 1987. Into the 20th day of his hunger strike he finally snapped and wrote the request to staff to Martin threatening to expose something that had happened at OSP many years ago that had involved Martin's father if the harassment he was facing didn't stop. This request he'd submitted was a last ditch attempt to find relief from the torture of his intolerable situation at that time. He'd written on the request to Martin that it be ignored because all he was doing was trying to get the attention of this deputy warden and let him know he was at the end of his tether. Jimmy Martin has known Jerry a long time and worked in OSP before Jerry was transferred to Texas in 1988. These events that led to this disciplinary were all perfectly timed because less than a month later, in May, Jerry had another early parole hearing scheduled on his final sentence. Martin and everyone knew this was the case.

Amazingly, when the hearing took place, it wasn't me that spoke for Jerry this time it was Eddie Morgan, retired unit manager of Oklahoma State Penitentiary. Eddie was stabbed multiple times in the riot that took place at OSP in 1985. (Read about the riot in Set Me Free or view the video of my interview with Eddie via a link to Youtube on this website) Of course I attended the hearing, and so did Iwan Roberts, cameraman/producer who'd flown out with me to film everything for a current affairs programme called "Byd Ar Bedwar" that would be broadcast in January 2011 on Welsh language television. (You can view the programme they made via a link on this website that includes footage of Eddie speaking for Jerry at his parole hearing)

We were so hoping the Board would recommend a commutation of Jerry's final 20-year sentence to time served or maybe parole him to the street. He'd already served over 30 years and by anyone's standard that's a long, long time. After all, Eddie was there to speak for him and confirm that Jerry wasn't even housed in the units where the riot had taken place and hadn't kidnapped or harmed the guard Johnny Williams who happens to be Eddie's first cousin. There can't be many prisoners who can say that a high ranking prison officer stabbed 13 times during a prison riot in which Jerry was accused of being a ring leader would end up speaking for him at his parole hearing twenty five years later. Another amazing thing is; this parole hearing was for the three concurrent sentences Jerry received during that very riot.

I did get to speak during the hearing. Susan Loving asked me to explain why Jerry had a recent disciplinary case and was now Level 1. This is something the Board frown upon greatly and is the worst thing that could have happened to Jerry at that time, however I did the best I could, but it was so difficult to explain the long list of events that had lead to his demotion without making it sound laboured and far fetched. Plus it's always a prisoner's word against the professionals. Whether she and the other members believed me, I have no idea? Would their decision have been different had he not received that disciplinary? We'll never know.

There was one positive thing that happened because of Jerry's transfer to Davis. Eventually, after much correspondence on my part and Jerry's he was actually allowed to rise to Level 4. The first time since 1994! But he hadn't been Level 4 for long before he

received this desperate disciplinary and was lowered to Level 1. They also took 120 days earned credits away from him. Funny really, because he hadn't been Level 4 long enough to be able to earn them in the first place.

The Board commuted Jerry's final sentence from 20 years to 13, a hollow success he felt because it still left him stuck in a cell and exposed to any future retaliation. But fair play to Susan Loving, not only did she recommend his sentence be commuted to 13 years, but also that he be paroled to the street.

Out of the blue, in September last year, I received a phone call from Iwan asking me if I'd be able to fly out to Oklahoma the following week so they could do more filming for the television programme. A few days later Iwan and I boarded a plane in Heathrow along with Eifion Glyn, chief news correspondent for Independent Television in Wales. Eifion has had years of experience and is a respected journalist who's reported from all the hotspots in the world including Afghanistan and recently in Haiti. We were out in Oklahoma for a week and filmed a long interview with Eddie and Jerry Holt. This is the interview mentioned earlier. Jerry had been shift captain at the time of the riot. We also filmed my visit to the State Capitol and Governor Henry's office when I presented a copy of Set Me Free to Jeanette Nance, director of constituent services along with a list of grievances pertaining to Jerry's incarceration. (Keep checking this website because soon, a video of my visit to Governor Henry's office and Jeannette Nance will be available via a link to Youtube) I visited with Jerry at Davis and some of this was filmed. The ODOC point blank refused to have anything to do with the film and Davis refused to allow Jerry to be interviewed.

And so here we are, and it's now March 2011. Oklahoma has a new governor, Mary Fallin. A few weeks before Governor Henry left office, I received an email from Jeanette Nance, she told me:

Mrs. Hamilton - I have received your e-mail. Again, I remind you I have forwarded your inquiry and information to the Governor and Chief of Staff for review; however, I want to reiterate that your husband's rights in this case are under the law through the courts with the advice of legal counsel. The Governor's office in Oklahoma is not a mechanism for complaints nor an investigative body.

Jeanette M. Nance
Director of Constituent Services
Office of Governor Brad Henry
405-522-8884

After 31 years, Jerry's world is still a prison cell. J D Daniels tells me his new scheduled parole hearing is March 2014 while Dedric Johnson, parole investigator for DCF has given written notice that it's April 2013. I'm still trying to find out which date is correct? I'm also trying to find out the meaning of 'Incarceration' and how it's applicable to Jerry? The ODOC maintains that Jerry is on one continuous incarceration because he's not been released to the street. They are still keeping his escape from Oklahoma State Penitentiary in 1985 active after all these years to justify holding him in maximum security. This escape happened on the 25-year sentence he began in 1980 and eventually discharged in 2002. Out of interest this is an unprecedented amount of time he was made to serve, of course being forced against all policy and procedure to stay at Level 1 for 9 years didn't help his cause. Since he discharged this sentence, he's paroled two more

sentences and had two others commuted. Each time this has happened his commutation and parole certificates state that he was committed to the Department of Corrections on such and such a date, the date each sentence began. The dictionary definition of 'commit' is, "to legally confine somebody to an institution, for example, to prison." Under this definition, each sentence is a separate commitment to prison and therefore a separate incarceration. If Jerry is on one continuous incarceration, why has he needed so many parole hearings? Why didn't the parole board just parole him past every consecutive sentence? Jerry has asked Don Pope, legal representative at Davis to explain how he's legally on one continuous incarceration, but so far he hasn't received a response. Neither Jerry nor I are lawyers and that leads us to the final paragraph of our story so far.

The Governor's office tells us to file through the courts if we believe there is an injustice and want to set matters right. Thing is, if the governor's office isn't responsible for the ODOC, who is? The Governor of Oklahoma appoints the members of the Board of Corrections. The Board of Corrections writes the policies and procedures that the Oklahoma Department of Corrections must follow to the letter and apply without prejudice. Yet who makes the ODOC apply these policies and procedures correctly? Who is responsible for making sure they do their job in a professional manner? If not the Governor's department, then who? Why must we find a lawyer that costs thousands of dollars we don't have and file through the courts to force a public body that is publicly funded to apply the rules that are laid down by a State appointed body? If you know the answer to this conundrum, I'd love to hear from you via this website, you can email – sharonhamilton@care4free.net