



# Florida C.U.R.E.

C.U.R.E.  
Citizens United  
for Rehabilitation of Errants  
<http://floridacure.org/>

*Second Look legislation addresses the critical problem of harsh sentences providing individuals with an opportunity for resentencing after they have served a certain amount of time in prison.*

## SECOND LOOK

### HOW IT WORKS

**Step 1:**

A judge sentences John Doe to 35 years in prison.

**Step 2:**

John successfully completes rehabilitative programming in prison with minimal disciplinary infractions.

**Step 3:**

After 10 years of incarceration, John becomes eligible to have his sentence reviewed. This can be done through a petition to the court or eligibility to appear before a discretionary release panel.

**Step 4:**

The court or review board considers changes in John's life, including behavior in prison, participation in programming, maturation, as well as input from stakeholders such as the prosecuting attorney, victims, and prison staff.

**Step 5:**

The court or review board determines whether or not John remains a public safety risk and whether the original sentence advances the interest of justice. John can then have his sentence reduced or be released and sent home immediately, often under supervision.

**Step 6:**

John is released from prison – saving himself, his family, and taxpayers the high economic and social costs of his excessive sentence.

## Florida must do better!

- **1990's-Florida eliminated parole entirely.**
- **Florida law requires individuals serve 85% of their sentence before being eligible for early release.**
- **Florida currently has 13,906 lifers. This is more than 32 other states combined.**
- **>16,000 children under 18 growing up in Florida adult prisons with harsh sentences.**
- **Florida prosecutes more children in the adult justice system than any other state.**
- **FL has direct filed more youth than CA, TX, PA, NC, and MI combined.**

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**GROW WITH US**

# SECOND LOOK



FLORIDA C.U.R.E.



Source: <https://famm.org/wp-content/uploads/Second-Look-Infographic.pdf>

## FLORIDA FACTS

Feb 2023  
84,345 total  
incarcerated

26,497  
with 20+  
years served

\$28,042  
annual  
cost per  
person

Fiscal year  
2022-23:  
Total Funding  
\$3,078,665,820

## WHAT IS SECOND LOOK

The Second Look will provide a gateway for eligible individuals to have their sentence reviewed. After being incarcerated for a set number of years a review will occur to determine if they have been rehabilitated. They will be required to petition the original court of jurisdiction where they will have the opportunity to show they are reformed. A panel of experts will review their prison history, educational, and rehabilitative records, expert testimony, character witnesses, and more. The courts may order supervision and mentorship programs upon release.



### CONTACT US

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### WHO WE ARE

Angela Boucher, President  
CURE was founded in Texas  
in 1972. It has become a  
national organization & is  
now in all 50 states



<<<<Scan

### SIGN UP TO JOIN OUR COALITION

Advocate Signup  
<https://forms.gle/wwzwd5QhNDR4igN28>



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<<<<<<SCAN-TO VISIT OUR WEBSITE



@FLCURE

# Seamus's Story

Seamus was, but one statistic of the opioid crisis. He was prescribed opioids for severe back pain and the all too often story of addiction began. Seamus was arrested for possession of drugs in 2020. He was sentenced to one year and one day in the Florida State Prison System.

He was a non-violent person, yet he had to serve his sentence in some of the worst and most violent prisons in Florida. His first stop was first housed at Belle Glades. Seamus had an anxiety disorder and a diagnosis of manic-depression, but was put into isolation for 2 1/2 months at Belle Glades. He was not allowed to have family visit or allowed to have to have Zoom Calls despite his mother's constant requests. He was blocked from any visitors and his mother believes this was in retaliation to her request to have him in a room with a non-violent person. His first roommate killed four people and Seamus was unable to sleep, because he was frightened of the roommate. The mental anguish and further deterioration psychologically from solitary confinement is well documented. This was torture.

Seamus was then transferred to South Florida Reception Center. His head was shaved and he contracted MRSA and HEP-C confirmed by his medical record. His mother requested that he get medical attention for these diagnoses, but instead he was choked, beaten and punched at South Florida Reception Center by Officer King. Dr. Young was the medical doctor treating Seamus, however Seamus was never prescribed his needed psychiatric medications for his manic-depressive diagnosis and anxiety.

Seamus was told by a SFRC Captain when he left that he was going to be DOA, dead on arrival when he was sent to Calhoun CI. Seamus lived in constant fear. Upon arrival to Calhoun, Seamus was picked on by the Officers at Calhoun CI. Numerous phone calls Seamus made to his family expressed his grave concern for his life. He felt someone was 'out to get him' daily.

Seamus' mother contacted the Calhoun CI Head Nurse, Rose and spoke with her concerned that her son had pneumonia and bronchitis. His mom pleaded with Rose to get her son proper treatment by sending him to a hospital, also allowing him to rest and heal without being in fear of his life.

After repeated phone calls home day after day, what Seamus predicted happened. His family believe a gang member with a life sentence was coaxed by an Officer to injure and/or kill Seamus. A fellow prisoner and witness was able to stop the attack by the other prisoner, but it was too late. Seamus was sent to the local hospital, unresponsive. Seamus was later transferred to Tallahassee Memorial via LifeFlight where he required life support and was unable to breathe on his own. Once Seamus was declared brain dead he was removed from life support.

Seamus' family state the Medical Examiner who performed the autopsy reported Seamus' lungs appeared to be damaged from over twenty years of smoking at least five packs of cigarettes a day. The family suspect this damage was from repeated gassings, because Seamus never smoked cigarettes. The Head Nurse, Rose who did nothing to help Seamus later told the bereaved mother, "I thought you were exaggerating". His mother had shared with the Head Nurse she believed her son's life was in danger. No corrective action was ever taken to protect Seamus.

Seamus was beaten and gassed repeatedly by Officers at Miami-Dade CI. Seamus was tragically killed at Calhoun Correctional Facility while under the care of the Florida Department of Corrections. He died at Tallahassee Memorial Medical Center on July 15th, 2021. Basically lifeless, brain dead and shackled to a bed in the hospital under 'the custody' of two DOC Officers was where his family last shared a brief moment with their loved one. Calhoun CI has never taken any responsibility in the matter. The Warden told Seamus' brother that Seamus died of a drug overdose with no evidence. The court case is ongoing with no depositions taken since the incident.

# The Older You Get: Why Incarcerating the Elderly Makes us Less Safe



The vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they mature. Because young people’s brains are still developing through their mid-20s, they are more impulsive and susceptible to peer influence than older adults, and less able to inhibit inappropriate behavior, manage intense emotions, and fully consider consequences of their behavior.<sup>1</sup> Consequently, criminal activity peaks during the late teen years and early 20s. In fact, breaking the law is normal behavior during that period: In self-reporting surveys, most adolescents report having done so.<sup>2</sup> Fortunately, people grow and change. As they get older, they become less and less likely to engage in crime.<sup>3</sup> Arrests drop steeply by the early thirties, and almost three-quarters of arrests are of people below the age of 40; fewer than 4% are of people aged 60 or over.<sup>4</sup> Similar trends are seen with recidivism rates, which also decline dramatically as people age.<sup>5</sup> Plus, older adults who are arrested tend to have relatively minor offenses, such as DUI, simple assault, public drunkenness, larceny (typically shoplifting), drug violations, and disorderly conduct. <sup>6</sup> This pattern holds true for people who committed violent crimes, who may actually be less likely to reoffend after release from prison than those with other offenses.<sup>7</sup> One study found that of those convicted of violent crimes, only 4% released between ages 45 and 54 and 1% released at 55 or older were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively.<sup>8</sup> Several case studies also illustrate this: In Philadelphia, 174 people were resentenced and released after having been sentenced to life without parole (LWOP) for homicides committed as children. After they had been in the community for an average of 21 months, only two (1.1%) had been reconvicted of any offense.<sup>9</sup> In Maryland, 188 people serving LWOP, mostly for murder or rape, were released after serving 30 or more years because a court ruled that jury instructions in their cases had been unconstitutional. Six years later, only five (2.7%) had returned to prison for either violating parole or a new crime.<sup>10</sup> In California, of 860 people convicted of murder who were granted parole between 1995 and 2011, only five (0.5%) had been reincarcerated for a new crime as of 2011.<sup>11</sup>

<sup>1</sup> Arain, M., et al. (2013). Maturation of the adolescent brain. *Neuropsychiatric Disease and Treatment*, 9, 449–461. <https://doi.org/10.2147/NDT.S39776>. <sup>2</sup> Bonnie, R.J., et al. (Eds.). (2013). *Reforming Juvenile Justice: A Developmental Approach*. National Academy of Science, 100. <https://www.nap.edu/read/14685/chapter/6#100>. <sup>3</sup> Snyder, H.N. (2012). *Arrest in the United States, 1990-2010*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/aus9010.pdf>. <sup>4</sup> Federal Bureau of Investigation, Criminal Justice Information Services Division. (2020). *2019 Crime in the United States*, Table 38. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-38>. The available data is only broken down into individual ages between age 15 and 24. Below age 15 and above age 24, the data is grouped into age groups. To account for this data limitation, within each age group, the average number of offenses for an individual age was plotted at the midpoint of the age group. For example, for the 25-29 age group, the number of robberies was

divided by 5 (because that age group includes 5 individual ages) and that number was plotted at age 27 (the midpoint of the age group). The strategy did not work beyond age 65 because all arrests of people age 65 or older (which likely includes 25 or more individual ages) are lumped in a single age group. To best approximate frequency above age 65, the number of offenses within each category was divided by 10 and plotted at age 72. 5 Prescott, J.J., Pyle, B., and Starr, S.B. (2020). Understanding Violent-Crime Recidivism. *Notre Dame Law Review*, 95:4, 1643- 1698, 1688. <http://ndlawreview.org/wp-content/uploads/2020/05/9.-Prescott-et-al..pdf>. 6 These, along with a residual category that includes public nuisance offenses, trespassing, and local ordinance violations, are the most common offenses for which people age 55 or over are arrested. Feldmeyer, B. and Steffensmeier, D. (2007). Elder Crime: Patterns and Current Trends, 1980-2004, *Research on Aging* 29(4):297-322, at 303, 313. [https://www.researchgate.net/publication/240691083\\_Elder\\_Crime\\_Patterns\\_and\\_Current\\_Trends\\_1980\\_2004](https://www.researchgate.net/publication/240691083_Elder_Crime_Patterns_and_Current_Trends_1980_2004). 7 *Id.* 8 Prescott, *supra* note 5, at 1688-1690. 9 Daftary-Kapur, T. and Zottoli, T. (2020). Resentencing of Juvenile Lifers: The Philadelphia Experience. Montclair State University. <https://digitalcommons.montclair.edu/cgi/viewcontent.cgi?article=1084&context=justice-studies-facpubs>. Four others were rearrested but their cases were dismissed. 10 Justice Policy Institute. (2018). The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars. <https://abell.org/publications/ungers-5-years-and-counting-case-study-safely-reducing-long-prison-terms-and-saving>. 11 Weisberg, R., Mukamal, D.A., and Segall, J.D. (2011). Life in Limbo: An Examination of Parole Release for Prisoners Serving Life Sentences with the Possibility of Parole in California. Stanford Criminal Justice Center. [https://law.stanford.edu/index.php?webauth-document=childpage/164096/doc/slspublic/SCJC\\_report\\_Parole\\_Release\\_for\\_Lifers.pdf](https://law.stanford.edu/index.php?webauth-document=childpage/164096/doc/slspublic/SCJC_report_Parole_Release_for_Lifers.pdf).

# Virginia's 'second-look' bill could allow some prisoners to get out of jail early

By FOX 5 DC Digital Team Published January 25, 2023 Updated 8:18PM

Virginia lawmakers are introducing a bill that could give prisoners a chance to get out early.

It's called a **second look law**. It would give inmates who have served **at least 15 years** of their sentence the ability to ask a judge to consider early release based on good behavior and the ability to contribute positively to the community.

Half the states in the country have considered second-look laws, according to The Sentencing Project. Often, these laws enjoy bipartisan support, including in Virginia. Republican Senator Chap Petersen said the bill allows prisoners to go back to a trial judge and have their sentences removed.

**"The trial judge would have 100% discretion,"** Petersen explained. "The commonwealth's attorney would be involved, the victim would be involved, but effectively it's a look at those 1,300 prisoners that are long-term prisoners."

Petersen is leading the charge in the Senate where the judiciary committee will be holding a hearing on the bill Wednesday afternoon. Republican Delegate Carrie Coyner supports the bill in the house. The ACLU of Virginia reports the bill received 20% Republican support in the House last year after passing the Senate.

Shawn Weneta works for ACLU Virginia. He served 16 years in prison for embezzlement before former Governor Ralph Northam pardoned his sentence in 2020. Weneta supports the bill because he says it is more restrictive than gubernatorial pardons and more transparent for the public than the parole board decisions. It also gives crime victims a chance to stay involved.

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Your "There's a lot of victims that support this bill," Weneta said. "Right now, what somebody who is incarcerated is doing or has done - they don't have any right to any information at all. In this process, they would actually be able to see 'oh, this person has actually done this variety of things while being incarcerated.'"

READ MORE: 4 inmates escape from Virginia federal prison camp  
Not every lawmaker is on board, though. The House courts committee that would have to approve the bill to go to the floor is chaired by Republican Delegate Rob Bell. He says the bill would eliminate truth in sentencing and allow retroactive resentencing, and most importantly, it would eliminate the victim from knowing when the defendant is sentenced and how long the defendant will in fact serve.

Senator Petersen said he spoke to Governor Glenn Youngkin about the bill and that the governor is neutral on the idea for now.

# Women in Prison

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