

THE F.O.C.I.S. PARALEGAL & ADVOCACY GROUP BROCHURE

THE F.O.C.I.S. MOVEMENT

Exposing Corruption In The C.J.S AND D.O.C.C.S SINCE 2003!

A Subsidiary of Madison Avenue Entertainment Group

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Effective : Immediately

Attention : Members of the Incarcerated Community & All Others Concerned

Subject : Paralegal Services for the Incarcerated Community

Reason : Explaining the Services We Provide

Dear : Members of the Incarcerated Community & All Others  
Concerned

We are pleased to provide you with information regarding the Paralegal Services Division of The F.O.C.I.S. Movement. As you may already know, The F.O.C.I.S. Movement was created by law students from Columbia University, Cornell University, Syracuse University and New York University. Its mission and purpose is to bring attention and awareness to the injustice that lies in the New York State Department of Corrections, Judicial System and Law Enforcement. We have enacted a Paralegal Services Division to the movement, which provides the incarcerated community limited legal assistance in the preparation of their motions and briefs in Criminal and Civil cases. We should inform you that we are not lawyers and therefore cannot represent you in a court of law or substitute our legal advice or research for that of competent counsel. However, pursuant to 5 U.S.C. 555, Sperry v. Florida 373 U.S. 379 and Bounds v. Smith 430 U.S. 817, we are allowed to prepare legal documents for you, at which time you would review them for accuracy and either file them in the courts pro - se ( on your own ) or submit them to a lawyer for representation. If you decide to proceed pro - se, we can assist you in getting your paperwork filed in the courts and help you appeal to the highest level, if needed. If you seek representation by counsel, we can present your case to the lawyers we work closely with and hopefully they will represent you on the motion we have prepared for you, but we offer no guarantees in this area.

We also have experience in Representation by Proxy, which entails handling prisoner's personal, business and legal affairs through the laws of Power of Attorney ( P.O.A. ). If you hire us as your "chosen agent" through a P.O.A. agreement, you grant us authorization to serve in place of the principle ( you ) who is either not available ( or ) who lacks the skills or ability to perform a needed / required function that can best be performed by the experienced agent. Although in some jurisdictions an agent can function in a court of law for their principal, the agent cannot appear as an attorney for the principal. Rather, the agent serves only in place of the principal ( e.g. the principal proceeding pro - se and the agent appearing in their place.) Please understand that if we decide to act as your P.O.A. we will be verbally advancing your pro - se arguments in a court of law, if oral arguments are permitted, so it is vitally important that we are in full agreement as to what needs to be said to the courts. Below we will explain the legal

areas that we have expertise in. They are as follows:

1. Professional Letters and Grievances to the Department of Corrections, Courts, Lawyers, Hospitals, Criminal Justice System Officials, etc...
2. Administrative Appeals to Correctional Superintendents or Their Central Office.
3. Article 78 petitions from disciplinary convictions.
4. CPL 440 .10 & 440.20 motions challenging the legality of convictions and sentences.
5. Habeas Corpus petitions challenging convictions and sentences obtained in violation of a prisoner's constitutional rights.
6. Court of Claims suits seeking compensation for personal injuries.
7. 42 U.S.C. Section 1983 federal lawsuits seeking compensation for injuries sustained as a result of the violation of prisoner's constitutional rights.
8. Direct Appeal to the Appellate Division from judgements of conviction.
9. Error Coram Nobis applications to the Appellate Division.
10. Clemency Petitions.

Regarding the preparation of administrative appeals on behalf of inmates who have been convicted of misbehavior violations, our office carefully tailors each appeal to the individual circumstances of each inmate's case. In this way, we believe that we immeasurably increase the chance for a successful outcome.

Inmates who hire us to challenge their misbehavior / criminal convictions should be aware of the importance of presenting appropriate supportive documentation in advance of submitting their appeal. Such submission should include all pertinent supportive documentation. Included in the services that we offer is counseling to help put together the most optimal package designed to enhance the chance of success at these proceedings.

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#### DISCIPLINARY CONVICTIONS CHALLENGED THROUGH ARTICLE 78 PROCEEDINGS:

Article 78 proceedings are available to challenge misbehavior convictions. For example, in the Matter of Santiago V. Fischer, the Third Department granted the inmate a new hearing after finding that the Hearing Officer had improperly failed to allow the petitioner to call a third correctional officer to testify at his disciplinary hearing.

The inmate had allegedly been involved in an altercation with correctional officers during a search of his cell and was charged with assaulting and interfering with staff, refusing a direct order, engaging in violent conduct and causing a disturbance. At his hearing, two officers involved in the incident testified, but the Hearing Officer refused the inmates request for a third

officer to testify on the ground that his testimony would be repetitive. Inmates facing a disciplinary proceeding at which good time may be lost have a constitutional right to call witnesses provided that witness has relevant testimony, would not be redundant and would not jeopardize institutional security. The Third Department held that the Hearing Officer erred in barring the inmate from calling the third correctional officer. His testimony would likely have not been redundant because his written version of the incident differed from the versions testified to by the two officers at the hearing.

Perhaps the most important element enhancing an inmates probability of succeeding is that he or she be represented by competent counsel or P.O.A. so as to ensure that the importance of all issues are properly presented and preserved for appellate review, if that becomes necessary. Aside from the importance of the quality of the petition, most Courts, when affording oral argument, will do so only when inmates are represented by counsel or P.O.A. These oral arguments can have an important effect on the ultimate outcome of the proceeding. Once we complete the draft copy of your legal brief, we can present it to three different law firms that we work closely with, requesting that they accept your case. Please understand that there will be an additional fee if counsel accepts your case.

#### CPL 440.10 & 440.20 MOTIONS CHALLENGING THE LEGALITY OF CONVICTIONS AND SENTENCES:

CPL 440 motions are used to challenge the legality of a conviction or sentence. That is, if the conviction or sentence was imposed improperly (not following legal standard) then the conviction or sentence may be vacated. If the 440 motion is successful, a new trial will in all likelihood ensue and / or a new sentence will be imposed.

#### HABEAS CORPUS PROCEEDINGS CHALLENGING CONVICTIONS AND SENTENCES OBTAINED IN VIOLATION OF AN INMATE'S CONSTITUTIONAL RIGHTS :

A petition for habeas corpus is a post - conviction proceeding in which the federal courts will consider whether the government violated an inmate's federal rights during the direct review of his/her case. It is considered a collateral (indirect) attack on the conviction, as opposed to a direct appeal of the conviction and record itself. Claims raised in a Habeas Corpus petition must be supported by the record. However, a federal court can order an evidentiary hearing to establish facts that are not apparent in the record. As part of direct review, an inmate has the right to a trial and appeal. A habeas corpus petition is an alternative argument seeking an inmate's release because of violations of his/her federal rights, and not necessarily based upon innocence, although actual innocence claims can be a compelling and motivating factor. There is no automatic right to habeas review. A (petition) for habeas review is required. If the court agrees that the conviction or sentence violates the federal constitution or a federal law, it can order a resentencing, a new trial, or immediate release.

#### COURT OF CLAIMS SUITS SEEKING COMPENSATION FOR PERSONAL INJURIES :

These claims are for injuries sustained as a result of (1) a correctional facility's negligence in (i)

properly protecting inmates from injuries by other inmates (ii) providing adequate medical care ( medical negligence ) or (iii) adequately and properly maintaining its premises ; or (2) excessive force by correctional officers.

#### 42 U.S.C SECTION 1983 FEDERAL LAWSUITS SEEKING COMPENSATION FOR INJURIES SUSTAINED AS A RESULT OF THE VIOLATION OF PRISONER'S CONSTITUTIONAL RIGHTS :

These lawsuits relate to seeking redress for the deprivation of any rights secured by the United States Constitution and federal laws. This law makes liable every person who by virtue of such deprivation causes injury to another person. These suits include injuries occasioned by, amongst other things, (i) assault, (ii) prison conditions and (iii) health issues and inadequate medical care.

Should we determine that your matter has merit and therefore be retained, our fees are as follows :

1. Professional Letters and Grievances to the Department of Corrections, Courts, Lawyers, Hospitals, Criminal Justice System officials, etc... \$100.00 - \$500.00 (depending on the research involved.)
2. Administrative Appeals from misbehavior convictions: \$ 500.00(two issues raised in the brief)
3. 42 U.S.C. 1983 Federal Lawsuits \$ 500.00 (per issue raised, plus contingency fee)
4. Court of Claims suits seeking compensation for personal injuries: \$ 500.00 (per issue raised, plus contingency fee)
5. C.P.L. 440.10 and 440.20 post-conviction collateral motions to vacate convictions and sentences and to withdraw guilty pleas: \$ 800.00 ( per issue raised in the brief)
6. Error Coram Nobis Motion (inadequacy of appellate counsel): \$ 800.00 ( per issue raised )
7. Clemency Petitions: \$ 1000.00 (per issue raised)
8. Article 78 Petitions challenging misbehavior convictions: \$ 1200.00 ( per issue raised, filing fees are additional)
9. Federal Habeas Corpus Petitions: \$1500.00 ( per issue raised )
10. Direct Appeals: \$ 1500.00 ( per issue raised )

In addition to the above costs, you will be required to pay all administrative fees in handling your litigation. The following is a list of some of the fees associated with litigating your case:

1. Letters you send us must be scanned into our computers and saved into your digital folder so that all files remain organized and accessible. For this service we must charge .20 ¢ per scanned page.
2. All of your legal briefs and motions must be professionally typed and edited by our editors. For that service we must charge \$ 6.00 per typed page.
3. If we must make any copies of your legal documents and mail them to you or anyone else, we must charge a service fee of .20 ¢ per copied page.
4. If we must mail any of your legal documents to you or anyone else, we must charge you the cost of shipping and handling.
5. Any court fees, surcharges, filing rates, etc.... will be charged to your cost of litigation.

As stated above, it is important to note that these fees are in addition to the cost of perfecting your brief, motion, lawsuit, etc... So, for instance, if you wanted us to handle a Federal Habeas Corpus Petition for you, your bill would be \$1000.00, plus the above administrative costs.

#### IN CLOSING :

We do not believe that the incarcerated community should be financially exploited by those in the legal profession and so, with that in mind, we have set our prices at a rate that is reasonable to our clients and sufficient to keep our office up and running. Since we are already offering our services well below what law firms normally charge, we handle any pro - bono work and cannot afford to respond to letters seeking pro - bono assistance. We apologize for this inconvenience. If you are interested in retaining us to assist you with your pro – se endeavors, please start by emailing us answers to the below questions with as much additional information about your case as you possibly can. We will evaluate the information you send us and respond with a decision on whether we can accept your case and a quote on a retainer fee. If you decide to mail us legal materials, PLEASE SEND ONLY COPIES OF THE DOCUMENTS OR OTHER MATERIAL FOR REVIEW. IT IS IMPORTANT THAT YOU RETAIN THE ORIGINAL DOCUMENTS AS WE CANNOT BE RESPONSIBLE FOR DOCUMENTS OR MATERIAL THAT MAY GET LOST IN THE MAIL OR AT YOUR FACILITY.

We look forward to helping you vindicate your rights in court or through other appropriate channels.

Sincerely,  
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