

THE WRITINGS ON MY PRISON'S WALLS

A Collection of Articles Written
By *or About*

Nicholas Zimmerman



Madison Avenue Entertainment Group
The Movement Has Only Just Begun!

The Writings On My Prison's Walls: A Collection of Articles Written By Or
About Nicholas Zimmerman

Copyright © 2014 by Nicholas Zimmerman

www.FREENicholasZimmerman.com

All rights reserved. No part of this book may be reproduced or transmitted
in any form or by any means without written permission of the author.

ISBN XXXXXXXXXXXXXXX

For bulk order copies of this book please contact:

Madison Avenue Entertainment Group
P.O. Box 10276
Albany, NY 12201
www.MadisonAvenueEntertainmentGroup.com
877-301-4940

ACKNOWLEDGMENTS

Recognition should be given to the good people at M.A.E.G. that made this book possible. My mom, who has never, ever left my side. Desiray, who has done the unbelievable for me, and then did it twice! Patty and Louise, whose patient in typing the documents for this book is deeply appreciated. Kendra and Nedra, I owe you girls the world and I plan to repay you with just that! Alyst, for making my visits the most memorable ever! And last, but not least, the New York State Department of Corrections. I owe you so much. If it wasn't for y'all, I would still be walking around this earth blind to the internal conspiracies that exist within our government. I cannot thank you enough for all the foul things you have done to me over the years. It is you who made me who I am today. So please continue to give me all the evidence I need to use against you and convict you in the court of public opinion. The only court that really matters, anymore.

TABLE OF CONTENTS

CHAPTER 1.....
Recent Changes In The Public’s Perception OF
Solitary Confinement
A Prisoner’s Fight For His Right To Freedom of Speech
By Nicholas Zimmerman

CHAPTER 2.....
Who Cares If He’s Innocent
By Nedra James and Nicholas Zimmerman

CHAPTER 3.....
Theory of Love
by Nicholas Zimmerman

CHAPTER 4.....
A Sister In The Struggle
By Tiffany Chiles with Commentary by
Nicholas Zimmerman

CHAPTER 5.....
Hip Hop Artist— Author—Prisoner Sues Department
of Corrections For Ten Million Dollars
By Nedra James and Nicholas Zimmerman

CHAPTER 6.....
New York’s Illest Releases Independent Hip-Hop
Album to Help Free Their Innocent Comrade!
By Nedra James and Nicholas Zimmerman

CHAPTER 7.....
Carter/Luv
By Nicholas Zimmerman

Contents

CHAPTER 8.....
My Side of The Story—The Investigation—Part 1
*By Kendra Lyneigh Hughes and
Nicholas Zimmerman*

CHAPTER 9.....
Superintendent Harold Graham Says Innocent Prisoner
Can Have No Physical Contact Until 2050!
By Nedra James and Nicholas Zimmerman

CHAPTER 10.....
You Are Solitary Confinement!
By Nicholas Zimmerman

CHAPTER 11.....
DOCC’s Denies Innocent Prisoners’ Request For
Behavioral Modification Program
By Nedra James and Nicholas Zimmerman

CHAPTER 12.....
Innocent Prisoner Launches Campaign On MySpace
By Nedra James and Nicholas Zimmerman

CHAPTER 13.....
My Pen
By The Honorable Black Entrepreneur

CHAPTER 14.....
The First Amendment Right To Freedom of Speech
Shouldn’t Cost So Much: Why Prisoners Pay Ultimate Price to
Speak Out Against Injustice
By Nicholas Zimmerman

CHAPTER 15.....
Clinton, Dennamora
By Nicholas Zimmerman

CHAPTER 1

Recent Changes In The Public's Perception Of Solitary Confinement

A Prisoner's Fight For His Right To Freedom of Speech
By Nicholas Zimmerman

I've been in Solitary Confinement since May 15th, 2003. Continuously. With no breaks. I know your time is limited so I'll be sure to only fill you in on the important aspects of my situation, while keeping it brief and to the point. I only request that you take my letter seriously, and that you provide me with as much assistance and resources as you possibly can.

The Reasons For My Solitary Confinement:

On May 15th, 2003, I was placed in Administrative Segregation under the guise of an "on-going investigation of an escape attempt at Sing Sing C.F." I would remain in Ad-Seg until June of 2005 when, finally, disciplinary charges were lodged against me. In the interim, DOC's, the Inspector General, the Westchester D.A., etc., were all holding major press conferences alleging to have overwhelming evidence of an escape attempt; however, they refused to file escape attempt charges against me?

When the charges were finally filed, two years later, the D.A.'s office presented the Courts with absolutely no evidence that I attempted to escape from Sing Sing. While I was convicted of the charges, my conviction was based *entirely* on accomplice testimony, which was *never* corroborated by independent evidence, as required by C.P.L. 60.22. DOC's, with all the evidence they claimed to have had, waited until after the trial to bring their disciplinary charges? But even then, I was found *not guilty* of

attempted escape? I was, amazingly, found guilty of violating Rule 1.00, which states that a prisoner can be punished for being convicted of outside charges. Therefore, because I was convicted in court (which is something I have no control over), DOC's sentenced me to ten years in Solitary Confinement. Through time cuts for good behavior, the sentence was reduced to approximately eight years. As it stands now, I am no longer in Solitary Confinement for the escape allegations, as that time has expired. However, DOC's has now given me an additional seven years of solitary time for simply "running a business." (DOC's does not like the nature of my website, www.FREENicholasZimmerman.com, so they continuously set me up with disciplinary infractions. (For more on this subject, see <http://bit.ly/conspiracylawsuit>.)

Recent Changes In The Public's Perception Of Solitary Confinement

Over the past year the media has paid an enormous amount of attention to the issue of Solitary Confinement. National and international media outlets have covered the subject, calling for an end to this "torturous abuse" (see Erica Goode, "Senators Start a Review of Solitary Confinement," *New York Times*, June 20, 2012, <http://www.NYTimes.com/2012/06/20/us/senators-start-a-review-of-solitary-confinement>; Adam Cohen, "It's Time to End Solitary Confinement in U.S. Prisons," *Time Magazine*, June 25, 2012, <http://ideas.time.com/2012/06/25/its-time-to-end-solitary-confinement-in-US-prisons>; Alysia Santo, "Legal Aid Sources, Monitoring Group Say New York Prisons Overuse 'Box,'" *Albany Times Union*, August 13, 2012; *Solitary Confinement Should be Banned in Most Cases, UN Expert Says*, UNNewsCentre.com, October 18, 2011). The growing media coverage got the attention of Senator Richard Durbin of Illinois, who held the first ever Congressional



hearing on the subject. The movement to end Solitary Confinement has the support of both Republican and Democratic Committees.

Testimony during the hearing revealed that “New York’s Solitary Confinement practices are among some of the worst.” The Correctional Association of New York verified that prisoners are often sent to Solitary for “non-violent prison rule violations, as retaliation for questioning authority, talking back to an officer or filing grievances.” The New York Civil Liberties Union found that “DOC’s dependence on extreme isolation abandons entirely any chance of rehabilitative programming or therapy.” Some organizations have asserted that long-term Solitary violates the 8th Amendment of the United States Constitution, which bans Cruel And Unusual Punishment. The United Nations special expert went as far as to say that “Solitary Confinement may amount to a breach of article seven of the International Covenant on Civil and Political Rights.”

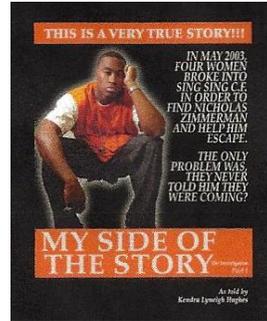
Because of the overwhelming negative press New York State prisons have received on this issue, the Commissioner of the Department of Corrections, Brian Fischer, issued a public statement on the matter. (See Brian Fischer, “Safety Has to Come First in NY’s Prisons,” TimesUnion.com, August 19, 2012, <http://www.TimesUnion.com/opinion/article/safety-has-to-come-first-in-NY’s-prisons>.) While I agree with the Commissioner that “10 percent of the prison population are less cooperative and create safety issues for the entire system” and further agree with the more conservative opinion that Solitary shouldn’t be banned in all cases (surprisingly, I’ve met some prisoners who agree with this point), I can never agree with when, and how, DOC’s decides to use Solitary on a prisoner. I find Commissioner Fischer’s most important argument (that he only places dangerous prisoners in Solitary) to be misleading and disingenuous:

“Add to those issues inmates who have escaped, try to escape, killed an officer, killed inmates, encouraged unrest, smuggled dangerous contraband or are a serious threat to everyone—and you get inmates placed in disciplinary segregation.” —*Brian Fischer*



Brian Fischer

The problem with this statement is that it intentionally omits the many prisoners who are sent to Solitary for non-violent (and non-threatening) offenses. Just look at me for instance; I'm doing seven years of Solitary Confinement time for simply *receiving* or *mailing out non-violent* and *non-threatening* letters to friends and family members requesting that they help me raise money to hire a legal team to represent my case by promoting my book (*My Side Of The Story*) and my CD (*New York's Illest*) on-line and in the streets. Notwithstanding the fact that the 3rd Circuit Court of Appeals in *Abu-Jamal v. Price* 154 F3D 128 issued a strong decision based on First Amendment principles, granting a prisoner's rights to publish a book—and *make money from it*—the Commissioner still allows Attica officials to continuously load me up with years and years of Solitary time for something as non-violent as “running a business.” It is this type of abuse of power and mishandling of the Solitary punishment that fuels the argument asserted by more than 114 powerful organizations across the nation that Solitary Confinement should be banned altogether.



My Relationship With The Administration At Attica Correctional Facility

My relationship with the Administration at Attica Correctional Facility (more specifically Captain Kevin Brown, Deputy Hughes and Superintendent Mark Bradt) is not a good one and, in fact, our conversations only end in debates over prisoners' First Amendment rights. Their position is a prisoner cannot run a business under any circumstances. My position is I am not running a business (my family owns the company that publishes my book and CD and the fact that I give them advice in my letters or direct them on what needs to be done to promote the products does not constitute “running a business”) but even if I was, my right to do so would be protected by the First Amendment Right of Freedom of Speech. The Court of Appeals in *Abu-Jamal* affirmed this reasoning and stated that as

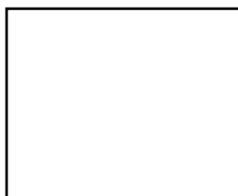
Recent Changes In The Public's Perception
Of Solitary Confinement



Deputy Kevin Brown



Former Superintendent
Mark Bradt



Deputy William Hughes

long as a prisoner's business practice "does not amount to fraud, burden prison resources, encourage violence or become a threat to security" he should be allowed to conduct a business. The Administration at Attica has not received a single complaint from anyone in the free world regarding my website, book, CD, etc., yet, they have taken a hard stance against any effort I make to promote my website? I have even sent Supt. Bradt an appeal containing the *Abu-Jamal* case, as well as several articles, decisions and documents that support a prisoner's right to run a business. He, as well as the Commissioner, simply rubber-stamp my appeals. The Administration hides behind the "prisoners can't run a business" rule to stop me from providing advice to my family about business strategies; however, if you look a little deeper into my history with DOC's, and the message I am promoting, you will see there is a lot more to this story.

Everything that I promote is based on my innocence and the fact that several departments inside the New York State government played a part in convicting me for a crime I didn't commit. My website takes aim at the Queens and former Westchester County District Attorney, the Department of Corrections, the Inspector General, State and Federal Judges, etc. I do not write falsities or spread unsupported propaganda. I go out of my way to make sure everything that I promote is factual, or that my opinions and ideas are supported by strong research (especially if I am making a claim that a government official is corrupt). I take what I do very seriously, and never for granted! Thus, the fact that the corruption I write about is true is what fuels the Department of Corrections' motives to silence me. Therefore, they're not holding me in Solitary because I wrote a book and have a website (many prisoners before me have done the same thing). It is *what I wrote in that book* and

published on that website that keeps me confined. (So much for the First Amendment Right to Freedom of Speech, huh?)

The last conversation I had with the Attica Administration regarding the possibility of me getting out of Solitary Confinement was in April of 2012. I was told if I had no further contact with my website and did not receive any further disciplinary infractions for “running a business” for a period of six months, I would be sent to Long Term Keeplock. (I would still be locked in 23 hrs. a day, but I would be able to have all of my property, as far as personal clothing, typewriter, television, etc.) In addition, I was told that I could no longer seek mental health counseling should my depression issues return and I could not perform any more hunger strikes. So, in other words, I could not write blogs for my website or promote my book, which the First Amendment allows me to do. I could not seek mental health care, which the Eighth Amendment allows me to do. And, although I had filed numerous complaints about officers tampering with, or placing foreign objects in my food, I would be forced to eat it, no matter what, even if it killed me. This was the ultimatum that was given to me by the Administration of Attica. You may question (as I did) why a prisoner would have to substitute the few rights that he barely has in prison in exchange to be released from ten years of Cruel and Unusual Punishment? But as you see, these are the type of people who are responsible for my confinement.

In the end, the deal would fall through. Within a month of this ultimatum, Correctional Officers searched my cell and confiscated business-related documents that *I was allowed to have* through the facility mailroom months *prior* to the conversation about getting out of Solitary. Since Attica is in charge of their entire internal disciplinary process and ultimately makes the decision if I am found guilty or not, I was not surprised by how easily an extra 2½ years of Solitary time was added to my sentence. After the hearing, I asked Captain Brown how could he use this infraction against me to justify holding me in Solitary, when I was allowed to possess the documents, *before* the ultimatum? He only responded with “You should have thrown them away!” I just looked at him like “what?”

My Relationship With The Area Staff And Immediate Supervisors At Attica Correctional Facility (The Following Is A Letter That I Sent To The Movement & Control Office Within The Department Of Corrections)

Movement & Control
Department of Corrections
Harriman State Campus – Building #2
1220 Washington Ave.
Albany, NY 12226
518-457-6022

Reason: My Transfer from Attica Correctional Facility

Dear Movement & Control,

At the beginning of August 2012 I was informed by Corrections Counselor Ed O'Meara and Mental Health Unit Chief Rasheed Powell that a decision had been made to have me transferred from Attica C.F. to another facility. This, I was told, was due in large part to the physical assault, constant harassment, and mental anguish I have endured by Attica staff since 2009. Because of my institutional designation as a "Central Monitoring Case" (CMC), Mr. O'Meara told me that my transfer would take "a while," but since August, he says he has not heard anything back from your office? On October 11th, 2012, Mr. O'Meara officially retired and suggested that I contact your office regarding my transfer. Since it has been eight months since my transfer request was submitted to your office, I would like to inquire about the status of the transfer and let you know some of what I've been going through since I've been in Attica.

My stay at Attica has not been a fair one and, in fact, I have been through more mental, emotional, and physical harassment than most prisoners in Attica's SHU. For one, I am a pro-se

**Nick: I could not locate the 6 persons.
More space will be needed for 6 photos
Perhaps 3 and 3**

litigant and pro-se litigants are viewed as “trouble-makers” by Attica staff. Prisoners who dare to file grievances and lawsuits challenging unconstitutional prison policies face enormous harassment. In August, 2012, I filed a 1983 lawsuit against several correctional officers and administrative staff alleging that they have formed an internal conspiracy to stop my family and I from exercising our First Amendment rights in promoting my website (www.FREENicholasZimmerman.com) and my book (*My Side of the Story—The Investigation—Part 1*). In the lawsuit, I informed the Federal District Court that on 11/10/10 Officers Hartmen and Mezydlo almost severed my left index finger with a hunting-style knife, on 2/7/12 Officer Hembrook and Bauer destroyed \$1700.00 worth of legal books that I owned, on numerous occasions L. Pearl and J. Prusak illegally opened and read my outgoing legal and personal mail, on numerous occasions my visits with family members have been unexplainably terminated or denied, and that the Attica Administration has repeatedly and blatantly violated correctional, state, and federal law in order to load me up with years and years of Solitary Confinement time. (To view the lawsuit in full detail search *Zimmerman v. Todd* 1:12-CV-00763 on the U.S. District Court website.) In addition to the above, since I filed the *Zimmermann v. Todd* lawsuit, Attica staff has begun to retaliate in a most revealing fashion.

Without regard to the audio/video recording system in Attica’s SHU, Officer Bauer has, on numerous occasions, decided to walk up and down the gallery blatantly telling inmates that “Zimmerman is a rat; he testified against everybody in his case.” “Zimmerman is a rapist.” “Zimmerman told us that an inmate was trying to smuggle drugs in through a visitor last week.” “Zimmerman this . . .” “Zimmerman that . . . etc., etc., etc.” It’s gotten to the point where the Zimmerman name is mentioned more than the actual name of the facility itself. And while none of this is actually true (I’m not a rat or a rapist, nor will I ever be), Bauer does this with the sole intentions of having inmates remember my name and face so that they will try to kill me when I get to population. I am under the impression that the Administration at Attica encourages Bauer to spread these sadistic lies about me because when I brought this very serious issue to the attention of Captain Brown, Lt. Doughtry, Superintendent Bradt, etc., they simply

chucked at me and walked away? And the very next day Bauer was right back at it.

Furthermore, because I was admitted to the mental health unit four times in March and April 2012, Lt. Doughtry has formed his own acts of retaliation against me. In March, he ordered officers to relocate my cell location to C-W-17. Next to me in C-W-16 is Jeremiah Strohmman, who is only allowed, if we're lucky (?), to shower 3 or 4 times a year. So as you can imagine, the smell coming out of his cell is unbearable at times. Strohmman is, by all accounts, a mentally ill prisoner who has loud outbursts and imaginary cell mates with whom he argues and fights with for hours and hours. Needless to say, the noise coming from his cell in the middle of the night prevents everyone from sleeping, but me especially. I'm right next to it. ☹ Additionally, the bed frame in C-W-17 has a humongous dent in it and, once you lie in it, you get the feeling that you're about to roll onto the floor. So, many of my nights are spent hiding under a pillow trying to shield the noise from Strohmman's latest debate, to trying to fight off the illusion that I'm going to fall on the floor in the middle of my sleep. ☹ While all of this is unconstitutional, no one seems to care. On 4/4/12 I filed a grievance with the Central Office review committee in Albany, NY, asserting that the bed frame in my cell is dented and that I was placed next to a mentally ill prisoner for the sole purpose of retaliation in violation of federal law (see *Tillary v. Owens*, 719 FSupp 1256—those with mental illness must be in a separate unit). When Lt. Doughtry was forced to respond to my grievance, he lied and said that my bed was "serviceable" and that there was no smell coming from my neighbor. With Central Office being nothing more than a branch of the Dept. of Corrections, they denied my grievance based on Lt. Doughtry's word. No independent person came to take pictures of, or to verify that my bed is really dented, or to check Strohmman's showering records to see if he has been getting showers. And since March, 2012, I have been living under these circumstances and Doughtry has repeatedly stated that he will not change my cell location, even though there are other open cells available.

With everything that I've been

Lieutenant Doughtry

through with the above Attica officials, you should know I am still forced to eat from their hands. Bauer is my regular gallery officer. He works five days a week and he is responsible for distributing the food trays to prisoners. On numerous occasions I have received food trays filled with water, garbage, chewed tobacco, etc. Bauer has also created incidents where I would be set up with a loaf diet (or "Puppy Chow" as it is commonly referred to by Attica staff). The most recent occurrence happened on 8/15/12 when Bauer gave me a direct order to stick my bare hands into a toilet bowl filled with urine and feces to retrieve two empty packs of jelly. When I refused, he issued me a disciplinary report and the Hearing Officer, Lieutenant Laverde (who, of course, works for Attica) found me guilty and sentenced me to 10 days of a loaf diet. (The loaf diet consists of one small block of bread, with no water and no other food. I was forced to eat like this for 10 days.) When I appealed the decision to Superintendent Bradt, he, of course, agreed that I should have stuck my hand in the toilet to get the jelly packs and denied my appeal.

In conclusion, my purpose in writing you is to bring these issues to your attention and to request that you please transfer me out of Attica as soon as possible. With all due respect, I do not believe that it takes "months" to find a jail to transfer me to. When the decision was made to transfer me *to* Attica, that was done in *four days*, but when it's time to transfer me *from* Attica, it takes *eight months*??? Further, whenever I am transferred on court or hospital trips, the decision to move me is made in one or two days and no extra security precaution delays that move??? So, since my corrections and mental health counselors both agree that I shouldn't be here, I am asking to be transferred.

Thanks for your time and attention to this matter and I look forward to hearing from you.

Sincerely,
Nicholas Zimmerman
cc: Inspector General's Office

If anyone reading this letter questions just how bad Attica really is, I invite you to read the 2011 Report on Attica by the Correctional Association of New York (see CorrectionalAssociation.org). This watchdog agency has labeled Attica as "one of the most notorious prisons . . . in the

country." "A constant level of tension is felt throughout the facility . . . and there appears to be an 'us (against) them' culture which results in more violence, intimidation and harassment by staff." (emphasis added)

Discussion On The History Of Solitary Confinement And Its Physical And Mental Effects

In 2005, the **Commission on Safety and Abuse In Prison** conducted a year long investigation into the effects of prison life and, more specifically, the effects of Solitary Confinement. The Commission consisted of attorneys, federal circuit judges, advocates, psychiatrists, wardens, medical doctors, prisoners, prosecutors, correctional officers, major generals, senators, FBI agents, Sheriffs etc. . . . At the end of the inquiry, all of these professionals agreed upon one thing: "**End conditions of isolation and make segregation a last resort**". (See "**Confronting Confinement, a Report by the Commission on Safety and Abuse in America's Prisons**" by **Commission Co-Chairs John J. Gibbons and Nicholas de B. Katzenbach.**) (*Download the FREE report at www.Prisoncommission.org*)

Several experts gave testimony before the commission about their knowledge of Solitary Confinement. **Psychologist and University of California Professor Craig Haney**, who has interviewed hundreds of prisoners in segregation, has said they are "utterly dysfunctional when they get out". (See page 52 of the Commission Report) **Lawyer Fred Cohen** stated that segregation has become a "regular part of the rhythm of prison life" @ 53 finding that people who pose no real threat to anyone are languishing in solitary confinement for years @ 52. **Psychiatrist Stuart Grassian**, who studied the effects of solitary confinement for 20 years found symptoms of anxiety, confusion, and hallucination and sudden violent and self-destructive outbursts in the prisoners in solitary. Grassian labeled this the "**SHU Syndrome**" @ 58 and other experts before, and after Grassian, has observed the same symptoms in prisoners. (**Brodsky and Scogin 1998, Fisher 1994, Haney 1993, Haney 2003, Kupers 1999, Rhodes 2004, Toch 1975.**) @ 58. The American Correctional Association warned the inmates whose movements are restricted in segregation units may develop symptoms of acute anxiety or other mental problems". @ 60 The

commissioners found that “a record of 44 prisoners killed themselves in California prisons in 2005, and 70 percent of those suicides occurred in disciplinary segregation units”. @ 59. In the end, the Commission found that in light of all the evidence, we should accelerate this trend: Stop isolating people and ensure segregated prisoners have a regular meaningful human contact and are free from extreme physical conditions that cause lasting harm” @ 59.

Peter Scharff Smith of the **University of Chicago** also published a report about **Solitary Confinement** called “**The Effects of Solitary Confinement on Prison Inmates**” (See 34 Crimes & Justice 441) Much like the Commission Report; the Smith report confirmed that solitary confinement causes serious mental health issues.

The report confirms that solitary confinement is “physical isolation of individuals in which they are confined in their cells for around 23 hours per day”. The Commission also agreed upon this definition. The report explains that “general psychological distress increases with the increase of restriction” and that “inmates in segregation reported more feelings of inadequacy, inferiority, withdrawal, rage, anger, aggression”. @ 8 and “though a few studies reached discordant findings, the vast majority document significant negative health effects arising from solitary confinement”. @ 8.

Attica’s Mental Health and Administrative staff is notorious for ignoring prisoners who have languished in solitary for years or who have a serious mental illness. The insensitivity about Attica Staff has been documented as far back as 1999: “Many researchers report difficulties in learning about symptoms of isolation since many prisoners hide their condition. Inability to cope maybe perceived by the prison guards as a weakness, a weakness many prisoners try hard not to reveal, but even if prisoners reveal such weaknesses, they may be interpreted by prison staff as attempts at manipulation to get special treatment. **A Human Rights Watch Report** describes how staff at **Attica C.F.** were pre-occupied with not being ‘conned’ or manipulated by prisoners. Even self-mutilation can be interpreted in that way” @ 17. Surprisingly, the article details that “serious symptoms can occur in healthy individuals after only a few days or weeks in isolation and that

each day in isolation was likely to continue a risk that is heightened the longer the isolation continues". @ 29.

Another article written by **Jules Lobel** entitled **Prolonged Solitary Confinement and the Constitution** (See Journal of Constitution Law, Vol 11:1 December 2008) quotes Tommy Silverstein's definition of solitary confinement: "It's like a toothache, a slow constant peeling of the skin, stripping of the flesh, the nerve wracking sound of water dripping from a leaky faucet in the still of the night while you're trying to sleep". (Mr. Silverstein has been in solitary confinement for 25 years!) @ 116. A prison in Sweden likened solitary confinement to "a well built machine – a nightmare for the spirit" @ 118. Solitary Confinement in Auburn C.F. was proven to be fatal to the majority of prisoners. It devours the victim incessantly and unmercifully; it does not reform, it kills". @ 118. **District Judge Henderson** found that "some inmates spend time simply pacing around the edges of the pen; the image created is hauntingly similar to that of caged felines pacing in a zoo". @ 119 "to confine someone in isolation for many years seems extreme – akin to a death sentence for life" @ 122. **The International American Court of Human Rights** found that "Prolonged isolation and coercive solitary confinement are, in themselves, cruel and inhumane treatment, which damages the person's moral and psychic integrity". @ 123. **The United Nations Committee Against Torture** "has recommended that the practice (of Solitary Confinement) be abolished altogether" @123. **The European Commission of Human Rights** observed that it is generally acknowledged that all forms of solitary confinement without appropriate mental and physical stimulation are likely, in the long term to have damaging effects". @ 124. What is most important about the Jules Lobel piece is that it points out that even in the case of a convicted terrorist who was considered "the worst of the worst", and a second terrorist who was convicted of "killing thousands of people" were sentenced to 8 and 6 years respectively, in solitary confinement for their crimes, but the **European Committee on the Prevention of Torture** *still* called upon the Turkish Government to release them out of segregation. @ 124. Of course, in the instant case, I am not a terrorist. I was simply convicted of attempted escape in Westchester County Court,

but was later found not guilty of the same escape attempt by the New York State Department of Corrections?

An amici curiae brief was filed in the case of **Wilkerson v. Austin** 2005 WL 539137 (2005). This brief was affirmed and co-signed by more than eight medical and mental health doctors that all agreed with the writings of **Attorney, Michael E Deutsch Esq.** In the Brief Mr. Deutsch highlighted that solitary confinement “imposes an atypical and significant hardship” on prisoners . . . Because “prisoners (now) experience levels of isolation and behavioral control that are more total and complete and literally dehumanized than has been possible in the past”. @ 7 “Some jurists soon recognized that solitary confinement was a greater evil than certain death and it was reported that prisoners in solitary beg, with the great earnestness, that they may be hanged out of their misery”. @ 8 “A person exposed for the first time to isolation develops . . . anxiety, frustration, and depression” @ 10 and that “prisoners even after **one week** of solitary confinement experienced levels of sensory deprivation”. @ 10. The brief compared the technique used to “break the will” of a subject to solitary confinement and found them to be one in the same. @ 11 It is also found that “human beings cannot endure significant levels of uncontrollable stress for long periods of time without psychological harm . . . and . . . the more prolonged and complete the isolation, the greater the risk of harm”. @ 11.

Psychiatrist Frank Rundell recalled the “madness” he saw working in the solitary unit as prisoners “set their mattresses on fire, tear their sink and toilets from the wall, ripping their clothing and bedding and destroying their own personal property to escape the torture of their own thoughts and despair.” @ 11 One solitary unit in Maine reported that “almost all their prisoners had attempted suicide”. @12. “Some prisoners lose the ability to initiate or control their own behavior, or to organize their personal lives . . . Some prisoners become uncomfortable with small amounts of freedom because they lose confidence in their own ability to behave without constant restrictions to which they have become accustomed” @16 **Psychologist Michael Jackson** found that “The study of isolated Canadian prisoners revealed that the single most important factor in the segregated inmates description of the effects that solitary confinement had upon them was the

prisoners experience of the justice or injustice of his segregation" @17.

In 2005, **the Correctional Association of New York** conducted an inquiry into the complaints among prisoners at Attica C.F. Among other things, they "were struck by a widespread sense of fear and intimidation among inmates." (See **correctionalassociation.org** and download the **Attica Correctional Facility Report 2005**) "Reports of staff physically abusing inmates and retaliation by officers against inmates who file complaints about the staff were extensive" @ 1 "Inmates . . . reported that the administration is unable to halt the pervasive violence and abuse by the officers". @ 1 Even the Correctional Officers who unjustifiably assault prisoners admit "Attica is not a fun place for inmates". @ 10 "It takes an exceedingly long time to process visitors, significantly shortening the length of visits. @ 10 and that "Female visitors face sexual harassment". @ 9 "The most consistent complaints was the problem of staff abuse, which apparently takes several forms, including physical abuse, inappropriate force, intimidation during pat frisks . . . shutting off inmates lights or water or denying them meals and recreation, etc. . . . @ 5

And lastly, the fight to end solitary confinement is not an old issue, and in fact it is still a hot topic. On October 17th, 2011 The **Metro New York** newspaper reported that the **United Nations** was holding meetings with religious and human rights groups to discuss ending the practice of solitary confinement, nationwide (See **www.Metro.us "Isolation In Prison Akin to Torture: Group" October 17th 2011**). In 2010, the **American Bar Association** approved its **Criminal Justice Standards on the Treatment of Prisoners** which recommended that "no placement in disciplinary housing should exceed one year." (See **AmericanBar.org**.) U.S. District **Judge Shira A. Scheindlin** was the first judge to cite and follow the **ABA standards** in holding that two years of Solitary Confinement for possessing U.C.C. documents was excessive (see **Peoples v. Fischer 11 Civ 2694**). The **New York Civil Liberties Union** filed a report in 2012 entitled "**Boxed In: The True Cost of Solitary Confinement**," requesting that DOC's end long-term solitary confinement (see **NYCLU.org**). In addition, I have published a book which contains the most recent developments in the fight to end Solitary Confinement. (See **Everything You Need To**

Know About Solitary Confinement by Nicholas Zimmerman on Amazon.com.)

Challenging My Ten-Year Solitary Sentence Through The Federal Courts

In 2006, I filed a federal lawsuit against Joseph Wolczyk, Donald Selsky and several members of the Department of Corrections alleging, among other things, that my 8th Amendment Right against Cruel and Unusual Punishment was violated when I was sentenced to ten years of Solitary Confinement by Joseph Wolczyk. (For more on this lawsuit, see *Zimmerman v. Burge, et al.*, 06-CV-0176 on the Northern District Federal Court of New York website.) As far as I know (based on the research I've done in the law books), I am the first prisoner in New York State (and possibly across the Country) to challenge long-term Solitary Confinement on 8th Amendment Constitutional grounds, win on Summary Judgment, and subsequently be granted a full jury trial on the issue. I've done a lot of research on Solitary Confinement and the Federal Courts have yet to find that long-term Solitary Confinement (absent a serious mental illness) violates the 8th Amendment. Thus, my case would have been the first case to set precedent on challenging Solitary Confinement on 8th Amendment grounds. And I would have won, had it not been for a few unexplainably bad rulings by Northern District Judge Mae A. D'Agostino.

[Before I begin writing on the subject of my trial, I want you to know that I am not attempting to bash Judge D'Agostino in this letter. I've been before some terrible judges that deserve my pen-lashing! Judge D'Agostino is not one of them. During my trial, D'Agostino made rulings in my favor that prisoners (and some lawyers) could only dream of receiving. At times, she followed the law so much that it made me question if she was *really* a judge??? In comparison to other judges, and although I lost, I still feel that D'Agostino is the best judge I've been before, so far.]

Donald Salsky

Judge Maea Dagastino

Joseph Wolczyk

There were three troublesome rulings that D'Agostino made that seriously affected the outcome of my trial. The first is her denial of my request for an adjournment to secure the testimony of Doctor Muhammad Iqbal. Dr. Iqbal was my doctor while I was housed at Auburn Correctional Facility and he diagnosed me with "clinical depression," due in large part to all the years I spent in Solitary Confinement. Since I had to prove to the jury that Solitary has had a major impact on my physical and mental health, I requested that Iqbal be allowed to testify regarding my issues with depression. Judge D'Agostino granted that request, but when I attempted to subpoena Iqbal for the day the trial was to start, he informed the Court that he would be out of the country on vacation for that day, and the remaining week. Instead of adjourning the case until Iqbal returned from vacation, D'Agostino forced me to question him, *by phone*, in front of the jury. Without Iqbal having my mental health file with him to verify my treatment plan, every question I asked him regarding my diagnosis and treatment, battles with depression, effects of Solitary Confinement, etc., was answered with "I can't answer your question, Mr. Zimmerman, because I don't have your file with me." Thus, I was not able to prove to the jury that I was diagnosed with depression while I was in Solitary, which is a key element under the Cruel and Unusual Punishment Clause of the 8th Amendment.

The second error in my trial is that D'Agostino refused to take "Judicial Notice" of research that shows that Solitary Confinement causes serious medical and mental health issues. Pursuant to Rule 201 of the Federal Rules of Evidence, "a judge must take Judicial Notice of statutes, court opinions, court rules, factual foundations based on scientific, social and economic research, government reports and all documents that are not subject to reasonable dispute and cannot reasonably be questioned." Once the judge takes Judicial Notice of a document, the court must present the file to the jury as a "conclusive fact" and instruct them to rely on that during deliberations. During my trial, I asked D'Agostino to take Judicial Notice of several reports *and she denied all of them*.

The first document I presented to D'Agostino was the *Report of the Commission on Safety and Abuse in America's Prisons: Confronting Confinement* (see www.PrisonCommission.org). The Co-Chairman of this committee was the former Chief Judge of the

U.S. Court of Appeals, Honorable John J. Gibbons, and former U.S. Deputy Attorney General Nicholas deB. Katzenbach. The second document was a report prepared by Professor Jules Lobel of the University of Pittsburgh entitled "Prolonged Solitary Confinement and the Constitution" (see *Journal of Constitution Law*, Vol 11:1 December 2008). And the last document was a report by Peter Sharff Smith entitled "The Effects of Solitary Confinement on Prison Inmates" (see 34 *Crime & Just.* 441). These documents explain, in depth, the effects of Solitary Confinement on the human body and the arguments contained therein are supported by "statutes, court rulings, opinions, mental and medical research, government documents, etc." D'Agostino's refusal to present these reports to the jury left my case lacking support in showing that Solitary Confinement causes a serious mental illness.

The third violation in my trial came when D'Agostino refused to charge the jury on Supreme Court caselaw that confirms that Solitary Confinement causes serious mental and medical conditions. At the end of the trial, the judge must instruct the jury on relevant caselaw that tends to support the Plaintiff's or Defendant's position. I requested that D'Agostino read certain excerpts from Supreme Court caselaw that states: "a considerable number of prisoners fell, even after a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; still others committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community." (See *In Re Medley* 10 Sct. 384 at 386.) Also see *Davenport v. DeRoberts* 844 F2D 1310 (7th Cir. '88) at 1313: "The record shows, what anyway seems pretty obvious, that isolating a human being from other human beings year after year or even month after month can cause substantial psychological damage, even if the isolation is not total."

D'Agostino refused to inform the jury about any of the above language coming from the Supreme Court, she refused to take Judicial Notice of my research on Solitary Confinement and she abridged my right to call Doctor Iqbal as a witness. In the end, I was the only black person/ prisoner, in a federal courtroom, trying to convince an all-white jury, in government town Albany, NY, that Solitary Confinement causes a serious medical and mental illness without a shred of evidence to

support (what appeared to be) nothing more than my own crazy theories. (Is it coincidence that a year later more than 250 advocates showed up at the Congressional Hearing advancing the same "crazy theories" that I have on Solitary Confinement? See Media Reports.) Of course, you may be asking how can I still consider D'Agostino to be the best judge that I've been before with all the violations that she purposely committed at my trial? Well, *trust me*, in comparison to other judges that I've encountered, D'Agostino is an angel.

What Am I Doing Now To Get Out Of Solitary Confinement?

The Correctional Law 137 Petition: Since the Attica Administration is not willing to be reasonable to my Solitary Confinement issues, my family and friends have started a petition on-line in order to gain support for my release. They are hopeful that once they gain 50,000 signatures the media will be interested in covering a story about my situation. If this happens, perhaps the Commissioner will be a little more sympathetic to the amount of time that I have in Solitary and release me? If you or anyone you know would like to view the petition, you can find it at <http://bit.ly/137Petition> or send an email to hello@freenicholaszimmerman.com and request that they send you a link to the Petition Page. Your signature and support on this petition would mean a great deal to me.

Appealing Judge D'Agostino's Decision: I am in the process of filing an appeal to the 2nd Circuit Court of Appeals based on the erroneous decisions that D'Agostino made during my trial. I have pointed out strong Constitutional violations in my brief and supported my arguments with federal caselaw that is directly on point with my issues. To read my appeal see <http://bit.ly/DagostinoAppeal>.

My 1983 Conspiracy Lawsuit: Pursuant to sections 1983 and 1985 of the United States Code, I have filed a new lawsuit in the U.S. District Court alleging that several members of the Department of Corrections have formed a conspiracy to stop my family and I from exercising our First Amendment Rights to Freedom of Speech in promoting my book and website. (To view my lawsuit, see <http://bit.ly/ConspiracyLawsuit>.) If the Courts agree with my argument that the First Amendment includes the right to run a business, as the Court affirmed in

Abu-Jamal, then the judge can order the Department of Corrections to release me from Solitary.

Appealing My Criminal Conviction In The Sing Sing Escape Attempt Case: I have filed a Federal Habeas Corpus Petition in the Southern District of the United States District Courts challenging my conviction in the escape attempt charges. In the appeal, I break down every aspect of the evidence that was used at my trial and show that even if you look at the evidence as a whole, or in individual layers, I cannot factually *or even theoretically* be legally convicted of attempted escape. I also point out all the lies that were told and Constitutional Amendments that were broken in order to obtain the conviction. Surprisingly, my appeal has been pending since 2009 and the District Court has yet to make a decision on it? If you would like to read my Habeas Brief, see <http://bit.ly/TheSingSingCase>.

My Petition For Clemency to Governor Cuomo: I have sent my Clemency Petition to the Governor of the State of New York, Andrew Cuomo. The Petition asks for clemency in my original conviction for criminal possession of a weapon, my second conviction for attempted escape, and my disciplinary convictions for running a business. The Petition details all the reasons why I should be released on “actual innocence” and I am requesting that everyone read it and sign it in order to show support in obtaining my release from prison. To view the Petition, please go to <http://bit.ly/ClemencyPetition>.

Conclusion

In bringing this letter to a close, I hope I have given you a little insight about my situation and brought you up to date on my case. The bottom line is, the effects of Solitary Confinement are a serious matter and the Dept. of Corrections in New York is taking it as one big joke! God bless the numerous organizations, doctors, lawyers, media outlets, advocates, etc., who have worked hard to bring this issue to the forefront, but none of these people can give you the inside scoop on Solitary Confinement like someone who has lived it for ten years. The Hearing Officer who presides over the disciplinary hearing hands out Solitary Confinement time like it's government cheese. The Director of Special Housing Units, who is responsible for overseeing the disciplinary process, simply

Recent Changes In The Public's Perception
Of Solitary Confinement

rubber-stamps the majority of disciplinary appeals that prisoners send to him and the Court system takes *years* to decide a prisoner's lawsuit based on an excessive Solitary Confinement sentence. (For example, look at the *Zimmerman v. Burge* case. I filed that in 2006. Wasn't given a trial until 2011. By that time, I had already served more than half the Solitary sentence.) As stated previously, I did not write this letter to bash Judge D'Agostino, nor, for that matter, Commissioner Fischer. You may come across some good things on the Internet that the Commissioner has done for DOC's and the prisoners over the years. The prisoners, as well as myself, recognize this. However, on the other hand, the way he has allowed the Attica Administration to oppress me with years of Solitary Confinement for simply exercising my rights to Freedom of Speech is ridiculous! The only way for me to bring awareness to my situation is by utilizing the Internet and promoting my book. The Court system has already shot down, ignored and rubber-stamped all of my appeals in my criminal case. Thus, the only avenue left for me to obtain any kind of justice is through public support and Attica, under the Commissioner's approval, is doing *everything* in their power to stop that!

We are pleased to announce that after a long battle with DOCCS, Nicholas has been transferred to Clinton C.F., Brian Fischer has stepped down as Commissioner and DOCCS has started to drastically reduce the amount of SHU time prisoners are given for disciplinary infractions. Still, there is work to be done! Nicholas is still being held in solitary and we have other issues that need to be addressed. Therefore, we ask that you please help Nicholas with the issues on the following page . . .

I Kindly Request Your Assistance With The Following:

1. If you decide to start working with me on my case I would first like you to know all the intricate details about my situation before you get involved. Kendra Lyneigh Hughes has written a book about my case entitled *My Side Of The Story—The Investigation—Part I* (see FREENicholasZimmerman.com, Amazon.com, BarnesandNoble.com, etc.). This book explains the corruption involved in my original case and covers more subjects about the Sing Sing case than I was able to write about here. I hope you will consider reading it. It may also be helpful to download my album, entitled *Puzz Pacino Presents: New York's Illest—The Compilation—Part I* (see Amazon.com, iTunes.com, Rhapsody.com, etc.). A portion of the proceeds of these products are donated to my legal defense fund so I would appreciate your support on this.
2. As stated previously, my family has started a petition to get me out of Solitary Confinement. Please take a little time to read and sign it at <http://bit.ly/137Petition> or <http://bit.ly/mixjts>.
3. I'm always looking for an assistant to help me with typing legal documents, doing research on-line, social site work, etc. If you're willing to help me, I can pay you for your assistance. To learn more about the exact assistance I would need from you and how much I can pay for your help, please visit: <http://bit.ly/flal>.
4. It would be greatly appreciate if you could send a letter/e-mail to Governor Cuomo, Acting Commissioner, Anthony Annucci and Superintendent Racette of Clinton C.F. in support of my release from Solitary Confinement. Everything that I have written in this letter is true, and you can rely on it. To the extent you need supporting documents before you can craft a letter in my favor, just ask me for whatever you need and I'll send you copies, OK? There is one thing that I want to point out to you. At the end of the Brian Fischer article, Commissioner Fischer says: "*fair criticism can be made as to whether or not we're placing the right inmates in segregation and are we keeping them there longer than necessary. That's why, at my direction, DOC's is reviewing its policies regarding such placements and length of stays.*" Seems

like Fischer agrees that long-term Solitary Confinement should end? If so, maybe you should ask the new Commissioner why is Nicholas Zimmerman still in the box??? (My family has set p an e-mail address at: *AtticeAdministration@gmail.com*. Please send your e-mails to Cuomo, Annucci and Racette to this address and they will forward it to the Governor, as well as keep a copy on file. If you decide to send a physical letter, please send a copy to: *Madison Avenue Entertainment Group, c/o Posha Jenson, P.O. Box 10276, Albany, NY 12201*.

5. If you happen to have any connections to the media (such as newspaper or television reporters, bloggers, political organizations, websites, etc.), please contact them about my situation and request that they do a story on my case. Awareness is key in stopping injustice, so media attention on this issue will help a great deal! Below are the names of a few reporters who have written about ending Solitary Confinement in the past, so they may be more willing to help me. I apologize for not having their contact information, but please Google them to get an e-mail address or phone number for them, OK?

Alison Bowen (Metro.us)

Adam Cohen (Time.com)

Jennifer J. Parish (NYTimes.com)

Alysia Santo (AlbanyTimesUnion.com)

Erica Goode (NYTimes.com)

Jonathan Ernst (NYTimes.com)

Joel Stashenko (NYLawJournal.com)

Mark Hamblett (NYLawJournal.com)

6. And lastly, I am looking for legal representation on the appeal that I am filing to Judge D'Agostino's decision and on the 1983 Conspiracy lawsuit that I recently filed in the Courts. While I am good with the law, I know and understand that the Courts will continue to ignore and rubber-stamp my issues until I am able to get a good lawyer on my case(s). If I am able to get the D'Agostino trial overturned, the State would have to pay me approximately \$300.00 a day for about 8 years of Solitary Confinement time, and with the Conspiracy lawsuit, if the Courts agree

Nicholas Zimmerman

that my Freedom of Speech rights were violated, I would get the same rate for about 7 years of Solitary time, not to mention what my family and friends would get for what they've been through. Thus, if you know any good Civil lawyers out there, maybe you can bring my case to their attention? They stand to make a good percentage of the compensation I receive, so it would be beneficial for them.

Thanks again for your help,

Nicholas Zimmerman

02A1663

Clinton C.F.

P.O. Box 2001

Dannemora, NY 12929

www.FREENicholasZimmerman.com

Nicholas@FREENicholasZimmerman.com

NicholasZimmerman@gmail.com

CHAPTER 2

Who Cares If He's Innocent?

By Nedra James and Nicholas Zimmerman

Scene 1

The date is September 19, 1998. The time is approximately 2:30 a.m. Nicholas Zimmerman, a.k.a. "Puzz Pacino," is ready to give Hempstead, Long Island the best show he possibly can. Immediately performing after him is the multi-platinum recording group, Soul 4 Real. Therefore, he is the "opening act," and he must prove himself to the sold-out crowd. Puzz isn't worried though, he'd opened up for A-List artists in the past (Total, Craig Mack, The Lost Boyz) so he knows how to handle himself in front of a crowd. However, this show might be the most important of his career. Label executives from MCA Records are in attendance, and depending on how well Puzz does tonight, a major record deal may be in the works. Not a problem; Puzz rips into his 30 minute set as if he was already a major artist. The Club Jam-Rock audience is pleased, and so are the on-looking executives.

Scene 2

The date is September 19, 1998. The time is approximately 3:00 a.m. Jatanya Belvanis (Puzz's girlfriend) is having a heated discussion with Nakia Stubbs. Nakia, her best friend, Kariesha and her boyfriend Wilson decided to go to Jatanya's house in Rosedale Queens to retrieve a Jeep Cherokee that Nakia had rented Jatanya earlier in the week. When the trio arrived at Jatanya's house the Jeep wasn't there and Jatanya informed Nakia "that her boyfriend had the Jeep." At this point, Nakia became enraged and an argument ensued. Jatanya stated that



the group “threatened to shoot up her house.” In response to this threat, Jatanya called Nandi Cooper for help, a friend of hers that lived close by. Minutes after Jatanya placed this call to Nandi three men emerged from the backyard of a nearby home and attacked Nakia. One of the men stood guard with a gun in hand, while the others searched Nakia for weapons. After the search, the man with the gun shouted “I should kill you” and then fired the gun in the air several times before all three men fled the scene. Jatanya, Kariesha, and Nakia’s boyfriend, Wilson, had already escaped the area at the sight of the three men, thus they weren’t able to identify anyone. However, Nakia alleged to have gotten a good look at the man with the gun and identified him as Nicholas Zimmerman a.k.a. “Puzz Pacino.” Nicholas was arrested two weeks later.

Scene 3

Nicholas proclaimed his innocence and refused to plead guilty to the charges and so he was forced to stand trial. At trial, Nakia testified to the above events, but admitted that she had “only seen Nicholas on two occasions prior to the above events and that was months earlier, for five minutes each time.” Nakia testified that when she was attacked “it was dark out, pitch black, and there wasn’t much light” which proved Nakia could

have been mistaken in her identification of Nicholas. Finally, Nakia admitted that at the time of Nicholas' trial, she was being prosecuted on unrelated charges of Bank Fraud, a Scheme to Defraud, Possession of Forged Documents, Forgery, etc . . . After Nakia testified it was time for the defense to put on their case.

Nicholas' position at trial is that he could not have attacked Nakia at 3:00 a.m. on September 19, 1998, because he performed at Club Jam-Rock in Long Island at the exact same time and date. To prove his innocence, Nicholas attempted to call several alibi witnesses: Haron Wilson (Nicholas' childhood friend, producer, and long-time manager), Theophulus Brown (the concert promoter of the event at Club Jam-Rock), Andre, Brian, and Chriss Dalrymple (the brothers of the group Soul 4 Real). These witnesses were scheduled to testify that Nicholas performed at the Jam-Rock Nightclub on September 19, 1998, from 2:30 a.m. to 3:00 a.m.

In addition, Nicholas attempted to call Natascha Dockery (Jatanya's neighbor) and Samuel Belnavis (Jatanya's father). Both witnesses were present for the attack of Nakia, and identified the man with the gun, but stated that it was not Nicholas, and that Nicholas was not present when Nakia was attacked. Lastly, Nicholas attempted to introduce into evidence a performance contract and promotional flyers that verified that "Puzz Pacino was scheduled to perform at Club Jam-Rock on September 19, 1998, at 2:30 a.m." Unfortunately, the jury members never heard any of this evidence.

In a very unusual and disturbing decision, Justice Rosengarten of the Queens County Supreme Court ruled that none of this evidence would be allowed into the trial because Nicholas' lawyer, Brendan O'Meara, "forgot to put the witnesses name and addresses on the notice of alibi" (An alibi notice is a simple form that states the witness' name, address, and what they plan to testify to).

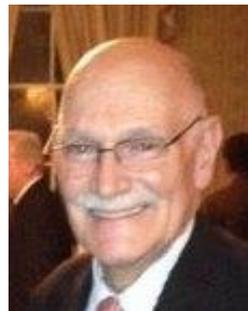
Club Jam-Rock

Thus, because of this ruling, the jury was only allowed to hear Nakia's testimony in which she implicated Nicholas. They were not allowed to hear Nicholas' alibi defense. In the end, the jury convicted Nicholas of Criminal Possession of a Weapon (even though no gun was recovered) and Judge Rosengarten sentenced Nicholas to an amazing eighteen (18) years in prison.

Conclusion

Although the above evidence may seem like something straight out of a movie, it isn't. It's the real life drama of Nicholas Willis Zimmerman a.k.a. "Puzz Pacino," an aspiring rap artist from East New York, Brooklyn. Since 2001, Nicholas has pursued every avenue of appeal through the State appellate system, only to have every motion denied, most times without the Court even providing a decision. In denying Nicholas' latest request for freedom, Judge Rosengarten stated "to be compelled to have to deal with Nicholas' rambling, disjointed, and repetitious motions of innocence is burdensome, unending, and a waste of the taxpayer's money." More shockingly, Rosengarten wrote "Nicholas may hope for some relief from the 2nd Dept., Appellate Court, but any future motions filed (in Rosengarten's court) will be swiftly and summarily denied." Amazingly, Rosengarten made these statements even after Nakia filed an affidavit in his court admitting that she was coerced and threatened to identify Zimmerman at trial. "She (Assistant District Attorney, Leigh Bishop) told me that if I refused to cooperate, I would be arrested on a material witness order and held in jail until I testified," Nakia said. In a two page affidavit Nakia continued, "I reluctantly testified at the trial because the A.D.A. threatened to arrest me, even though I told them I was never absolutely certain that Nicholas Zimmerman attacked me." Judge Rosengarten mocked Nakia's affidavit as a "recent revelation" and called it "inherently unreliable."

Several attorneys have taken an interest in Nicholas' case and have agreed that he was wronged by the system. Attorney Richard M. Langone stated, "Nicholas' case represents a plethora of constitutional violations,"



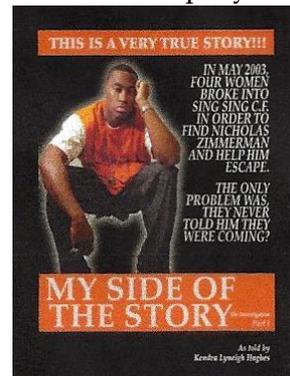
Judge Roger R.
Rosengarten

while Attorney Samuel A. Abady said, "This case appears to be a miscarriage of justice." Even talk show host and high profile attorney, Ron L. Kubly has publicly spoken about Nicholas' case. "Nicholas' trial Attorney (Brendan O'Meara) did such a terrible job handling his case, it's just a very unfortunate situation," Kubly said.

Attorney
Brendan O'Meara

After years of fighting an uphill battle however, Nicholas' case seems to have taken a turn for the better. In March, 2006, U.S. District Court Judge, Allyne R. Ross accepted Nicholas' Habeas Corpus petition in which he details his innocence with the above mentioned evidence. Judge Ross is scheduled to make a decision soon in Nicholas' case. Legal on-lookers hope and expect Ross to throw out Nicholas' wrongful conviction or, at the very least, give him a new trial. "I'm only asking that Judge Ross do the right thing. I've spent sleepless nights researching the State and Federal law, trying to find case law that fits my situation perfectly. All the case law I found explicitly shows that everything Judge Rosengarten and A.D.A. Leigh Bishop did to me was wrong and unconstitutional. I'm only asking that Judge Ross follow that law." (Nicholas 1-15-2007-press release)

In addition, Nicholas' case was recently exposed to the public's eye. *My Side Of The Story / The Investigation / Part I* is a book, interview, investigation and conspiracy all wrapped in one. The one thing it isn't is boring. In the 500 page tell all book, Nicholas (reluctantly) discusses how he allegedly stole in excess of \$600,000 from almost every major credit card company in America, to how he was accused of planning one of the biggest escape attempts that New York State has ever seen. (Oh yeah, he also details the real reason why Judge Rosengarten precluded his alibi defense). "He (Rosengarten) never wanted me to prove my innocence. He used an innocent jury to convict an innocent man, and he did so because he had a bias against me with respect to my previous forgery case," Nicholas said.



The book has all the ingredients of a best-seller, and author Kendra Lyneigh Hughes does an outstanding job leading the investigation. "This is something that needed to be done, the public needed to know about this. Here is an innocent man, an obviously innocent man and the entire State appellate system refuses to even look into it. They won't even investigate it," Hughes said. *My Side of the Story* is packed with exhibits, affidavits, documents, and the original transcripts to Nicholas' trial.

For now, Nicholas' case is at a standstill until he raises enough money through the sales of the book to pay for an attorney. Because of the mishaps the previous attorney made, Nicholas is taking things slowly this time around. "I want to take some time and do my research before I hire another attorney. If I can raise enough money to hire an attorney and if I am granted a new trial, I want to make sure this new attorney knows what he is doing."

CHAPTER 3

Theory of Love

By Nicholas Zimmerman

I've come to the conclusion that love is nothing more than a theory. The word "theory" as defined by Webster's dictionary means: "The explanation of something which has not been proven but which you believe is true." Most times when people give their "explanation" of their love for something or someone, they probably (in their own hearts and mines) "believe its true". However, If you start to question their reasoning for loving that someone or something, you'll start to find that that person truly does not know why they love that other person/thing, thus , their love has "not been proven". I agree with the argument that " all love cannot be explained". There was a few times that I loved someone that I had absolutely nothing in common with. I was criticized for it and asked questions like " why are you with that girl? You could do so much better". I could not point to one specific reason why I loved her, but at the end of the day, I loved her! However, now were in 2008, and I'm a lot older and wiser, and I realize there are a lot of people that are quick to say " I love you", but they are not ready to prove it. Some people believe that a tattoo is proof of their love for someone. Others believe that a wedding ring is definite assurance. While both might be a great step in the direction of love, none of which (either together or separately) can be the ultimate factor. Love is being there for your homie when he/she is in a crisis. You are obligated by the Laws of Love to support your loved one when they need you most. If you're always there for the celebration, but forever absent for the tribulations, you do not love that person. I subscribe to the saying: "If you cant walk with me through the rain, you can't shine with me in

the sun". Love is also based on conversation. For instance, If you get a call from the person you love saying "I m going through something right now and I need someone to talk to . . ." you are bound by the Laws of Love to make time as soon as possible to sit down with that person and hear what they have to say. (Most people only turn to a psychiatrist for advice because they have no family or friends to listen to them?) More importantly, always remember there is a thin line between giving advice and being judgemental. Giving advice is: " Listen babe, everyone makes mistakes. May be we can fix it by doing this . . ." Judgemental is: " I wouldn't have never done what you did! You're always getting yourself into something and I always have to clean up your mess . . ." By the time you have the sit down with your loved one, remember they already have been through something dramatic. There's no need in making it worse. Love is also based on loyalty, which a lot of people lack these days. In my opinion, If you love someone you must also be loyal to them and try your best not to break your trust and commitment to that person. Infidelity can ruin a great relationship, but its not so much the actual act of sex that destroys the foundation. It is more so the breach of loyalty and trust that extinguishes any thoughts of reconciliation. Recently I was asked If I thought It was possible for one person to love two people? I answered in the affirmative, but it made me think back to the time when I loved two women. Not wanting to hurt either one, I kept the relationships ongoing for some time. However, in the end, I realized there is no way to cheat the Laws of Love and I eventually lost both of them : (A hard lesson learned, but a mistake I'll never make again.) Because of my own personal experience with the situation, I can see how someone else can fall victim to it, and I would not be the man I claim to be If I tried to fault them for it. Although I've been wronged in the past, I haven't totally given up on this thing called love. I've just become more cynical of it. Today, If someone says they "love me" I wonder If that really means they "like me" because their actions, conduct and behavior does not coincide with the definition of love. I in no way want to come across as an expert on what love is, I'm still young and I have a lot to learn on this subject. However, I'm pretty sure I know what love isn't? In closing, this writing is not directed at any one person, but at a few people. If you feel offended by it, its

probably because you made a commitment to love someone and you haven't been sticking to your end of the bargain? If you truly love someone, prove it. And your "proof" will bring an end to my "Theory of Love.

CHAPTER 4

A Sister In The Struggle

*By Tiffany Chiles with Commentary
by Nicholas Zimmerman*



Tiffany Chiles

Bullet Proof Love

To my Don,

It's been four years since I committed to what I knew was my fate. I would love to say the years flew by but you and I both know that time does what it does . . . I wish I had a dollar of every time I prayed for time to speed up or slow down. When I wrote you this poem four years ago I really never thought I would see this day.

But here we are with all this behind us. We've made it through 300 visits 2900 phone calls, two cars, thousands of miles traveled and countless lonely nights where I cried myself to sleep praying for just your touch.

I've kept four figures in your commissary account and a constant flow of mail coming. Through the years, I've been a friend, secretary, accountant, therapist, mentor, scapegoat, and excuse for many. Despite it all, I've held my head and played my part as your wife. I can honestly tell you that through all the pain, heartache and bad days- boy were there some bad days- I have no regrets. We've been given a Chance to create a few miracles and a legacy. It truly does get greater later!

You once told me to lead by example; well, I've done my best. Now it's your turn to do exactly that. You know there's nothing in this world that I wouldn't do for you. I've had to take the lead for far too long. Now I am ready to stand next to you.

Welcome home Daddy . . . the world is yours . . .

Holding you down and loving you the way only I can.

Your wife,
Tiffany Chiles

A Sister In The Struggle

Today is a bad day. I wish I could say that I've never had one before and once I get through today, I will have no more. But bad days consume my life. I have no escape from them. Some feel like they will never end and today is definitely one of those days. Today is a day when I wonder . . . When a man asks a women to wait for him while he's in prison, does he realize what an incredible emotional sacrifice it is? Does he realize the pain and the never-ending loneliness that attaches it's self to her heart and soul? If he really loves her how could he even ask?

Although I have no regrets, nobody could have prepared me for all the bad days that were ahead of me when I said "I do". And Yes, I walked into my situation willingly. When I made this choice I didn't know what it would mean to consciously hand over the control and happiness of my life . . . not to my new husband but to an institution. From the day we fell in love, my husband told me I had the power in the relationship. I should take the lead because I was the one who was free. How am I free? What power do I have? I buy my clothes according to what's acceptable for visits. At anytime, I can go anywhere my heart desires, but my heart's desire is trapped within that prison compound. So where am I going? I stalk the mailman and won't leave the house until he comes, waiting for that white envelope with that familiar handwriting that has taken the place of hugs and kisses. I check the phone several times a day to make sure its working, waiting to hear it ring and see 'UNAVAILABLE" appear on the caller ID, a sight that has taken the place of the sound of my doorbell or his car horn. I set my watch to the clocks in the prison. I schedule my bedtime around "Count"—No I don't have any power. The phone company has the power. The mailman has the power.

Father time has the power. The prison and the guards, they have all that power. Today I feel helpless and out of control. Yes, today is surely a bad day.

Today, like most bad days that pass I see a little bit of my life that has slipped away; another memory not made, another dream that doesn't come true. One more day my family is separated. One more day I am without a real home. I am so often standing on the line between sanity and insanity. I have to keep telling myself; "He's Real, This is real, Our love is real, The end will come" — Yes today is truly a bad day.

Today I went on the visit. I live for our visits, but today was bittersweet. I rushed to be the first one there so I can find a seat far away from the watchful eyes of the guards. Before he even came out I began to prepare for our inevitable goodbye. I couldn't help but to watch the clock praying for time to stop. It's funny, when I am with him time goes too quickly and when I'm not it doesn't go fast enough. Saying goodbye was and is always agonizing. I have to fight off the tears. Through this whole ordeal I haven't really cried yet. I am afraid to. I know if I start that I won't stop. I have to fight off the urge to beg him to come with me. "Please follow me. Come Home. If you really love me, you would find a way."

Today I blame him for keeping us apart. Today I am so very angry with him. Yes today is definitely a bad day.

A good day can turn bad in a blink of an eye, a tick of the clock, or a beat of my heart. I am on an emotional rollercoaster that changes its course with out warning or consideration of my mental state. It's never asked my permission. Attacks of depression, despair, confusion, and frustration hit me and consume me from the bottom of my feet to the top of my head and every corner and crevice of my body in between. Some bad days I just want to curl up in my bed and sleep. Sleep the years away. Some bad days I can't sleep or even eat. Sometimes I have to make my heart beat or my lungs take in oxygen. Suicide is never a thought, but dying of loneliness is always a possibility.

Then there are the endless questions. The questions of others. The questions in my heart. Questions that haunt my every waking moment and all my dreams. All questions with out answers. Have you lost your mind? What can this man offer you? When is he coming home? How realistic is this relationship? Aren't you ashamed of him and his situation?

How do other women do this time? How am I going to make it financially? How is he going to be when he gets home? Will he end up back in jail? What am I going to do when I need to be held? Will I be the same person he fell in love with? Will he change his mind about us? Will the end ever come?

Today I have no answers that make sense to me for any of these valid questions. My mind is cluttered with doubts and confusion and this makes my heart heavy with guilt and shame. How could I question the one real joy I have in my life? There are so many people who are lonely, everyday, without love and passion in their lives, so as difficult as this whole ordeal is, I know that what he and I share is the most precious of all gifts. But today, I can't remember all the unconditional love, support, and non-judgement that my man has bestowed upon me. Today I can't remember that my man is the only one who truly understand and accepts me; the good and the bad. Today I can't remember that just the sound of his voice can bring me an orgasm. Today I can't remember that he plays no games, tells no lies, and wears our love like a badge of honor. Today is obviously a bad day. No, today is a positively, absolutely bad fuckin' day.

While I wouldn't change one second, erase one tear or forget one heart ache, I can truly understand why any women would choose not to wait. The reality is that I am in prison too . . . I am also doing this time and the only thing I am guilty of is loving my man.

For everyone of us that stand by our man, that can endure the bad days and savor the good, there are hundreds that can't. Hundreds that just don't even try. To the men whose women have chosen to move on, you must always remember that there are always two sides to every story. Your women might not always tell you what's in their hearts but if you listen hard enough you will hear it. You can hear their confusion and their fear pleading with you to understand, to forgive, to accept and to remember . . .

Not every woman is strong enough to endure the heartache and pain of bad days.

EDITORS NOTES: About 5 years ago I came across this article that was written by Tiffany Chiles of Don Diva Magazine. I saved a copy of it because I knew one day I would be in a position to republish it to the world. Her letter and story needs to be read

by all sisters who are in her position *and even ones who are not*. More importantly, this article needs to be not only read, but studied, examined and digested by the prisoners all over the world. This story gives us great insight on what it's like to be a women in a relationship with a prisoner. Tiffany speaks on(amongst other things) the "endless questions". We've all been there before where we have questioned and argued with our girl friends or wives about things that have absolutely no merit. (*I've been there before, so I know you've been there too*) Maintaining a relationship in prison is hard enough, there's no need for us to add on to the struggle. So to all the prisoners out there I propose this to you; The next time you're arguing with your shorty about something that's not even worth arguing about, try to remember Tiffany's article. Remember all the topics she touched on about her "struggle." Remember that these women go through an awful lot to hold us down while we're behind these bars. The least we can do is make it a little easier for them.

Bullet Proof Love

Nicholas Zimmerman

A.K.A

Puzz Pacino

CHAPTER 5

Hip Hop Artist—Author—Prisoner Sues Department of Corrections For Ten Million Dollars

By Nedra James and Nicholas Zimmerman

Allegedly, he was supposed to have attempted to escape from Sing Sing Correctional facility in 2003, but when the smoke cleared and the media publicity faded away, the evidence showed that Nicholas Zimmerman never actually “attempted” to do anything?

It was an amazing story. Jatanya Belnavis, Nicholas’ long term girlfriend, was said to have loved him so much that she dressed up in a correctional officer’s uniform, strapped two loaded handgun’s to her waist and attempted to enter Sing Sing Correctional Facility posing as a correctional guard. Belnavis’ alleged intentions was to meet Zimmerman at his prison cell, give him the extra uniform she carried in her work bag and then the two would walk out of the prison proposing to go on a lunch break. The two guns? Well, that was a safety net. If the plan was foiled mid-operation, the lover’s would shoot their way out of the prison and escape on a motorcycle waiting nearby. Although the New York State Police believed Jatanya was brave enough to initiate the mission impossible escape



Jatanya Belnavis

Tony Dubose

George Seyfertt

Darrin Daughtry

Judge Robert
Dibella

attempt, they alleged that Jatanya got cold feet half-way through the plan, suffered a panic attack and exited the prison without ever reaching Zimmerman.

Then it was Tony Dubose's turn. After Jatanya failed on April 24, 2003, Tony decided to give it a shot on May 7, 2003. Again, Tony dressed up in the same uniform previously worn by Belnavis, (it was a perfect fit) strapped on the same two guns, and strolled into Sing Sing Correctional Facility. However, this time the plan was countered.

When Tony's shaky identification was questioned by Sing Sing's door woman, he was sent to the Deputy's office for further evaluation. Deputy Connolly questioned Tony about his business at Sing Sing and his identification. Tony told Dep. Connolly that he was a transfer from Fishkill Correctional Facility and that he would go to his car and get his "official transfer paperwork." Although suspicious, Dep. Connolly (the highest ranking security personnel in Sing Sing Correctional Facility) allowed Dubose to leave. According to the police, Tony never returned and a massive manhunt ensued. From this point on, it's anyone's story.

Somehow this story caught the attention of several major newspapers and it was fed to the public without an opposing view. The mentioning of the guns, corrupt correctional officers, motorcycles, escape plans, etc . . . was strategically leaked to the media just hours before the grand jury would hear the case of *The People of the State of New York V. Nicholas Zimmerman*. With such intricate gamesmanship, Zimmerman wouldn't stand a chance. The supposed impartial jury panel would now of course, be infected by the current media publicity, form a prejudged opinion of Zimmerman and subsequently find sufficient evidence to hold him for trial.

Question is, what public official could put together a story such as this, much more get a jury to believe it?

Meet Jeanine Pirro, Westchester County's former publicly disgraced District Attorney. Pirro would be the one to ultimately make the decision to try Zimmerman on the escape charges.



Jeanine Pirro

She also set up several press conferences immediately before Zimmerman's grand jury hearing and criminal trial in order to gain public favor and ensure a bias conviction. In a press release dated February 4, 2004, Pirro alleged that Belnavis, Dubose and an unidentified man named "Rock" carried guns into Sing Sing Correctional Facility as a prerequisite to the escape plan. She alleged that Zimmerman possessed a cellular phone in which he commanded and directed his accomplice's actions in breaking into the 200 year old prison. She alleged that there was a motorcycle parked outside of Sing Sing waiting for Zimmerman to escape on. However, when the 2005 trial finally rolled around, Pirro failed to produce any of the evidence she relied on so heavily to prosecute Zimmerman in the media with. She failed to introduce into evidence the cellular phone that she alleged Zimmerman had while in Sing Sing Correctional Facility. She had no motorcycle, no "Rock" and no one testified to seeing Zimmerman attempt to put on a correctional Officer's uniform or walk out of Sing Sing. In fact, at a 2004, and 2005 Administrative hearing, several witnesses verified Zimmerman's presence in Sing Sing and asserted that he never attempted to escape on either of the dates Pirro alleged. With such flimsy "facts", one might question what "evidence" did Pirro present to the jury in order to manipulate a conviction?

Belnavis corroborated Pirro's story. She said she did break into Sing Sing on the 24th of April 2003. She spoke of her phony panic attack, correctional uniforms and guns. When Zimmerman's defense lawyer asked "so where are the guns that you used for the escape attempt" Belnavis stated "I threw 'em out". When asked about the true identity and location of "Rock" Belnavis stated "I don't know". When Belnavis was asked whose decision it was to break into the prison, she

responded, "Ultimately, it was my decision. I bought the guns, uniforms, everything."

Dubose added to the story. He testified that he broke into the prison on the 7th of May, was excused by Connolly to go to his car and then fled the scene. Dubose testimony, however, was more comical than Belnavis. Dubose stated that he had never met Zimmerman before the trial. When Zimmerman's lawyer asked Dubose "so you were gonna break into the prison, make your way through all the checkpoints and gates, to meet up with a man you don't know, and never met?" Dubose responded "yeah, basically."

Because of the above suspicious allegations, Zimmerman had been in solitary confinement under the guise of an "ongoing investigation" since May 2003. While the escape attempt itself seems fictitious, the alleged "investigation" appears to be nothing more than a pretext to keep Zimmerman in the hole. At a preliminary hearing in 2005, Deputy Inspector General, George Seyfertt was questioned about his reasons for placing Zimmerman in solitary. Inspector Seyfertt claimed that there was an ongoing investigation of an escape attempt, but that "he was not part of the investigation, had no involvement in it, had never interviewed anyone alleged to be involved in the case, and never generated or documented any notes in relation to the investigation". However, in the very same breath, Seyfertt confirmed that he ordered Zimmerman's solitary confinement in 2003? When asked why he ordered the confinement, Seyfertt said "Based on information I received from the New York State Police, I put Zimmerman in confinement". Seyfertt's accomplice in the State Police would be Darren Daughtry, a NYSP Investigator at the Hawthorne Barracks in the County of Westchester. Daughtry would accept responsibility for the entire investigation and also state that he was "totally convinced as early as May 2003, that Zimmerman had planned the escape attempt". Apparently it doesn't take too much to convince Daughtry.

Continuing the 2005 hearing, Daughtry stated that he "had no direct knowledge of an escape attempt at Sing Sing", and that "all of his information came from third party hearsay". When asked what third party that might be, Daughtry stated "the accomplices, Dubose and Belnavis." However, Daughtry was not so quick to admit that he arrested Belnavis and Dubose

without probable cause, held them in jail and repeatedly threatened them with the fear of doing 40 years in prison if they did not corroborate his theory of an escape attempt at Zimmerman's trial. Ultimately, after 15 months of ridicule, harassment, and coercion, Dubose and Belnavis would do just that. In the end, Zimmerman would be convicted of "attempted escape" and sentenced to 12 1/2 – 25 years. Dubose and Belnavis? Well, even though they alleged to have broken into the prison, with guns, uniforms, etc . . . , since they helped Daughtry, they went home with probation?

Zimmerman doesn't seem to be taking these escape allegations so lightly and, in fact, he's fighting back. In 2006, Zimmerman filed a \$10 million dollar lawsuit against Seyfertt, Daughtry, and 17 other members of the New York State Police and the Department of Corrections alleging, among other things, that each member directly or indirectly placed Zimmerman in solitary confinement in order to force a confession out of him about the escape allegations.

Zimmerman's lawsuit is corroborated by affidavits, documents, exhibits, and transcripts that prove to a moral and (legal) certainty that his rights to due process of law were violated and that he should have never been placed in solitary confinement, and especially not for that long. Even more troubling for the Dept. of Corrections is the fact that Westchester County Judge Robert Dibella has already ruled that Zimmerman's confinement was "unjustifiable" and that "it imposed a hardship on him". Judge Dibella's statements will undoubtedly be used at Zimmerman's civil trial.

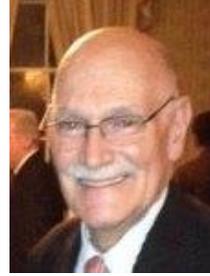
In addition, author Kendra Lyneigh Hughes recently released an investigative outline into Nicholas' first and second case. The book entitled *"My Side of the Story—The Investigation—Part I"* uncovers certain aspects of Zimmerman's trial that the Criminal Justice system would surely like to keep covered up. In a Q & A exchange between Zimmerman and Hughes, Zimmerman explains that "Judge Roger R. Rosengarten and A.D.A. Leigh Bishop put my trial together so nicely that the average American citizen would not see that I was railroaded and continue to be railroaded to this day".

Zimmerman's allegations of being railroaded are not far-fetched and in fact, they carry a great deal of validity. He was originally imprisoned on a gun possession charge stemming

Nakia Stubbs



Leigh Bishop



Judge Roger R.
Rosengarten

from an incident in which Nakia Stubbs alleged that Zimmerman attacked her with a gun in September of 1998 in Rosedale, Queens at approximately 3:00 a.m. However, after Zimmerman's trial and conviction, Stubbs swore under oath that "I believe Nicholas' conviction might have been a grave error. I was never absolutely certain that Nicholas committed the crime. The detectives came to my house and showed me one photograph and I told them that it resembles the person involved. Prior to this, I had only seen Nicholas on two occasions, for 5 minutes each time, and that was months before I was attacked. After continuously telling A.D.A. Leigh Bishop that I wasn't sure that Nicholas committed the crime and that I didn't want to testify, Bishop threatened me and said I would be arrested and held in jail until I identified Zimmerman as my attacker. I reluctantly testified and Nicholas was convicted. I respectfully recant any and all testimony that indicated that Nicholas committed the crime against me." (Nakia Stubbs – March 24, 2003 –Queen's County) Judge Rosengarten and A.D.A. Bishop mocked Stubbs recantation testimony as a "recent revelation" and "inherently unreliable". Apparently, according to Rosengarten, Stubbs' testimony is only reliable when she is helping to put black men in prison but not when she is attempting to free one??

As of the time of this writing, Zimmerman's appeal to the escape attempt charges was pending in the Appellate Division, second department. The appeal to the weapon's possession case is pending in the Eastern District Court of Judge Allyne R. Ross. The \$10 million dollar lawsuit is pending in the Northern District Court of Judge Thomas McAvoy, and the superbly written, well documented "*My Side of the Story*" is available for purchase at

www.FREENicholasZimmerman.com. The book receives 4 stars out of 5, only because the book ends abruptly, leaving the reader frustrated as Jatanya Belnavis takes the stand to testify against Zimmerman. A devilish ploy by the writer to ensure that everyone goes out to get Part II to find out exactly what Jatanya said at the trial.

CHAPTER 6

New York's Illest Releases Independent Album To Help Free Their Innocent Comrade!

By Nedra James and Nicholas Zimmerman

NEW YORK ILLEST STORY

Backtrack to April 2001. A small, independent record company enters the New York Hip Hop scene. Flyers, stickers, poster boards, and other debris cultivate the metropolitan area, advertising the birth of the new company and its first CD release. The promotional and marketing plan for the album would be somewhat ingenious, but dangerously controversial. Mimicking the New York City Police Dept. slogan of "New York's Bravest", the company C.E.O. would name his group "New York's Illest". The title brought publicity to the project, but not all was positive. Republican activist groups spoke out against the release of the CD (and its lyrical content), calling it "a disgrace to one of the best law enforcement agencies in America." Before this, the group, the company, and its owner, Nicholas (Puzz Pacino) Zimmerman were virtually unknown to the Hip Hop world, although the State and Federal Government were *very* familiar with "Mr. Puzz." Notwithstanding the promotional blitz for the CD, its release would be derailed.

Fast-forward to January, 2012. Mr. Zimmerman is in 23 hour lockdown at an upstate New York Correctional Facility facing 40 years in prison for a crime most people (and apparently some judges, too) say he didn't commit. For instance, Puzz was charged and convicted of being in possession of a gun. However, no gun was ever recovered in his case? Nakia Stubbs, the only witness to allege that Puzz was in

possession of a gun, has repeatedly recanted her trial testimony, admitting that she was coerced and threatened by the Queen's District Attorney's office to implicate Puzz in the case. (The court said they don't believe Nakia?) Even more, six witnesses have come forward to confirm that Puzz was in their presence on the night in question and that he never possessed a gun (the court says they are lying?) More importantly, there were witnesses in the audience of Puzz's trial that could have corroborated his alibi, but the judge denied their testimony (the Court said they were irrelevant?) As the story apparently goes, "Mr. Zimmerman's trial was (set up) for him to (go down)," says Anisha Miles, a long time friend of Nicholas' and supporter of his innocence since the start of his incarceration. In the end, the jury would never hear any of the evidence that proves Puzz's innocence, and eventually they would convict him. For many, this would only be a nightmare that most people could wake up from. For Nicholas Zimmerman, this is life.

MEET NEW YORK'S ILLEST, a group of artists that pretty much did things their way. No one gave them permission to litter New York City streets with their promotional materials. No one gave them the O.K. to shoot three videos for an album that hadn't even sold three copies. And no one allowed them to be the opening act for Lil' Kim's 2001 tour. They did all of that themselves, and on their own terms. "I remember calling a company in California that tracks airplay of music videos," says Puzz. "I just wanted to know if they had added our videos to their system, and if they were tracking them. When I mentioned New York's Illest the guy says, "tracking it? *Man*, Boe & Villa has one of the fastest rising videos in our system. Who are you guys, what label are you signed to?" Puzz would get the same response from every company he called to check on the promotion for the album. As Puzz would see it, "It was time to take this thing to the next level."

BOE & VILLA are the two-man duo that cover the more grittier side of New York City. They're not your average hardcore rap group. *They actually sound good!* Their lyrics are filled with firsthand knowledge of the bullet-riddled buildings that make up East New York's Cypress Projects. The history of this area of Brooklyn was enough to convince this writer to relocate the meeting place for their interview to the more comfortable

setting of Rego Park, Queens. (Less bullet holes) Boe & Villa make their debut on the street certified hit "Life Is Too Short." The track appears to make a slow, concentrated entry with the listener only hearing the strings of a Jimi Hendrix guitar sample at first. But then, all of a sudden, the baseline comes in, and the beat drops, and all hell start to break loose.

Villa sets off the track first, explaining, "Niggaz will roll up shooting from baby strollers." Boe follows him, asserting "We playin' for keeps, shit is deep, and the price is huge – Life is too short to snooze." The song displays the group's musical chemistry and enables Boe & Villa to be mentioned in the same sentence as other hip-hop duo heavyweights. This writer also had the opportunity to preview the remix to "Life Is Too Short", which only gave her even more of a reason to never visit Cypress Projects. Also from this housing complex three more artists appear; Syperior, F.L.O.W., and Puzz Pacino (yeah, the C.E.O. raps too). Every participant on the song seems to battle for the spotlight while, at the same time, complimenting each other's position. Even without quoting lyrics from the actual song, you can rest assured that the remix is gangsta, with a capital G.

PEPCI covers the gutter R&B section of the CD. Also a Brooklynite, I scratched the idea of interviewing her at her Albany Projects apartment. (More bullet holes) On the up-tempo track Boyfriend/Girlfriend, Pepci seems to be having relationship problems. *Serious* relationship problems! Apparently, Pepci has a boyfriend, who has a girlfriend, who has a boyfriend – and that boyfriend has a boyfriend? As confusing as it sounds, Pepci explains that the idea of the song came about when her best friend found out that her boyfriend had been unfaithful. But the story didn't stop there. "When we found out that my friend's boyfriend was cheating, first we wanted to beat his ass, then find the girl he was cheating with and beat her ass. When we tracked her down, I realized that I recognized her from somewhere, so I said 'hold up, aren't you Corey's girl?' And she was like "yeah and..." After that revelation, Pepci and her crew didn't want to *beat her ass* anymore because they "felt sorry for her." Unfortunately, the young lady was the last one in the neighborhood to find out that Corey was uh... well... gay! Pepci's creative genius

compelled her to make a song of the situation, *to-wit* Boyfriend/Girlfriend.

"Most of the songs I write are about everyday life experiences. I can make a song about anything. I'll be on the bus going to work and I'll write about the man with the bald spot sitting in front of me. Some of the songs I write are funny and some are not. It all depends on how I feel at the time". The content of the song and her corresponding vocals shows that Pepci is a voice to be reckoned with. However, more cynical observers might question the validity of Pepci's debut, and say she bit off of R. Kelly's "Trapped In The Closet" sequels. "No, no, no. I wrote Boyfriend/Girlfriend in 2000. I been had that song. R. Kelly might have heard my version and did a little biting himself," Pepci said.

KIRA SCOTT was barely 19 when she recorded "I Got Something 4 U", her lead single from the New York's Illest collaboration. But don't let the age fool you; Kira's style of music is comparable to R&B veterans such as Miki Howard, Anita Baker and Jody Watley. Her production, lyrics, and vocals are polished with a thick coat of experience, hiding the fact that she is a new artist. Her beautiful smile corroborates the beautiful music she makes.

Originally from Teaneck, N.J., Kira had dabbled in Broadway acting, modeling, and a failed attempt at American Idol before landing on the New York's Illest roster. Speak to anyone in the music industry and they will tell you "Kira should have definitely made the finals." Janice E. Portsmouth of Madison Avenue Entertainment Group argues, "Kira definitely deserves the spotlight. She is a tremendous talent that is only lacking a proper recording home. Hopefully, with the attention from the New York's Illest compilation, record companies will finally start to see her worth."

Apparently someone in the United Kingdom recognized Kira's worth. When Kira's single was originally released in 2001, an insurmountable amount of inquiries started to pour in from England. "I don't know what it was. I don't even know how it got there, but Kira's single (Something 4 U) started popping up on mix CD's and radio stations in London and all over England. I was getting calls from promoters every other week that wanted to book Kira for shows over there. I couldn't accept the dates because we weren't even prepared for anything

like that. We were a local group at the time, but you just never know where your local CD will end up."

Puzz admitted that "it was hard to keep Kira focused in 2001. She was so young and still wanting to have fun instead of handling business." In 2012, Kira is mature, her vocals have enhanced and her petite 38" 25" 42" frame makes video hoochie mama's shiver in their boots. "I'm definitely more focused on my career now. I gotta make this happen for me and my son. I feel good about the New York's Illest CD and other projects I have lined up. So as long as Puzz believes in me, I'm there for him and he knows that."

THI-LAI doesn't want to hear any more excuses from her boyfriend. On the man bashing single "Apology Not Accepted", Thi-lai comes across as a woman that has been hurt one too many times and now she is "finna clean house". A reasonable person might ask what kind of guy could lie to the

Thai-American mix beauty and Howard University graduate, but as Thi-lai explains, "pretty girls experience broken hearts, too."

While Thi-lai was mending her broken heart, she moved to New York City to record her first single from the New York's Illest CD. Although Thi-lai was not originally from the Tri-State area, Puzz made Thi-lai feel comfortable joining the project. "When I met Puzz, he was promoting his new website that was based in N.Y. City. The company sold CD's and posters online and it was a huge site. Everyone in my school had heard about the website and so I'm thinking that this guy doesn't have time to focus on promoting me as an artist. I felt that he couldn't run a website and a record company at the same time, but less than a month after we met in D.C., he had me in N.Y. recording songs, doing interviews, at video shoots, etc. I guess you can say he does a little of everything."

A lot of people say that Thi-lai missed her calling when Puzz went to prison. Juanita Mcleod, also of Howard University, was on board to be Thi-lai's manager. Ms. Mcleod charges that if Puzz hadn't been arrested, Thi-lai and Beyonce would have been a fierce competition. "At that time, I was dating Puzz and I introduced him to Thi-lai. I knew if I could get Puzz to listen to her, he would sign her. Puzz agreed to put Thi-lai on the album the same night he met her. We were coming up with ideas for Thi-lai's clothing line, perfume,

handbags, etc. . . . just everything. And then Puzz got locked up. After that, everyone pretty much lost contact with each other."

Puzz also regrets his current situation and how it has affected his ability to executive produce the CD. "A lot of people always ask me why Thi-lai is only featured on one song on the album. I actually got arrested during the production of that song. It was so many things that I wanted to do with Thi-lai particularly. She is an incredible talent; I don't think that a lot of the female artists that are out now could have dealt with her. She is also very funny and that would have only strengthened her acting career. Because of her *Thai* background I think she would have been huge in that country. Now that the CD will finally be released, she'll get her chance to do her thing."

PUZZ PACINO is quick to tell you that "he isn't a gangsta." Well . . . at least not anymore. Pacino was the brainchild behind the New York's Illest collaboration, courting the artist, producers and video directors for the album. While he is also featured on the CD, many agree that Puzz's intentions were never to be the star of the group. Evidence of this is the fact that he pushed Boe & Villa's "Life Is Too Short" single more than he pushed his own. "When I was younger I wanted to be a rapper" recalls Puzz. "I remember the first time I saw Rakim's (Puzz's favorite rapper) Microphone Fiend video, he was the coolest dude on the planet at that time. It was that video that made me want to become a rapper. However, when I got older, I realized that I didn't like being famous. I much rather be behind the scenes. Less headaches. In any event, I knew Boe & Villa could sell that CD on their own, they didn't really need me." Puzz's assertions on this point may be incorrect.

It was his video for the single "Ghetto Girl" that got the most spins out of the New York's Illest crew. The base heavy sample of New Edition's "Candy Girl" can be heard in the background, while Jason, the lead singer of the R&B group Soul 4 Real, assists Puzz on the track. On this song (and like many of his others) Pacino appeals to the women.

In the video for "Ghetto Girl", Puzz and crew are parked on a Brooklyn block when a beautiful young woman walks by. Puzz attempts to get her attention but she doesn't seem to be interested. He then exits the car and walks alongside the potential model and begins to rap his "Ghetto Girl" song to her.

He gets nowhere fast. Noticing the uninterested woman, Puzz's friends call his cellular phone to clown him. "A yo son, she keep looking over here, I think she wants *me*" says the man on the other end of Puzz's phone. Puzz assures the guy that everything is under control, however, by the time he finished his call, the Brooklyn beauty has walked off and Pacino is left hanging. Towards the end of the video, Puzz's luck starts to change for the better. Later in the day, he bumps into the "Ghetto girl" again, gets her number, and a really tight hug. In the *video*, everything ends well for Puzz and the pretty lady as they walk off in bliss. In *real life*, this is one "Ghetto Girl" Puzz Pacino wishes he never met.

The ghetto girl (Tamara Johnson) would eventually be one of the five girls to testify against Puzz in 2005 about an apparent escape conspiracy at New York State's second oldest prison, Sing-Sing Correctional Facility. Ms. Johnson alleged that she and Jatanya Belnavis (also Puzz's girlfriend) dressed up in correctional officer's uniforms, strapped guns to their waist, and attempted to enter the prison posing as security staff. Ms. Johnson went on to state that the plan only derailed when Belnavis thought she had been recognized by a sergeant at Sing-Sing that was familiar with her from previous visits she had made to Puzz at the prison. Thinking quickly, Belnavis faked an *asthma* attack, kept her head low, and exited the prison. No one noticed her.

While Belnavis also corroborated Johnson's escape conspiracy testimony, she also alleged that they broke into the prison in order to find Puzz and to give him a gun and correctional officer's uniform so he could escape. Six other people would testify to the same, however, Puzz would be the only one to deny the allegations.

Throughout the trial, disciplinary hearings, depositions, and notarized affidavits, Puzz alleged that he was not involved in the escape conspiracy and did not know that Belnavis and Johnson were planning to break into the prison. Despite the woman's testimony, Puzz alleged that Belnavis and Johnson were lying and agreed to corroborate the District Attorney's myth of an escape plot only after they were arrested without probable cause and held in jail.

Recently released by Madison Avenue Entertainment Group (the book publishing division) is a 502 page tell-all book

that exposes the corruption involved in Puzz's initial weapon's case and the subsequent escape allegations. In **"MY SIDE OF THE STORY / THE INVESTIGATION/PART I"**, author Kendra Lyneigh Hughes pieces together an investigation that would make Sherlock Holmes proud. Included in the book are notarized affidavits, court documents, investigative reports, and the original transcripts to Puzz's trial which, when read in chronological order, displays Pacino's innocence and the judicial system's maliciousness.

For now, Puzz Pacino's future lies in the hands of Federal District Judge, Allyne R. Ross of the Eastern District Court. Judge Ross is set to hear Pacino's appeal soon. (Check, **FreeNicholasZimmerman.com** for updates). His mother, Carole Zimmerman, looks forward to Ross's decision and hopes the judge does not ignore the newly discovered evidence in her son's case. "It's been a long eleven years. My son is incarcerated for a crime everyone knows he didn't commit and yet the judicial system ignores us. They act as if they don't know what we are talking about? How long are they going to play this game with my son's life? My son's case is before a new judge now, who knows if she will pay attention to the facts of the case or just ignore the issues like every other judge did? No matter what, we will not give up the fight to free my son."

Ms. Zimmerman is not alone in her fight. The artist on the New York's Illest compilation has agreed to donate the profits from the CD to Puzz's legal defense fund (**FreeNicholasZimmerman.com**) to help pay for Pacino's lawyers, investigators, appeals, etc . . . The crew plans to do free shows in the Tri-State area in order to promote the album and bring more awareness to Puzz's case. A portion of the proceeds from, **"MY SIDE OF THE STORY"** will be donated to the F.O.C.I.S Movement (Families Oppressed by the Criminal Injustice System Movement), an organization that Puzz started in prison that helps wrongfully convicted inmates.

While the book and CD can be purchased at **FreeNicholasZimmerman.com**, Puzz has also opted to become a part of the MySpace online community. (visit **Myspace.com/FreeNicholasZimmerman**) Consumers and supporters of Puzz may want to visit this site first in order to sample the CD, read an excerpt of the book, get up-to-date information on Puzz's case, watch the New York's Illest videos,

NY's Illest Release Independent Album To Help Free Their Innocent Comrade!

learn how to contact Puzz, etc. . . . One may be impressed to find that Pacino created this site himself, by hand. "My current situation does not stop me from being creative. I have so many ideas in my head for new business ventures that I can't sleep at night. However, a prisoner, no matter how innocent, cannot legally run/own a business in New York State. That's my only roadblock for now, but when I'm released, sky's the limit."

CHAPTER 7

Carter/Luv

By Puzz Pacino

It was just a few minutes shy of 3:00am. The suburban block of Muller Street was almost as black as the hooded mask that covered G-man's face. The only thing visible was his eyes. His 6'1" inch frame wore a black one piece sweat-suit that was specially designed to cover *every* aspect of the body, particularly for situations like this. The number one rule among the four crime partners was to leave the least amount of evidence at the scene as possible. The fitted sweat-suits prevented any chance of loose body hairs falling off of any of the men while they were inside. DNA was often the only evidence connecting suspects to crimes that otherwise would have went unsolved. G-man, Wess, Magnetic and Carter was adamant not to leave any of that laying around. Even the Timberland boots worn by the four men were two inches bigger than their actual shoe sizes, such that they would not leave behind any impressions of the real length and width of their feet.

Wess whispered to Carter that the six pair of socks he had on made his feet tighter than Nun pussy. Carter's responding chuckle was interrupted by G-man's call. "I-ight yall, be on point. I think this is him." G-man's voice traveled clearly through the wireless communication system each man positioned in their ear. It sounded as if he was standing directly over their shoulder. His statement to the other three men was enough to put all of them on alert. Their subject had arrived and everything was on schedule.

A 2005 Porsche Carrera made a right turn onto Muller Street. The candy apple black paint was the only enhancement

made to the car. Besides that, it was 100% factory. That was some of the things that attracted G-man to 55 year old Jerry Portsmith. He was classy, but not flashy. In G-man's opinion, men who drove cars worth 150,000, but added no accessories to it was possible millionaires. They were so busy making money throughout the week that they didn't have time to get it customized. G-man was right. Jerry Portsmith was a millionaire.

The balding white man driving the pretty black Porsche was the C.E.O. of J. P. Entertainment, a company that promoted some of the biggest artists in the music industry. G-man had been tailing Portsmith for the past two months, watching his house, office, nightclubs, etc . . . Portsmith was great at business, but terrible at security. He never noticed G-man's *noticeable* 2005 Bentley GT, adorned with 26' chrome Anterra rims. For weeks, G-man would tail him in the same car, on the same day of the week, at the same time, without Jerry seeing him. G-man was that good.

Every other Monday, Jerry Portsmith would deposit a minimum of 250,000 in his business bank account at the Commerce bank in Coram, Long Island. The deposits were like clockwork, all before 11:00am and all in cash. The large sums of money were the profits Jerry made from his events on Saturday and Sunday nights. *The Rush Arena* was one of the hottest spots in New York, stationed in Syosset, Long Island. The age demographics for the popular establishment was 18-40. The fact that the club attracted young white people meant drugs was prevalent. Portsmith made a hundred thousand a weekend off of extasy alone. The illegal drug money never made its way to Jerry's business bank accounts. G-man was aware of this.

G-man also knew that tonight was gonna be very lucrative for Portsmith. In the past sixty days, Jerry had promoted events for Avril Levigne, Pink, Jessica Simpson and Justin Timberlake. All of the concerts were held at the *Rush Arena*, and Jerry was able to clear 200,000 each trip to the bank. Tonight would be even bigger!

Tickets went on sale at 3:00am on March 1, 2005 for the Alicia Keys concert. By 3:35pm, all 5,000 tickets had been sold, each ticket purchased for \$50. Even though the mini-arena could hold 7,500 easily, Jerry normally only sold 5,000 in

advance, saving the remaining 2,500 tickets for “at the door sales”. With an artist like Alicia Keys, Portsmouth knew rich white kids would pay anything to get in on the night of the event.

In less than two hours, Portsmouth’s assistant sold all 2,500 tickets at \$100 a pop. The tickets were so hot that scalpers were able to resell them for \$175 a pop. Between ticket sales, extasy and liquor sold at the event, Portsmouth arrived at his Montauk, Long Island home with a little over 300,000 in cash. Jerry routinely stopped all ticket sales at 2:00am, gathered up the remaining club money, and proceeded to his house to put it in his safe. G-man knew this and him and his crew was ready. Jerry Portsmouth was not.

Professor Baites ended his class early on September 12, 2005. For three consecutive days he had been pounding the “Big Bang Theory” into the heads of the Cortland University students. Most of them were bemused by the idea, others were uninterested. Some found it offensive and argued violently against the ideology that an “atom”, and not God, created the earth. The heated debate, and Luv’s skin tight Dolce and Gabana jeans, was more than enough reason for Baites to end his class 15 minutes early.

Professor Eugene S. Baites was undoubtedly physically attracted to Luv and he had been making sexual advances toward the 22 year old bombshell ever since she stepped into his classroom. As of late, his comments towards Luv had become a little more obscene and direct but he was careful not to lay one unsolicited finger on Luv. For one, she was the daughter of a prominent businessman and local politician. Secondly, Baites wasn’t exactly sure that Luv was feeling him. He was, after all, two years shy of fifty. His dominating gray hair eliminated any signs of his youth and his protruding stomach was evidence that Jack Luillane had a warrant out for his arrest. This aside, Baites also lacked a distinguished swagger that most men his age still possessed. Nonetheless, he was still willing to try his luck with the lovely Luv.

“Excuse Ms. Harrison, may I have a word with you?” said Baites to Luv as the rest of the class exited the room. Luv erased the devilish smile she had on her face before she turned in

Baite's direction. "Yes, Mr. Baites" replied Luv. "If you're not busy Thursday evening, I would like for you to join me for dinner at my condo in Bellmore." On the outside, Baites appeared cool as a fan as he awaited Luv's response, but on the inside he was shaking worse than Michael J. Fox sitting on top of a washing machine. Luv noticed his twitching eye and took full advantage of his insecurity.

Coming within inches of Baite's face, Luv fixed her full lips in a sexual position and said "Dinner Mr. Baites? I don't know . . . I guess that depends on what you're gonna feed me." A bead of sweat started to form on Baite's forehead as soon as Luv's strawberry scented breath made contact with his face. He stared at Luv's lips with a satanic type of lust in his eyes. Only the power of God kept Baites from forcing his tongue into Luv's glossy coated lips, which was odd since Baites was an atheist?

Since Baites was still stuck on stupid, Luv whispered to him again "So, what are you gonna feed me Mr. Baites?" The second blast of Luv's breath only put Baites into a deeper trance. Her seductiveness took the Professor way out of his mind. He was no longer in control of his actions, but more importantly, he had foolishly lost all restraint over his own hands. His fingers started to move upward toward Luv's chest area, and had it not been for the powerful buzzing sound exploding from Baites' waist, passion would have gotten the best of him. "You better answer that, it might be Ms. Baites" Luv said as she strutted away making sure every step made her booty bounce just slightly.

Luv Michelle Harrison wasn't your typical "white girl." By all means she could pass for a B.G.R.I.T.S. (Black Girl Raised In The South). Standing at 5'9", her 34DD-26-38 frame drove the men crazy! (and some women too) On most days, Luv wore slightly oversized sweatsuits and dressed her hair in a simple ponytail so that she wouldn't draw *too much* animosity from the neighboring students. But on the days she did dress up, she could make a homo convert his sexuality.

Luv was a Coram, Long Island chick, and for the most part, she was spoiled! Her father was Michael Ford Harrison, a democratic New York State Senator. He was widely known and

well respected (by some) for his liberal stance on important issues; a “for the people” kind of guy you can say. He often took Luv on campaign trails with him, knowing that the media had dubbed her “New York’s Sweetheart”. With daddy’s little girl by his side, his competition didn’t stand a chance at election time.

Ford Harrison had spent the last 30 years of his life in politics. He enjoyed several years as a successful Criminal Defense Attorney, obtaining a not guilty verdict in the high profile case of Marcus Johnson, an indigent black man on trial for the rape and murder of an aspiring white female actor. (It would later be proved that the victim’s husband was indeed the true murderer.) Subsequently, Harrison would move on to become City Councilman, a short stint as an Assemblyman, before finally claiming a position as a New York State Senator – a position he’d held for the last 15 years. However, Harrison had worn out the springs in his old Senator’s seat and he had his sights set on a new leather chair.

Amid rumors of a declining public approval rating, the current Governor of New York State, Keith Tanner decided not to run for a second term. Everyone and anyone involved in New York State politics knew that Harrison would be a perfect candidate for the Governor’s office. Over the course of his career, Ford Harrison had voted for Bills that involved the granting of early parole for prisoners, more funding for public schools, a safer environment in public housing areas and a significant decrease in taxes. The liberal citizens of New York State was loving Ford Harrison’s liberal approach on these issues. Evenmore, Harrison had an impeccable public record in politics, which gave him a leg up on the competition. With all things considered, it would appear that Harrison’s Governor appointment had been solidified?

Luv was fully aware of her father’s intentions to run for the Governor’s office and so she decided to keep a low-profile until after he announced his campaign, officially. In the meantime, she organized several rallies in low income neighborhoods which focused on police brutality, racial profiling and false arrests. The day Ford Harrison held his press conference about his campaign, Luv hit the ground running, toting her father’s name as the brainchild of the movement. Of course these rallies brought some good press to the Harrison campaign, which

increased his popular vote. The truth of the matter, however, was that Luv was the real political genius behind the organization. She was quickly becoming a media darling, but was careful not to step on her father's toes.

Portsmith pulled into his driveway trying terribly to sing along to Phil Collins' (In The Air of The Night). Had he focused more on his surroundings and less on his faltering singing career, he would have known he was driving right into a set up. Exiting the car without a worry in the world, Portsmith left the doors unlocked to his Porsche – which was typical of a Long Islander. He headed towards the backdoor of his 1.5 million dollar house, which G-man noticed he used more frequently than the front door. With his house keys in his right hand, and a bag full of money in his left, Jerry attempted to put his key in the door when he felt the presence of four very angry young black men.

"Hello Jerry, we been waiting for you all night. What took you so long?" G-man's graspy voice was followed by 3 clicks from the hammer of his 357 Magnum. The cold hard steel pressed against Jerry's face was more than enough reason to do what he was told. As Wess and Magnetic kept look-out from right to left, Carter crept up slowly from behind and politely removed the money bag from Jerry's hand. "Now open the door, Portsmith. Slowly!" With G-man calling him by his first name, and Carter addressing him by his last, Jerry Portsmith knew he wasn't dealing with the average stick up kids, which is exactly the kind of effect they wanted to give him.

As the four men entered the house, they instructed Jerry to enter his password into the A.D.T. Home Security System box. G-man knew that the password started with the number 4 and was 6 digits long, but that was it? He watched Jerry closely as he pressed the buttons, anticipating that he would enter a pre-arranged (incorrect) number, such that it would silently set off an alarm at the local A.D.T. center. Jerry raised his right hand slowly in the direction of the box, and although it shook heavily, he used it to enter a set of numbers that started with 4 and was 6 digits long. G-man was satisfied with Jerry's selection, and felt that he would be cooperative for the rest of their visit. Before he ordered Wess and Magnetic to tie up their

Carter/Luv

victim, G-man informed Portsmith that as long as he did what he was told, he would come out of this alive. But if he didn't, he would surely be killed! With watery eyes, and a throat as dry as an Arizona desert, he shook his head. "O.K."

Carter/Luv

By Puzz Pacino

Coming Soon!

CHAPTER 8

My Side Of The Story—The Investigation—Part 1

By Kendra Lyneigh Hughes and Nicholas Zimmerman

Chapter 1 The Most Controversial Person You Never Heard Of

Before I started the interviews, the drafting, and the writing for this book, I took some time to ask myself if this is really something I wanted to do. This being my first project, I wanted it to be my best project. Following in the footsteps of Biggie, Jay-Z, and Nas, all of their first albums were classics. I wanted this to be my “classic album.”

However, at the present time, the subject of this book is under a major investigation (and I emphasize the word “Major”) by the Westchester County District Attorney’s Office, The New York State Police, the Queens District Attorney’s Office, The Department of Corrections and the Federal Bureau of Investigations. In other words, everyone is pretty much out to get him.

I knew because of the controversy surrounding his name the book would do an impressive first week of sales. What I wasn’t ready for is for me to somehow become involved in his investigation. I must admit that I was warned by several people that writing a book about his situation might not be a good idea as this time.

Upon visiting him at Shawangank Correctional Facility in Wallkill, N.Y., a correctional officer handed me a visitors request form that all visitors must fill out in order to visit an inmate. After completing the form with all of the inmates information of whom I was there to see, I handed it back to the

officer and waited for my name to be called. I don't think it was more than 30 seconds before that officer called me back up to the desk.

"Excuse me Ms. Hughes," the officer said. "I don't mean to be nosy or anything but are you sure you want to visit Inmate Zimmerman?" Before I could ask the officer why he was whispering, and to confirm that yes, I was sure I wanted to visit Zimmerman, he interrupted me with "I'm only trying to warn you that all of his visitors are arrested after they visit him."

I'm not sure what I said in response to his statement but I do remember my mind going completely blank after that. "Arrest me for what, what did I do, I ain't got nothing to do with no escape attempt, I just wanna visit him and see how he is doing." All of the normal ran through my mind that would run through anyone else's mind if they had just been told that they might be arrested.

The officer stated that he would continue to process the paperwork if I still "truly wanted to visit Zimmerman." Answering with a dry throat, I responded: "Yeah, I still wanna see him." Taking what seemed to be a mile long walk back to my seat, I remember thinking to myself, "Uh huh, you done got yourself in trouble again. Ain't nobody gonna bail you out if you get arrested. Your boyfriend don't even know that you're up at some jail seeing some inmate. Your name is gonna probably wind up in the newspapers next to all his other girlfriends. And then you're gonna be serving time for a crime you didn't commit just like the inmate you're here to visit."

Just as I was going to pick up my bag and walk out the front door, an officer yelled out, "Alright, who's here to see Zimmerman?" I didn't respond right way but it didn't matter because all the other female visitors looked in my direction as if to say "she is, take her away."

It was too late to turn back now. If I tried to walk out of the building that would look really suspicious, so I had no choice but to continue on with the visit. The situation I was in reminded me of a conversation I had with a colleague of mine, in which he stated that the government would go to any extent to cover up internal corruption. Perhaps maybe, the Correction Officer who "warned me" that I might be arrested only said that to scare me off so that I wouldn't visit Zimmerman. Maybe there is some corruption going on inside (the prison).

The thought that the officer's statement might only be a scare tactic relaxed me a little, but I was still nervous, my palms were still sweating and this was my very first project. On top of that, I was minutes away from meeting a young brother that has the world on his shoulders. He doesn't know me, and I don't know him, so I don't know how he might react to my questions. He told me in letters that I could get as personal as I want, but personal to me might be disrespect to him. Whatever the case, I came here today to get my "classic album," even if I have to risk being arrested to get it.

I know with this controversy and my investigative skills we could put together a really good book-or-be put in jail for exposing the government, whichever came first. In any event, I was willing to risk that.

I was literally taken through a maze to get to him. The officer that escorted me through the prison informed me that the person I was visiting was so "high profile" that they turned an old hospital office into a personal visiting room just for him. "Larry Davis is here too, and he don't even get treated like this" the officer said. Just as I was searching my vocabulary for the nicest way to say "thanks idiot for making me as nervous as possible" we arrived at the personalized visiting room.

He wasn't in the room when I first got there, which was good because it gave me time to collect my thoughts and relax. The officers noticed that I was nervous. They were watching me, and in turn, I was watching them. To break the silence one of the officers said "Zimmerman will be here shortly." As I nodded my head and said "thank you" I heard what sounded like a knock on a door and keys jingling.

As I stared nervously through the window, about six more corrections officers appeared and along with them was a dark skinned, six foot, medium build (very attractive I might add) young brother. I remember thinking to myself "damn, six officers had to transport him down here, and now they are gonna stick him in the room with me, alone." Why do they need so much security around him? I have heard all types of crazy stories from my girlfriends about how their man be flipping out on them when they go to see them. I hope this guy doesn't mistake me as one of his girlfriends.

I noticed that he was wearing handcuffs. He stood motionless as the other officers removed them, not saying a

word. Another officer tried to make small talk with him. He just stared at him as if the officer didn't even exist. I wondered what was wrong with him but then again rumor has it that he is in prison for a crime he didn't commit. So he has the right to be upset. I figured I rather not ask that question. When he looked in the direction of the visiting room and noticed I was sitting there he waved and gave me one of the nicest smiles a brother in prison can give. I waved and smiled back and then he came into the room:

(Interview Opens)

N.Z. Good morning.

K.L. Good morning.

N.Z. I appreciate your coming to see me.

K.L. Ok that's alright.

N.Z. Was it a long ride?

K.L. No, actually it wasn't that long, less than two hours I believe.

N.Z. Yeah. It shouldn't be that long. Did I take a long time to come down?

K.L. No, not really. I just got here.

N.Z. Oh, okay. Was any of the officers disrespectful to you when you were being processed?

K.L. Disrespectful?

N.Z. Yeah you know, did they say anything to you out of line?

K.L. Well, not disrespectful, but one of the officers said I might be arrested when I leave here.

N.Z. Arrested? (laughs)

K.L. Yeah, arrested, that's what he said. (slight smile)

N.Z. Why would they arrest you? (more laughs)

K.L. I don't know.

N.Z. Nash, no one is going to arrest you. The government is in enough trouble with me. Trust me, no one is going to arrest you when you leave here.

K.L. Then why would he say that?

- N.Z. Well, it's a long story and I guess throughout our conversations I will be filling you in, but their ultimate goal is to stop people from coming to see me so that's how they scare them. Did they scare you?
- K.L. No, not really. (lying)
- N.Z. Well, that's the way they scare people into not wanting to visit me. They were expecting you to turn around and walk out the door.
- K.L. (Thinking to myself "He just doesn't know how close I was to walking out that door.")
- K.L. How did you know that they would say something to me in the processing room?
- N.Z. They pretty much try to intimidate anybody new that tries to visit me. They know this is your first time here, so I figured they would say something to you.
- K.L. But that's wrong, isn't it? I mean, they shouldn't be harassing your visitors.
- N.Z. Yeah it's wrong, but no one ever blamed the Department of Corruption of being right. They are following orders from the "higher up's" in Albany to harass me and my family and to make my life hell. That's all, it's nothing new. I'm not surprised.
- K.L. Excuse me, did you say the Department of "Corruption"?
- N.Z. Yeah (smile)
- K.L. What's that?
- N.Z. Well, to you they are known as the Department of *Corrections*. You know, you see them out there in their uniforms and they seem to be working hard at keeping the violent criminals in prison, and away from society, and keeping the citizens of the State of New York safe. Well, I'm sorry, but I just don't see it like that.
- K.L. Well, what do you see?
- N.Z. I see one of the most powerful, most corrupt organizations in all of the 50 states. I see a system and a game plan that was put together long before me and you were even thought of. I see, and have experienced, a

brotherhood that is so secret and quietly kept, that there is no such definition to the phrase "Criminal Justice." Some people use the phrase "Justice is Blind." I disagree. Justice isn't "*Blind*," as a matter of fact "*Justice*" can see very well, it probably has 20/20 vision. But Justice only see what it wants to see and closes its eyes to what it doesn't. So there is absolutely nothing wrong with "*Justice's*" vision.

K.L. Um. That's deep.

N.Z. Yeah, and it gets deeper than that sis. You know, one of the reasons why I agreed to do this book with you is not because of the money that was offered or the publicity that came with it, but I thought to myself that I have been blessed with a rare opportunity to let the public (as a whole) know what really goes on in the prisons that they pay taxes for, and exactly how the Criminal Injustice System gets their convictions.

K.L. "Criminal *In*justice. (laughs) I guess you're going to be quoting me on all my little phrases. It's all good. (laughs)

K.L. Did you come up with them on your own?

N.Z. Yeah. Either that or I heard them from another prisoner.

K.L. O.K. Well at least your honest.

N.Z. Yeah, no need in me taking credit for something I didn't create.

K.L. Well before we get too far into the interview I wanted to start off the book by introducing you to everyone. You know, all your "fans." (laughs)

N.Z. Fans? (laughs) I didn't know I had fans?

K.L. Oh yeah, you've got fans brother. All my girlfriends are in love with you. (laughs)

N.L. (blushing) Oh, O.K. Well tell them I said hi and thanks, I guess . . . (laughs)

K.L. I will. But like I said I want to introduce you to everyone. I want to ask you some questions. You know, a lot of people talk about you but no one knows who you are. You had an album out in 2001, a video, you are

hated by almost every law enforcement agency, yet no one knows who you are. You're the most controversial person that no one has ever heard of. And on top of that you go by twenty different names. So I wanna ask you brother, what is your name? (laughs)

N.Z. I guess you were serious when you said you wanted to get personal. (laughs)

K.L. Oh yes, very personal. (laughs)

N.Z. O.K. Well a deal is a deal. So I'll stick to it.

K. L. So what is your real name?

N.Z. My mother born and raised me Nicholas Willis.

K.L. O.K.

N.L. My father's last name was Zimmerma . . .

K.L. Was?

N.Z. Yeah, he is no longer with us.

K.L. Oh I'm sorry, my condolences.

N.Z. Thank you. So normally, since my father's last name is Zimmerman, I have identification under Willis and Zimmerman. So the first time I was arrested I had identification on me under the name Willis, so the cops took my pedigree information under the name Willis. The next time I was arrested, I had identification under the name Zimmerman so the cops booked me as Zimmerman.

K.L. Oh. O.K., so Zimmerman is not a fake name?

N.Z. Nah, that's my name.

K.L. Well how did your father get a white name?

N.Z. (laughs) What do you consider a *white* name?

K.L. Zimmerman! (laughs)

N.Z. Well, it's actually Jewish but . . .

K.L. Yeah, Jewish white! (laughs)

N.Z. Yeah, well if you look at it that way. I never really got the chance to research my family tree but I plan to do it when I go home.

K.L. O.K. Now, who is Sean Williams?

- N.Z. That's my D.B.A. name (Doing Business As). I did most of my business under that name when it came to the music industry.
- K.L. Is that legal?
- N.Z. Yeah, people in the music business never use their real names. Like Jamie Fox's name is Eric Bishop and Courtney Love's real name is Love Michelle Harrison. You know, my business name was Sean Williams.
- K.L. And everyone know you as Sean?
- N.Z. Yeah, I've went by that name so long that everyone calls me Sean.
- K.L. O.K., makes sense. And Puzs Pacino?
- N.Z. That's my stage name as a rapper.
- K.L. Oh O.K. Now the DA is trying to say that you have so many different aliases that you can't be trusted cause they don't know your real name.
- N.Z. I couldn't care less what a D.A. thinks about me or my name. I will only be judged by one person when I leave this Earth, so I live my life for him.
- K.L. Is that God?
- N.Z. Yes ma'am.
- K.L. So you believe in God?
- N.Z. Lately, that's all I believe in.
- K.L. Um.
- N.Z. Do you believe in God?
- K.L. Does it make a difference if I did or didn't?
- N.Z. No, I'm just asking.
- K.L. O.K. well, I'm giving the interview, so I'll do the asking. (smile)
- N.Z. O.K., fair enough. (smile)
- K.L. Where are you from?
- N.Z. Africa.
- K.L. (laughs) Africa?
- N.Z. Yeah, Africa (laughs)

- K.L. You know what I mean. (laughs)
- N.Z. Well you got smart with me so I'm getting smart with you. (laughs)
- K.L. Oh, alright, well no more getting smart.
- N.Z. O.K.
- K.L. Now, I'm going to ask you again, where are you from?
- N.Z. I'm originally from Bushwick Brooklyn. I started hanging out in East New York Brooklyn when I was 15 or 16 and I made lot of friends out there. so that was my hood. Also around that time my moms and me moved to Rosedale Queens so that's why I knew some people in Queens.
- K.L. Oh, O.K. Age?
- N.Z. Twenty-eight (28), but who knows how old I will be tomorrow.
- K.L. Why did you say that?
- N.Z. I read a newspaper article a couple of weeks ago that said I was 33. I couldn't believe it. (smile)
- K.L. Oh. How about school. Did you finish?
- N.Z. Nah. I left school in the eleventh grade. I was one of those brothers that always felt that I was ahead of my time. I couldn't sit still in the classroom. I couldn't sit in one spot for seven (7) hours a day without some type of progress being made. I felt like school was holding me back. I'm feeling the results of that decision now.
- K.L. So you regret not finishing school?
- N.Z. I wouldn't say regret, but I would have done things a lot differently if given the chance. I'm handling my business now as far as school goes, so its all good. A lot of things I already know, but there are so many little perks and extras that you can pick up on by sitting in a room with twenty (20) other individuals that all want to learn the same subject. People are constantly asking questions and bouncing different theories off of each other, so for me, that is the benefit of school. I missed that, but I'm going to take care of it now.
- K.L. Girlfriend?

- N.Z. Nah. Unfortunately I'm a little unemployed right now.
- K.L. Unemployed?
- N.Z. Yeah, my girlfriend fired me a couple of years back when all this nonsense took place. So I lost my job as her man.
- K.L. You mean the escape thing at Sing Sing?
- N.Z. Yeah.
- K.L. O.K. I want to get into that a little later, but you're saying that you're single. What kind of lady are you looking for?
- N.Z. Well, right now I'm just chillin. I was in my last relationship for ten (10) years so it would be kind of hard to just jump into another relationship. She meant a lot to me and I don't know if anyone could replace that. I have a few friends but that's about it.
- K.L. Well my friends are going to be very upset. (laugh)
- N.Z. I'm sorry . . . (smile)

(Interview Closed)

As I started to get deeper into the conversation with him I started to relax and get a little more settled. His responses and answer to my questions were interesting. His attitude was positive and he was focused in the right directions. To say the least, the interview was turning out better than I thought.

There were some questions that I had in mind that I felt might offend a person in a situation that he is in. But once I was finally face to face with him and could actually hear him speak, I felt comfortable asking my "personal" questions. It kind of felt like I was speaking with an old friend that I haven't seen in a while. For instance, when he asked me did I believe in God, I told him that "I was giving the interview and that I would be asking the questions from now on." Now, there is no question that I believe in God, but that was my little test to see if he would get upset at the fact that I was getting smart with him. I wanted to see if he had the "temper" the District Attorney said he had and if so, the interview would have probably ended there. But he didn't even frown at my statement, much less get upset. In fact, he got smart with me, in a playful mood.

This guy was no “gangsta’,” and if he was, he was good at hiding it. We were already into the first two hours of the visit but there were so many questions that I had not asked yet. (Visits in Shawangank C.F. are from 8:45 a.m. to 2:30 p.m.) Something tells me that I will have to visit him again, but for some reason, I didn’t mind.

Chapter 2
The Credit Card King
A Borderline Genius

In March of 1997, Nicholas (or Sean, whichever sounds best) was the focus of yet another “major” investigation by the Queens District Attorney, the Federal Bureau of Investigation, the Postal Inspectors and the Secret Service. It was alleged (and he was convinced of) stealing some \$600,000 from American Express, MasterCard, Visa, Discover, Sony, The Wiz, Western Union (and the list goes on) . . .

The Daily News, Newsday, The New York Times and The Post covered the story, labeling Sean or Nicholas) the new “Credit Card King” surpassing his competition, a 27 year old bank teller convicted of stealing some \$400,000 a year earlier. At press time, Queens District Attorney Richard Brown stated that as a result of a search of Sean’s car and house, The F.B.I., The Secret Service, and the Postal Inspectors unit were able to uncover and shut down a “credit card and check manufacturing plant.”

Among the items seized from Sean’s house was two credit card encoding machines used to demagnetize the magnetic strip found on the back of credit cards, and to re-magnetize the magnetic strip with a new credit card number, giving the credit card an unlimited spending power. But when the spending spree was over, the person actually using the credit card wouldn’t get the bill, the person’s credit card number that was re-magnetized into the new card would. (sounds confusing huh, well I’m a little dazed myself so I figured I would ask the “Credit Card King” in my next interview.)

Also recovered was two check encoding machines used to reproduce and manufacture company checks of unsuspecting businesses, over 150 credit card numbers, 2000 sheets of check printing paper, 30 manufactured (ready to use) credit cards, 70 manufactured (ready to use) checks, 20 manufactured (ready to use) money orders, hundreds of PIN numbers, security codes and classified information for every major credit card company in America. (See Exhibit A Detective Muldoon’s report/Exhibit B. Detective Aiello’s report Exhibit C, Postal Inspector Defunia’s report)

After the instigation was completed, the government admitted “that there is no way to estimate the amount of damage Nicholas caused with his operation.” Upon his arrest, Nicholas was held on a half of a million dollar bond and housed on Rikers Island in Queens N.Y. Unable to come up with the bail money, Nicholas eventually pleaded guilty to the charge of possession of a forgery device and received a 1 ½ to 4 ½ year sentence. Included in the plea agreement was the provision that Nicholas would serve time for his girlfriend, who would have been arrested if Nicholas did not plead guilty immediately. (The same girlfriend who is no longer with him.)

(Interview Open)

K.L. All right, I want to ask you a few questions about your 1997 conviction for “possession of a forgery device.”

N.Z. All right.

K.L. You were convicted of stealing an estimated \$600,000 from MasterCard, Visa, American Express, Discover . . .

N.Z. Uh . . . First let me say this. I need your readers to know that in no way am I glorifying or encouraging that type of lifestyle. That’s my past, and I’m, not proud of it. I probably would not even discuss that part of my life with you if the rest of my life didn’t depend on it. I only agreed to talk about this because I need people to know the *real* reason why I am in prison, and why the D.A. did everything and anything unconstitutional to put me here. But I would not suggest that type of life for anyone, you are constantly looking over your shoulder.

K.L. O.K., that’s stated for the record.

N.Z. All right.

K.L. O.K. I want you explain to me exactly what was going on in 1997.

N.Z. I got caught up in a lot of things I should not have. Like any other kid coming up in the ghetto or in a rough neighborhood I was trying to find a way out. We didn’t have much coming up and my moms did the best she could raising us. She worked two jobs, taking care of six kids by herself, so it was hard on her. I always wanted

to do something to take care of my moms so she wouldn't have to work so hard. So she could take it easy once in a while. So I somehow got caught up in the paper game.

K.L. "Paper Game?" Explain that.

N.Z. It's just a slang word for it. It's not drugs and it's not robbery or violence so it's referred to as the paper game.

K.L. O.K. Now you say "Somehow got caught up." Are you saying that this wasn't planned?

N.Z. Nah. It definitely wasn't planned. As a matter of fact I can't even remember where or when I started that lifestyle or where I picked up on it. I just know I was young. Real young.

K.L. How young?

N.Z. Uh . . . Maybe 15, 16 . . .

K.L. Wow, that's young!

N.Z. Yes it is.

K.L. O.K. Now, back to March of 1997. I want you to try to reconstruct the day when all these agencies show up to your front door. I want you to take me through it step by step if you can.

N.Z. All right, I'll try, but it was a while back.

K.L. That's O.K.

N.Z. All right. I remember I overslept that day and I didn't wake up until about 10:00 a.m. I woke up to the sound of the bell ringing and I was wondering why no one was answering the door. I got up and answered the door and it was the mailman. A mailman I never saw before and I was kind of familiar with all of the mailmen that worked my street. I remembered that he had been ringing my door bell for the past ten minutes and usually when the mailman rings your bell twice, and you don't answer your door, then he's gone. He is not going to wait around. Whatever he has for you, you will get it tomorrow, when he comes back. So that felt kind of strange to me.

K.L. O.K.

N.Z. So I opened the door, and right away he says I have your mail for you. Now there is three things strange about this mailman. One, I've never seen him before. Two, he has been ringing my bell for ten minutes. And three, he is (personally) trying to give me mail, in my hand, when there is a perfectly working mailbox sitting to the left of him.

K.L. Umm . . . So what did you say?

N.Z. Well, I didn't take it. I don't know what it was but something told me not to take it.

K.L. All right.

N.Z. So now this guy is getting kind of pushy with me and he is like "man, just take the mail!" So as he is holding the mail in his hand, with is arm extended in my direction, I looked at the name on the envelope and realized it's not addressed to me or anyone in my family.

K.L. Who's name was on it?

N.Z. It's the name of a person who's credit card I was familiar with.

K.L. "Familiar with?"

N.Z. Yeah . . .

K.L. What does that mean?

N.Z. (Familiar with) don't worry, you will figure it out later.

K.L. O.K. (smiles)

N.Z. So I pretty much figured out, at that point, that this guy was a cop. He wasn't too good at posing undercover. A dead giveaway at that point.

K.L. So what were you thinking at that point?

N.Z. I just knew I wasn't going to touch that mail.

K.L. O.K., so what happens next?

N.Z. Well, he is still being pushy about taking the mail so I say "Why don't you just leave it in the mailbox, it doesn't have my family's name on it, it probably belongs to the people downstairs?"

K.L. Oh, so you lived in a duplex or something?

N.Z. Yeah, it was a three level house.

K.L. O.K. and. . .

N.Z. So the phony mailman says, "why don't you just hold it in your house until they get home?" So at that point I got a little upset and said, "just leave it in the box" and I closed the door.

K.L. Well, did he leave it in the mailbox?

N.Z. You know after all that, he didn't even put it in the box. He just walked away. That confirmed that he was definitely a cop.

K.L. Well, why was he lying to get you to take the mail?

N.Z. Hold on, I'm getting to the point. It will all make sense when I'm finished.

K.L. All right. (curious)

N.Z. So I closed the door and go upstairs to look out the window to see where he went and I seen him walk up the block and get into an undercover police car. And since I know of no mailman that delivered mail from a police car, I knew something was very, very wrong.

K.L. Um . . .

N.Z. So I got dressed because I wanted to go to a friend of mines house to tell him what just happened and to be careful. I figured it wouldn't be smart for us to use the phone.

K.L. O.K.

N.Z. Now, this friend lived around the corner from me, and we were really close at the time. And regularly we would switch up cars, you know, I would drive his and he would drive mines.

K.L. What kind of cars did you two have?

N.Z. Back then, I had a Mitsubishi Diamante. I forget what kind of car he had.

K.L. O.K.

N.Z. So the night before all this happened, I had given him my car but I didn't take his. I didn't plan on going anywhere the following day, so I didn't need his car. He

said he was going to see a girl and he wanted to show her he had two cars, so he took mine.

K.L. O.K.

N.Z. So the next morning, when the phony mailman came to my house, I noticed that my car was parked in my driveway. But this wasn't unusual because he always put my car in my driveway when he was finished with it and then he would walk around the corner to his house. So when I seen my car was in the driveway I got dressed and I went around the corner to tell him what happened.

K.L. And . . . (still curious)

N.Z. Well, when I got in my car, and drove around the corner to his house, there was about 10 to 15 police cars waiting for me.

K.L. Oh . . .

N.Z. You know, flashing lights, sirens, bullhorns, the works. The government really knows how to make you look dangerous.

K.L. Yeah, I see the way they brought you to the visiting room.

N.Z. Yeah, that's how they convince you that I am a criminal and violent, and that they are there to protect you from me.

K.L. Yeah, I know brother.

N.Z. O.K. Now. They order me to stop the r and to get out with my hands up and everything, so I do it. I didn't put up a fight. One of the officers came over to me and said just calm down "Nicholas," everything is gong to be alright.

K.L. How did they know . . .

N.Z. I'll get to that. (smile)

K.L. All right. (very curious)

N.Z. So the officer asks me, "where are you going" and I say "to see a friend of mine." And he says, "so what do you have in your (trunk)?" Now when he said that, right away I knew something was up because he didn't say

what do you have in your (car), like most officers. He was more specific, asking what do I have in my (trunk), as opposed to (the entire car).

K.L. Um.

N.Z. I wasn't that worried because I knew nothing was in my trunk, so I just told him "nothing is in my trunk." He asked could he search my car and I said "Nah, I'm in a rush to get somewhere . . ."

K.L. If you didn't have anything why didn't you just let him search your car?

N.Z. Well, the law says if the police stop you without reason to do so, then you don't have to let them search you or your car. So at that time, I felt that they stopped me for no reason.

K.L. Oh O.K.

N.Z. Son one of the cops grabbed the keys to the car out of my hand and said "we will search the car if we want." Before the cop even began to search the car, the other two officers were already putting handcuffs on me and starting to read me my rights. So at this point I'm saying to myself, "wait a minute, what is going on here?"

K.L. What were you being charged with?

N.Z. Absolutely nothing at that point.

K.L. Um.

N.Z. So now, as I am being read my rights, the officer that took the keys from me went straight for the trunk of the car and opened it, but he never searched the inside of the car. It seemed like he was only interested in the (trunk) of the car. So he opens the trunk, goes in it, and says "yeah, we got him" and as he is saying this he pulls a brown duffle bag out of the trunk of the car and I am looking at the bag like "who the hell bag is this?" (laughs)

K.L. (laughs)

N.Z. So before he even opened the bag and went through it, he was telling the other officers to arrest me. It was like he already knew something was in the bag. So at this

point I am being driven back around the corner to my house and I'm being asked the usual police questions, "do I wanna make any statements that could help me out later on, was anyone else involved in this?"

K.L. And what were you saying?

N.Z. I keep asking them "what's in the bag?" But they never answered me, they just kept saying, "come on Zimmerman, you know what's in the bag."

K.L. Um.

N.Z. So now we are back in front of my house and they are asking me if anything else was in the house because they are going to get a search warrant and find out anyway, so I better just tell them. And I am like, "anything else like what?"

K.L. O.K.

N.Z. So this goes on for about two hours and eventually they go and get a search warrant and search my house.

K.L. Did they find anything?

N.Z. Yeah, they find an old broken gun that didn't even work that a friend of mine left at my house a few years ago. I didn't even know the thing was still in my house. And they found like \$500 or \$1000 in my room, that was it. Now what they found in the bag was a different story.

K.L. What was in the bag?

N.Z. In the bag was two cred card demagnetizing machines, two check encoding machines, 1 money order embossing machine. They say it was a couple hundred credit cards, checks, money orders, pin numbers, bank codes, etc.

K.L. O.K. Now, this is the part where I am completely lost and I am sure my readers are too. So I need you to explain to me what a credit card demagnetizer machine and what does it do? (laughs)

N.Z. (laughs) All right, I'll explain. A credit card demagnetizer machine is a machine that (demagnetizes) credit cards or any card with a magnetic strip for that matter. Do you know what a magnetic strip is?

- K.L. Uhh . . . (laughs)
- N.Z. All right. I'll show you. Do you have your credit card with you?
- K.L. Yes.
- N.Z. Let me see it.
- K.L. (searching purse for credit card, credit card found, handing over credit card)
- N.Z. O.K. You see this black strip on the back of your credit card?
- K.L. Uh huh. (curious again)
- N.Z. This black strip is what is known as a "magnetic strip." In this strip is your credit card number, your expiration date, and your bank routing numbers. When you go to a store and you buy something using your credit card, the cashier swipes this magnetic strip through the cash register and the computer in the cash register is able to read the magnetic strip and obtain your information. So, the purpose of the (mag) strip is to provide convenience for the cashier so she doesn't have to manually type in people's long credit card number all the time. She can just swipe it.
- K.L. O.K. I follow.
- N.Z. Now the machine that (I was convicted of being in possession of) was also able to read the magnetic strip on the credit card but this machine was a little different, it did a little bit more.
- K.L. O.K. (being nosy)
- N.Z. Not only did it read the mag strip on the card but with the push of a button, it was able to erase whatever information that was already in the strip, and with another push of a button, it was able to put whatever information I wanted it to back on to the strip, without anyone ever noticing a change in the card.
- K.L. Well why would you want to change the information on the strip? How would that help you?
- N.Z. Well say, for instance, you came to me one day and you said "Sean, I wan to go shopping, but I don't have any

money on my credit card. Can you help me?" The government alleges that I would then take your credit card, put it through my machine and erase your information from your card and replace it with someone else's credit card information. Someone with a lot more money than you. Then, when you go shopping and the cashier swipes (your) card, she is actually charging and billing the person's credit card account that I put in the mag strip, and not you. But you are still using your credit card, and the face of your card still bares your name. So you're still you, just the person being billed is not you.

K.L. Ohhhhhhhhhh!!!! (Big laughs!) And you were able to do this with anyone who had a credit card?

N.Z. Yeah, that's what the government alleges.

K.L. Wow. That's something! So you are the Credit Card King huh? (smiles)

N.Z. Nah, I ain't none of that stuff. I'm just me. (smiles)

K.L. So what about the check machine, what did that do?

N.Z. Oh, it was basically the same thing, only for checks. On the bottom of your check, you can find your account number, bank routing number, and your check number. But these numbers, as you can see are printed in a funny looking text that no normal computer or machine can print. So I was (convicted of being in possession) of a machine that could print those special numbers.

K.L. And you basically just put someone else's account number on the bottom of my check, and I would be spending their money?

N.Z. Yeah, that's what the government alleges.

K.L. Oh O.K. I follow you. But how did that bag get in the trunk of your car?

N.Z. (laughs) Good questions. This is where things get a little interesting.

K.L. Oh, it gets more interesting? (laughs)

N.Z. (laughs) Yeah, just a little more.

K.L. O.K.

N.Z. Now after I was arrested I hired a lawyer and he was able to find out that the feds had been investigating me for the last six months or so, along with the Queens District Attorney's office. They had been following me, taking pictures, listening to my phone calls, etc. Allegedly, they were getting so many complaints from the credit card companies that people were getting monthly credit card bills in the mail from purchases that they never actually made. Some of the people would live as far away as California but their credit card was being used in N.Y., all while they still had the original card in their hand. American Express, MasterCard, Visa could not understand how this was happening, so they called the F.B.I. in N.Y. for help. So the F.B.I. see that something really big is going on here because there are a couple hundred thousand dollars missing from people's accounts but these people couldn't have made the charges because they lived in completely different states. So now the F.B.I. are investigating, and when these guys come into the picture someone is going to go to prison. You can count on that.

K.L. Um.

N.Z. So the F.B.I. and the D.A. get a lucky break one day. Allegedly a young lady was using one of our cards in the store one day and she got arrested with the card on her.

K.L. Why was she arrested?

N.Z. Well by that time the F.B.I. had already teamed up with MasterCard, Visa, etc. . . and they told them to alert the store owner whenever one of our cards was used. So, as soon as this young lady used the card, a flag went up in the computer telling the cashier to alert security. Security then called the cops, and the cops held her until the F.B.I. picked her up.

K.L. O.K.

N.Z. Now when the young lady is arrested, she starts to tell the F.B.I. about my friend that lives around the corner from me. She says she got the card from him and that he

has machines in his house that makes credit cards and checks, etc.

K.L. She is telling everything?

N.Z. Yeah, pretty much. At least according to the government.

K.L. Wow.

N.Z. So based on what she tells them, they obtain a warrant to search his house and when they do, they find all the machines and credit cards, etc.

K.L. Well if they found everything in his house what does that have to do with you?

N.Z. Well the girl that had been arrested had already told the F.B.I. that my friend wasn't the head guy in charge, and that his friend was, which would be me. And when they investigate, they pretty much want the head guy in charge. So when they went to his house, they went with the intention of finding out who I was. It wasn't long before they found that out.

K.L. (laughs)

N.Z. So according to my lawyer, my friend gives me up immediately. Also, when they searched his house they find some I.D. cards with my face on them with different names of people, so they knew what I looked like too.

K.L. I would have just said he put my face on there. I didn't tell him to do it.

N.Z. You're exactly right and that is why they didn't arrest me because they knew that just because my face was on the I.D.'s that wasn't enough. So from what I understand my friend was arrested about a week prior to me being arrested. They had already searched his house, found all the machines and charged him. But I never knew nothing about his arrest, he never told me that he had been arrested. He was released after he agreed to work with the District Attorney's office to entrap me into his case.

K.L. Um.

N.Z. I remember the entire week before I was arrested my friend had been calling me on my house phone trying to

get me to talk to him about certain things and that was unusual because he never liked to talk on the phone about *nothing*. This guy hated talking on the phone, so that was strange. But I never thought in a million years that this guy would work with the police and plus I didn't even know that he had been arrested. So all the conversations we had that week were taped by the D.A.'s office and in each conversation my friend keeps asking me do I "want him to bring the (bag over)." And I'm like, "nah just hold it over there, just keep it at your house." Then he would call back the next day and say, "Yo, I'm going away for a couple of days, you sure you don't want to hold the bag until I come back?" And I'm like, "Just hold it over there, it will be alright. If I need to get it later I got the key. I'll just get it myself."

K.L. He was trying to get you to talk about the bag on the phone?

N.Z. Yeah, but in all the conversations I never said, "bring me the bag." I guess God was walking with me or something.

K.L. Um hum.

N.Z. So now the cops realize that I am not saying anything incriminating on these tapes so they don't have a case against me at this point, and legally their investigation against me should have stopped, but it didn't. This is where they start to bend the law. My friend tells the cops that he can get my car from me and that he would leave the bag in the trunk for them and then all they have to do is wait for me to come out and get in the car and they got me. So now they got me in my car, with a bag of I.D.'s with my face on it and two or three forgery machines. There was absolutely no way I was going to beat that case so I had to plead guilty.

K.L. Damn, that's messed up.

N.Z. Yeah, it is. I am actually working to get that conviction off of my record right now. What the police did in reality was enter into a conspiracy with my friend to plant illegal evidence in my car in order to set me up and arrest me. This is exactly what the law says they

cannot do. So they broke that law. I'm trying to prove that in court, I have a long battle ahead of me but I won't stop until I win.

K.L. Why didn't you prove all of this in court back in 1997? Why did you wait so long?

N.Z. I was only 21 when I was arrested. I knew absolutely nothing about the constitution, my rights, the law, etc. I'm from East New York, Brooklyn. I didn't even know a constitution existed. (laughs) Like I said, that's the benefit of school. I missed that.

K.L. Yeah, but you knew how to ("demagnetize a credit card"). (laughs)

N.Z. Yeah, I was smart in some areas, and a fool in others. (laughs)

K.L. Well, the lawyer you had, shouldn't he had found out if the police set you up?

N.Z. That is exactly my argument in court. Had my lawyer done his job I would not have had to plead guilty to that case. The evidence would have been suppressed.

K.L. Um.

N.Z. You know, you are pretty good. You sure you're not a lawyer? (laughs)

K.L. Yeah, I'm from Hughes and Associates. Do you want me to represent you? (laughs)

N.Z. (laughs) Nah, I had my share of lawyers. I don't want anymore.

K.L. All right now. Your girlfriend was also arrested in relation to this case?

N.Z. Nah, she was never arrested. I agreed to plead guilty so that they wouldn't bother her. They wanted to give her like 6 months or something, so I took it. They just tacked it on to my case.

K.L. What did she have to do with your case?

N.Z. My friend that was arrested told the cops that she used to help me make cards and stuff like that. So that was it.

- K.L. O.K. Now. How did you only receive 1 ½ to 4 ½ years in prison for such a big case?
- N.Z. The laws back then for paper crimes wasn't strict. I plead guilty to (possession of a forgery device). That's a "D" felony. They dropped it down to an "E" felony and since it was my first felony conviction, I only got 1 ½ to 4 ½ years in prison.
- K.L. How long did you do out of that sentence?
- N.Z. About fourteen months, and then I went to work release.
- K.L. O.K. And how did the (Secret Service) get involved? (smile) Aren't they suppose to watch the President?
- N.Z. (laughs) You know, still to this day none of us has figured out why the Secret Service was there. But that's a good question. I'll look into that. (laughs)
- K.L. Did you do Federal or State time?
- N.Z. I went to the State. Actually, from what I understand there was some type of battle over who would get the conviction because both the state and the F.B.I. participated in the investigation I think the state had jurisdiction over the situation.
- K.L. O.K. Now, I'm sure all the readers want to know what is a brother from East New York doing walking around with a "credit card demagnetizer." Not too many brothers have one of those, so where did you get yours?
- N.Z. You know that is the first thing the D.A. asked me when we finally met face to face.
- K.L. Did you tell him where you got it?
- N.Z. (laughs)
- K.L. What's so funny?
- N.Z. Nah, it's nothing. (laughs)
- K.L. So why are you laughing?
- N.Z. I laugh to keep from getting upset.
- K.L. Upset at what?
- N.Z. Upset at the fact that you would even ask me something like that. (no more laughs)

K.L. Oh, I'm sorry.

N.Z. Nah, it's all right. Just please try not to ask me anything like that again.

K.L. O.K.

(Interview Closed)

The next sixty (seconds) in that room felt like sixty (minutes). There was complete silence. He took a sip of the juice I had bought him and then stared off into space. It was like he left the room or something. I didn't look in his direction and he didn't look in mine. His arms were folded, and he had a look on his face similar to a father who had just caught his two year old playing with matches, after he warned her about how dangerous they were. The only difference was he wasn't a father and there wasn't any two year olds around.

I obviously upset him by asking him did he tell the D.A. where he got the machines from. Guys in his position usually don't talk to law enforcement agencies and it is a complete insult if anyone even accuses them of doing so (or in this case even *asking* if they did). I apologized once again and he accepted. The rest of the conversation was nice.

He mostly talked about his nieces and nephews and how much he wished he could be there for them right now. We spoke about his favorite foods and hobbies and before you knew it the visit was over. Before I left I told him that I wasn't completely finished with the interview and that I might come back next week.

He said "He would love to have me back," like a gentleman would. I felt wrong leaving him there like that. Almost guilty, like it was my fault he was there. Generally, he was a nice person and very, very smart and his conversation was interesting. Something tells me my first project is going to be a classic.

Chapter 3 A Report From Behind The Wall

As scheduled, our interview continued the following week and because the last visit went fairly well I was a little more focused and relaxed this time. I was excited to see him again. I wondered what his week was like and what he's been up to since I last seen him. I knew he had his hands full with all the legal work he is preparing. Working on appeals, lawsuits and constructing a website by hand keeps him busy. With so much going on in his life I wondered if the book we are working on crossed his mind at all this week, or if I even crossed his mind for that matter.

During the ride to the facility, a news report came on the radio about his case. The host of the show reported in a humorous way that he had been indicted on charges of attempting to escape from Sing Sing Correctional Facility. "Man, I don't know who Nicholas Zimmerman is, but the other had four women break into Sing Sing C.F. to help him escape. They had guns, Corrections Officers uniforms, the blueprints to the prison, the works. (Four women) tried to break into that jail, I can't even get one woman to come to my house," the host said.

There was some other females riding in the van I was in that transported us to the facility. They were all very familiar with "Sean's" situation and they actually started to clap for him when the host of the show reported the story. "That's right Sean" one of the females said. "Don't never stop fighting for your freedom" yelled another. They all spoke of "Sean" as if they actually knew him personally, but neither of the females had ever met him. That didn't matter to them because they were all too familiar with his struggle and his pain. Judging from the fact that they were also on the way to visit a loved one in prison, they too, probably one time or another, encountered some corruption by the hands of law enforcement. They identified and accepted Sean as one of their own and so he was the topic of discussion for the rest of the ride.

We finally arrived at the facility just minutes before 9:00 a.m. I was filling out the visitors request form when I noticed the officer from last week that "warned me" that I might be arrested after the visit.

“Good morning Ms. Hughes,” the officer said. “Did we have a good visit last week with Zimmerman?”

I wanted to say “none of your damn business,” but instead I just smiled and nodded my head in the affirmative. I was taken through the same maze to get to the (personalized visiting) room but this time he was already there. He stood as I walked into the room and kissed me on the cheek while shaking my right hand and placing his left on my back. I felt that he respected me as a woman and I liked that. He thanked me for the blueberry muffin and orange juice I brought him and then we started to converse.

(Interview Open)

K.L. They were talking about your case on the radio a little while ago.

N.Z. Yeah.

K.L. They said you were indicted on the escape attempt charges in Sing Sing.

N.Z. Oh. O.K. That’s good, that’s good.

K.L. That’s good?

N.Z. Um hum. (muffin in mouth)

K.L. I thought being indicted was a bad thing?

N.Z. (finishing muffin) In some cases it’s bad, but in my case it’s good.

K.L. You wanna explain?

N.Z. Well, if the news is correct and I have been indicted then I can now file a motion to dismiss the indictment and to throw out the entire case. I couldn’t do that before because there wasn’t an indictment to dismiss. So we kind of been waiting for this.

K.L. Do you think the indictment will get dismissed?

N.Z. Oh yeah, it will get dismissed. We’re not worried about that. As long as they follow the letter of the law it will get dismissed. I start to worry when they don’t follow the law, that’s the problem.

K.L. Um.

N.Z. But everything should be alright.

- K.L. O.K. I wanted to start the interview off by asking you what prison life is like for you and what goes on behind these walls? What have you learned from prison and how would you describe it to someone who has never been there?
- N.Z. I think the average American citizen has a big misconception about what prison life is actually about and what goes on in here. Granted that you have violence, homosexuality, drugs, and gangs, somewhere in all of that you can find some of the most intelligent brothers in prison. Some brothers actually come here and use their time wisely. Researching different aspects of the law, getting their G.E.D., college degree, whatever.
- K.L. You being one of those brothers, how do you stay focused on your law work in a place like this?
- N.Z. Well for me, it's about how bad do you wanna go home. You can gang out with your homies kicking it about nothing and stay in prison and not learn anything, or you can hit the law books hard and find the keys that are going to open the door to your freedom. For me, I want to go home to my family so I know the faster I finish that appeal, the faster I go home. It's that simple.
- K.L. Now, you said something about drugs being in the prison. How does drugs get into the prison?
- N.Z. Next question!
- K.L. Uh. O.K. Um . . . (thinking of next question) Well what about the violence in prison, how do you manage to stand clear of any violence?
- N.Z. In that aspect it's all about the individual. If you come in this place thinking you are a gangsta, there's always gonna be another gangsta who's thinking you are trying to outdo him or his gang. Now you got two gangsta's trying to outdo each other. That ain't about nothing. They either wind up killing themselves or getting years in solitary confinement. The individual that comes in here minds his business and stays to himself nine times out of ten won't have any problems, but once again, it's all about the individual.

- K.L. Have you had any problems since you been in prison?
- N.Z. Nah, fortunately God has managed to keep me safe and focused on my journey through life and through prison. So I've been blessed not to get into anything thus far.
- K.L. If you were to have any problems how would you handle it?
- N.Z. Next question!
- K.L. If there was one thing you could change about prison what would that be?
- N.Z. Oh wow, that's a good question. I don't know if it is one thing I could narrow it down to. I would change so many things. I don't know where to start. I guess one of those things would be the attitude of the correctional officers.
- K.L. What about it?
- N.Z. You know, I would say 60% to 70% of most of the problems that occur in prison is attributed to the correctional officer. In some ways it is almost certain that the C.O.'s started the problem. In Sing Sing, the harassment by the C.O.'s is ridiculous. It's a constant problem. I used to get harassed so much by the correctional officers in Sing Sing that it was almost comical. Little petty things like they would take your I.D. card and break it. Then you can't go anywhere for the rest of the day because you will get written up for walking around with no I.D. or an altered I.D. I mean, just constant harassment.
- K.L. Do you think you were harassed more than other inmates?
- N.Z. I mostly stayed to myself when I was in Sing Sing. I was a quiet dude, just staying in the law books and the bible. So I don't know who else was being harassed because I never took the time to ask them, but if anyone was being harassed more than me I feel sorry for them.
- K.L. Why do you think you were harassed, were you doing anything to instigate it?
- N.Z. Nah. It's just that this is the place where an officer can come and be the gangsta that he couldn't be in the

streets. He couldn't pass the test that the streets gave him to be a gangsta, he failed miserably. So he comes here and plays a tough guy to the inmate that can't defend himself without risking solitary confinement. So he has the upper hand, and he feels that that makes him a gangsta.

K.L. What is a real gangsta?

N.Z. I don't know. I'm not a real gangsta so I can't define it. Maybe a gangsta could answer that question for you.

K.L. What is an average day like for you in prison?

N.Z. You mean now or when I was in Sing Sing?

K.L. Well, I know you're on lock down now, so when you were in Sing Sing?

N.Z. I went on the visit a lot when I was in Sing Sing, almost everyday. So my day was pretty much wake up, take a shower, go on the visit, leave the visit at 3:00 p.m. and come back to a cell that look like a tornado hit it.

K.L. What do you mean?

N.Z. Like I said. I was constantly harassed at Sing Sing so that was some of the petty things the Correctional Officer's did. They would search my cell as soon as I leave to go on the visit, so when I came back I would have to clean up the mess. Clothes, sneakers, food, just everywhere.

K.L. Why didn't you complain to the administration?

N.Z. The administration was the ones telling them to do it.

K.L. Oh.

N.Z. I don't want to come across like I'm bashing every officer in the Department of Corrections. I'm not. You have some officers that come to work just to do their eight hours and go home. They are not here to "torture" the inmates. They are here to provide for their families, to make a decent living and possibly milk the system. I have no problem with these kinds of officers and they won't have any problems with me. But the officer that comes to work to be the gangsta and the tough guy messes it up for the officer that just wants to do his job, because now you have the inmate that is going to rebel

against both the bad and the good officer because he can't differentiate between the two. They look the same to the misinformed inmate, and now you've got problems.

K.L. Now that's a good point.

N.Z. Thank you.

K.L. What about the gangs in prison, can we talk about that for a minute?

N.Z. Um, yeah. To a certain extent.

K.L. Alright, I know there are the bloods and the crips in prison. Has anyone ever tried to force you to be in a gang or have they tried to force anyone else to be in their gang?

N.Z. Nah, n one has ever tried to force me to be in a gang and I don't think they try to force anyone else to be in their gangs. Your decision to be in a gang (I think) is voluntary. Now the way you leave that gang is a different story, but to join is up to you.

K.L. Would you ever join a gang?

N.Z. Nah, they tried to put me in a rap group once with two other members and that definitely didn't work, so I know a gang with (200) members ain't going to happen for me. (laughs)

K.L. (laughs)

N.Z. Actually though, I have a lot of respect for the Bloods, Crips, Latin Kings, Neta, etc. . . . I more so respect their strength and power and the way they unite as one. There is strength in numbers and they definitely have the numbers. But their strength needs to be channeled in a more positive direction.

K.L. What would you do differently if you were the head of a gang of 200 members?

N.Z. Um . . . (thinks for a second). Well for a rough idea, currently there is seventy thousand inmates in N.Y. State prisons, probably half of that number belongs to some sort of organization or gang, so that is 35,000 inmates. 35,000 inmates that would, for the most part,

come together and unite for another gang member, whether it be for violence or whatever. Just imagine if I could get \$10.00 from each of those gang members. Now me being the head or the boss of that gang they would have to listen to me and give me their \$10.00 right, sort of like a membership fee.

K.L. O.K.

N.Z. No now I'm working with \$350,000 that fast. With this amount of money you can start to make small, but progressive changes in the Criminal Injustice System. Changes that definitely need to happen. I would channel that money to the streets, perhaps maybe recruit ten to fifteen law students that are still in college, that have a new found love for the law and really want to protect a person's constitutional rights. Then I would set up an organization with these law students and also with the families of the inmates that really want to see a change, and have the students and the families start to investigate some of the inmate's cases, as far as the innocent and the wrongfully convicted. With the law students in on the project they can actually train the families of the inmates in as far as what to look for when investigating a case. This way it won't be so much work on the students. The families will become trained lawyers as well. With an organization like this students working with and training families members of the innocent or wrongfully convicted inmates, you will see an enormous amount of progress at a much faster rate. It is one thing to hire a lawyer to investigate your case. He or she is only going to do so much for you because they don't love you and what they do for you is only business and win or lose they still get paid. On the other hand, what your family will do for you is completely different. They will go that extra mile for you, make that one extra phone call for you, stay on top of other people that are supposed to do things for your case and make sure things go right. This is because they love you and they want you home but they first have to have some knowledge of the law and this is actually where my organization would help them.

K.L. You know, that is a really good idea.

N.Z. Yeah, but it would all have to start with the brothers in prison. Unless they truly want to see a change, it will not happen.

K.L. Well, maybe you should advise the gang members in prison, you know, be a consultant to the Bloods and Crips or something (laughs).

N.Z. (laughs) I don't know if gangs have secretaries that I could submit my resume to, but I'll see (smile).

My side of the story – The Investigation-Part I
available now at:

freenicholaszimmerman.com/amazon.com/barnesandnoble.com

CHAPTER 9

Superintendent Harold Graham Says Innocent Prisoner Can Have No Physical Contact Until 2050!

By Nedra James and Nicholas Zimmerman

Never before has a New York State prisoner been sentenced to more than 40 years of “no physical contact,” but if Superintendent Graham of Auburn Correctional Facility has his way, Nicholas Zimmerman will be the first.

Since 2005, Zimmerman has been on a “non-contact visit status.” Under these conditions any friend, family or even attorney that wishes to visit Zimmerman must be separated by a two-inch thick Plexiglas partition, eliminating the opportunity to embrace him. Non-Contact visits are not an unusual restriction placed on New York State prisoners; however, it is the unusually long length of time and the reasons why Graham imposed the limitation that has legal spectators questioning the Superintendent’s actions.

On June 8, 2005, Zimmerman was convicted of attempting to escape from Sing Sing C.F. The fanciful allegations that arose at trial was not that Nicholas made any concentrated effort towards actually “attempting” to escape, but that an estranged man, Tony Dubose, dressed up in a phony correctional officer’s uniform, concealed two guns in his duffel bag, and attempted to waltz into the heavily guarded prison in search of Zimmerman to help him escape. According to New York State Detective, Darren Daughtry, “Dubose almost made it.” Had it not been for a slight error in the counterfeit corrections officer’s I.D. that Dubose presented for entrance into Sing Sing, Zimmerman would have been absent for the 3:00 pm prison count. However, not too many people are quick to jump at the idea that this “attempted escape” actually took place. High profile Civil

Rights Attorney and WABC talk radio show host, Ron L. Kuby, testified on Zimmerman's behalf. Mr. Kuby asserted that it is highly unlikely that Nicholas would have escaped or even attempted to escape around the time the Westchester D.A. alleged because Nicholas' family and friends had just paid Mr. Kuby more than \$15,000 to appeal his original charge of criminal possession of a weapon.

Because of Kuby's long standing career as a criminal defense attorney and his bar certifications that allow him to practice law in numerous states, Judge Robert Dibella designated Kuby an "expert witness." In Kuby's expert opinion, Nicholas' case stood a high probability of being overturned. Kuby said that "Zimmerman was optimistic about his chances on appeal" and that "he even helped draft and edit the appellate brief" that Kuby filed in court. In his opinion, Kuby stated that Nicholas is more than likely innocent of his original charges that landed him in prison for 15 years.

Notwithstanding the above conflicting testimony, and despite Zimmerman's virtually non-existent disciplinary history, Superintendent Graham has denied Nicholas' most recent request for restoration of contact visits, finding that "In my opinion, you still represent a risk to the safety and security of the facility as well as the general public."

However, Graham's assessment of Nicholas clashes with other State Employee's that says Nicholas is "no threat at all." Two correctional officers that work at Auburn, but asked not to be named in this article out of fear of losing their jobs, said that "Zimmerman is a quiet prisoner; he barely even talks unless you talk to him. He doesn't bother anybody; he just works on his case and prepares legal documents all day. In comparison to other prisoners in solitary confinement, Nicholas is probably the most respectful." The two officer's opinion of Nicholas seem to be more credible than Graham's, based on the fact that they are in direct contact with Zimmerman eight hours a day, five days a week. Zimmerman and Graham have never met?

Although Zimmerman contends that Graham violated moral principles when he imposed the non-contact visits, he also argues in Federal court that Graham breached the most basic rules of prison law. In a letter dated March 29, 2007, Zimmerman points out that New York Corrections Rules and Regulations, Directive 4403, Section VII-B (1) states "A

Superintendent may suspend a prisoner's contact visitation, but the grounds for suspension must be limited to the following reasons: A) the passing or attempted passing of contraband between an inmate and visitor or B) socially unacceptable physical contact between an inmate and a visitor." According to Auburn's own documents, Nicholas has never been found guilty of any of the above. Even more, Section VII D (3) gives Nicholas, as well as his family, the right to have a hearing to challenge the Superintendent's decision to impose the non-contact visits. Graham refused Zimmerman's request for said hearing. "It's like being put in prison without having a trial by jury," Zimmerman said. "In Auburn, Graham is the Judge, Jury and the Executioner!

He doesn't follow any directive or law handed down by the Supreme Court. He doesn't want to appear 'soft' to the other employees at Auburn. Therefore, he would rather be sued by a prisoner before he attempts to reason with them. It's the general attitude of any Superintendent in the State of New York."

Zimmerman has filed a one million dollar law suit against Graham in the Northern District Court. Federal District Judge, George H. Lowe has accepted Nicholas' pro-se claims and is expected to make a ruling soon. Among other things, Nicholas claims that Graham inflicted "Cruel and Unusual Punishment" upon him by not allowing him to hug his family for more than two years and that Graham violated his rights to "Due Process of Law" by not allowing Zimmerman's family to have a hearing to challenge the Superintendent's decision.

One might question why Graham would blatantly violate Nicholas' rights, but take a closer look at Zimmerman's history with the Department of Corrections and some things become obvious. Most recently released by Madison Avenue Entertainment Group is a book that sheds an entirely different light on the "mission: impossible" escape attempt that allegedly took place at Sing Sing. Nicholas takes center stage in the over 500 page tell-all book and explains that he "can't tell you what happened on the other side of Sing Sing's walls. I don't know if Dubose broke into Sing Sing or not. All I know is, if Dubose would have approached me and asked me to escape with him I would have looked at him like he was crazy." Based on numerous derogatory comments Nicholas makes about named high ranking State officials, Graham's refusal to allow

Superintendent Harold Graham Says Innocent Prisoner
Can Have No Physical Contact Until 2050!

Zimmerman to hug his family seems like retaliation. "Of course his actions are retaliatory," Zimmerman said. "He didn't... restrict my visits because I am a threat; he did so because he didn't like what I had to say about his friends in Albany."

CHAPTER 10

You Are Solitary Confinement!

By Nicholas Zimmerman

Copyright © 2012 All Rights Reserved

- You are the most profound form of Cruel and Unusual Punishment known to mankind, yet the Eighth Amendment of the United States Constitution seems to have no effect on you?
- You are only 6 feet by 8 feet in size, but your impact is devastating and long lasting.
- You are a silent killer, slipping in and out of prison cells late at night to claim your next victim.
- You are the Department of Corrections' most effective weapon in inflicting mental and physical torture upon its captives.
- Your existence is undeniable; you've been around for hundreds of years.
- Numerous experts have complained about you for decades to no avail.
- You are the cause of my depression, my high blood pressure, my anxiety, my sleepless nights and my restless days.

- I've watched you kill people without laying a hand on them.
- I've watched people hang themselves from your support beams within minutes of being in your clutches.
- I've seen people slice and dice themselves with the hopes of escaping your misery.
- And I've also watch the Correctional Officers and Mental Health staff enjoy every minute of it.
- You're a bitch in my eyes; not man enough to show your face and fight me one on one, but coward enough to attack me while I'm sleeping and inject fatal thoughts of suicide into my dreams.
- Through lawsuits, maintenance, funding and security, you cause the taxpayers billions of dollars per year to stay afloat, yet they know very little about you and how unnecessary and counterproductive you really are.
- Lately you have been under fire by the media, however. But will this end your reign of terror? Only time will tell.
- I've been battling you for the past 10 years and every day I look at you and grin, knowing that you are on your last leg. Your defeat is imminent, but your history will be legendary. Tomorrow you might be a thing of the past, but today, at this very moment, as I write these words, you are torturing another soul and plotting your next murder.
- And you legally get away with all of this simply because of who you are!

You are . . .

Solitary Confinement!

Nicholas Zimmerman is an innocent prisoner serving 40 years for a crime he didn't commit. He is the author of *"The Writings On My Prison Walls: A Collection of Articles Written By or About Nicholas Zimmerman"* (M.A.E.G. Publishing \$17.99 Amazon.com), co-author of *"My Side of the Story—The Investigation—Part I"* (M.A.E.G. Publishing \$25.95 Amazon.com) and Executive Producer of *"Puzz Pacino Presents: New York's Illest"* (M.A.E.G. Music \$9.99 Itunes.com). To support the FREE Nicholas Zimmerman Campaign, please purchase the above products as all profits are donated to the FREE Nicholas Zimmerman Legal Defense Fund. To contact Nicholas directly write to: Nicholas Zimmerman/02A1663/Clinton Correctional Facility/P.O. Box 2001/Dannemora, NY 12929 or visit www.FREENicholasZimmerman.com for more information.

CHAPTER 11

DOCC's Denies Innocent Prisoners' Request For Behavioral Modification Program

By Nedra James and Nicholas Zimmerman

The "Behavioral Health Unit" at New York State's Great Meadow Correctional Facility houses some of the most dangerous prisoner's in the Department of Corrections. Murderer's, Rapists, Gangbangers, and ice pick carrying inmates all participate in the program, with the hopes of making a positive behavioral change. The program was intended on helping all prisoners who have been in solitary confinement for long periods of time to make a positive readjustment back into general population. However, according to D.O.C.'s, the program was not intended for Nicholas Zimmerman.

In the past, Zimmerman had applied for the B.H.U. program more than four times, and each time he was denied. His most recent request for the program went unanswered. Pete Raganese, a Mental Health Counselor at Auburn Correctional Facility, is responsible for getting prisoner's into the program by his recommendation. Apparently, Zimmerman's effort's to get Raganese's approval were fruitless. "I tried everything" says Zimmerman. "I asked Raganese for the program every time he makes his daily rounds. I filed grievances, wrote to the Commissioner of Corrections, Brian Fisher. I wrote to the Office of Mental Health in Albany. I even had my family call all of these people by phone. Still, no one can tell us why I cannot participate in this program". Although none of these officials will confirm the obvious, it is apparent that Zimmerman's B.H.U. denials are due in large part to his 2005 conviction for attempted escape. At the trial, it was alleged that Zimmerman

conspired with his then girlfriend, Jatanya Belnavis, to break him out of Sing Sing Correctional Facility in May, 2003. The plan was intricately simple; Belnavis would dress up in a wig, a correctional uniform, eyeglasses, and present a bogus State Employee Identification card to security at Sing Sing's front gate in order to gain entry. Once inside, Belnavis would locate Zimmerman, pass him an extra uniform, and the two would escape into lover's paradise. (Oh, and did I forget to mention that Belnavis was strapped with a 9mm and a 38 caliber handgun when she broke into the prison?)

This is the story that Westchester County's former publicly disgraced District Attorney, Jeanine Pirro, strategically fed to local media during Nicholas' trial which, in turn, ensured his conviction. Pirro failed to produce any guns at the trial, Sing Sing's surveillance camera's failed to capture Jatanya's grand entry into the prison and absolutely no one alleged that Zimmerman "attempted" to escape. However, he was convicted of just that?

According to Zimmerman, "Raganese and D.O.C.'s try to use my conviction as a justification to deny me everything. They refuse to give me anything that I am entitled to by law, they simply rubber stamp any request I make". In comparison to the other knife wielding prisoner's that have been approved for the program, Zimmerman's case doesn't appear to be all that serious. Even if one was to accept the escape allegations as true, no one was hurt in the situation, nor was there even an allegation that Zimmerman's intentions was to cause physical harm to anyone. Even more, Zimmerman has publicly denied that he was involved in any attempt to escape. Not only Not only did he controvert the "mission impossible" plan during his testimony at trial, he is even more convincing in a new book recently released by Madison Avenue Entertainment Group.

My Side of the Story / The Investigation / Part I is a collective piece that was intended on promoting Zimmerman's innocence in both the first and second case, however, since its release, the book has also offered its reader's an atrocious view of the "Criminal Injustice System." During chapter 5, Zimmerman enters a Q and A exchange with the books author, Kendra Lyneigh Hughes. It is at this point that he offers Hughes not one, not two, but seven affidavits from credible witnesses that all attest to his innocence and assert that Nicholas did not attack

Nakia Stubbs with a gun on September 19, 1998. Apparently, a bad car rental agreement between Stubbs and Zimmerman ended in dispute. Days later, Stubbs is attacked by a man brandishing a gun. Because of the dispute she had with Zimmerman earlier in the week, Stubbs went to the 105th precinct in Queens, NY and identified Zimmerman, by name, as her attacker. (To date, Stubbs has never positively identified Zimmerman by face). However, it appears that even Stubbs (the D.A.'s sole witness) has changed her story.

Along with the other seven affidavits, Zimmerman is able to produce an eighth, this one signed by Stubbs herself. In the sworn document, Stubbs asserts that "I was never absolutely certain that Nicholas Zimmerman attacked me. The District Attorney threatened me, they forced me to testify against him. They told me they would have me arrested and held in jail until I testified. I never even identified Zimmerman in a line-up. The detectives came to my house with a photograph of someone and said that he was the person that attacked me. Having been convinced by the detectives that they had the right guy, I testified against him". For now, Stubbs' affidavit, as well as the others, is displayed to the public as exhibits in the book. Legal critics call this an ingenious move by Zimmerman to gain public support for his case, and apparently Zimmerman agrees. "I didn't hold anything back in this book" says Zimmerman. "I offered the readers everything I had and I was as truthful as I can be. Not only did I want the world to know what was being done to me, but I needed people to understand that it could be done to them as well. No one is exempt from a malicious prosecution."

The controversial *"My Side of the Story"* is available on Zimmerman's website www.FREENicholasZimmerman.com. Also new to the page is a Hip-Hop CD that Zimmerman Executive Produced before being hauled off to prison. New York's *Illest / The Compilation / Part I* contains a mixture of songs from some of Zimmerman's closest friends (Pepci, Boe & Villa, Kira Scott and Thi-Lai) as well as Zimmerman himself (appearing as Puzz Pacino). Puzz comes off well in the video for his first single "Ghetto girl". Although the video vixen featured in the music clip initially plays hard to get, she eventually succumbs to Pacino's charisma and predictably becomes his "ghetto girl". While the B.H.U. program at Great Meadow

DOCC's Denies Innocent Prisoners' Request For
Behavioral Modification Program

Correctional Facility does not offer it's prisoner's any beautiful women, Puzz complains that Raganese's refusal to give him the program is part of a concentrated effort to keep him in prison. "If they were to grant me the program it would put me that much closer to the street. They are constantly putting roadblocks in the path of my release, but I will continue to push for what I am entitled to.

Maybe one day someone will listen"

CHAPTER 12

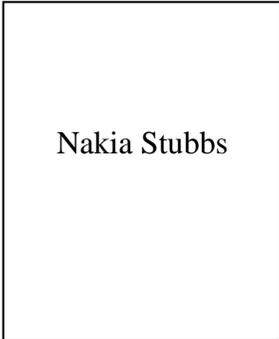
Innocent Prisoner Launches Campaign On MySpace

By Nedra James and Nicholas Zimmerman

The popular social website, MySpace.com is known to internet surfers as a place to make new friends, network with some business associates and sample free music by some of the world's best artists. But ever since Nicholas Zimmerman became a member and posted his life story, the exclusive on-line party site quickly turned into a FREENicholasZimmerman protest amid some angry supporters.

Log onto www.MySpace.com/FREENicholasZimmerman and the first thing you'll see is a picture of Nicholas, which appears to capture him in deep thought. Next to Nick is a message that he personally wrote thanking you for stopping by and for all who have given support over the years. But as you start to scroll down, the visitor soon begins to realize that they have stumbled upon a blatant judicial conspiracy that has kept Nicholas in prison for the past ten years (eight of which in solitary confinement).

For starters, the MySpace page features a recorded conversation between Nicholas, and the (only) complaining witness in Nicholas' case, Nakia Stubbs. Initially, Stubbs had testified at Nicholas' trial that she was attacked by a man brandishing a gun. Stubbs said that the attack took place on September 19, 1998 at approximately 3:00 am in Rosedale, Queens. She made a positive identification of Nicholas in Court and alleged to have recognized Nicholas by his voice when he yelled, "I'm going to



Nakia Stubbs

kill you." However, six years later, during a casual conversation between the two, Stubbs secretly admitted to Nicholas that the "D.A. was giving me my own story, she hand fed me my whole testimony."

Stubbs continued by saying the "D.A. threatened me. I told them I'm not interested, I don't even care, and the D.A. was like, 'If you don't testify, I'm going to have the bail revoked on your open federal case.' She was saying all sorts of crazy shit, you know what I'm saying?" Even more, Stubbs admitted that the D.A. offered her a deal to testify against Nicholas, even though she denied this while on the stand. Most importantly, though, is the reliability of Stubbs' identification of Nicholas. At trial, Stubbs gave a "positive identification" of Nicholas as her attacker. However, during the conversation Nicholas asks Stubbs, "When the D.A. ask you to identify me in court, how did you know that was me?" To which Stubbs responds, "She told me you would be sitting right there in the courtroom. If she didn't tell me it was you, and had they switched you with someone else, I wouldn't have known the difference."

Scroll down on the site a little more and you'll find a section of the page that reads, "Former Westchester D.A., Jeanine Pirro." It is this area of the site that depicts D.A. Pirro in the worst possible light. Newspaper article after newspaper article displays Pirro being linked to mob bosses, filing false tax returns, using the media to ensure bias convictions, and refusing to investigate DNA evidence that would eventually free an innocent man 14 years later. After reading these compiled articles, one would seriously doubt anything this lady has to say, which were Nicholas' intentions in the first place. "I want the world to know the type of malicious, self-centered woman that was in charge of Westchester County for so many years. What's important here, is that the Courts were well aware of all of her misdeeds, yet they did nothing about it," Nicholas says.

Apparently, Pirro and Zimmerman became rivals after an alleged escape attempt by Nicholas at Sing Sing Correctional Facility in New York State. Sing Sing, which was built in the 1800's, sits in the heart of Westchester County, which is why Pirro handled the case. At numerous press conferences, Pirro labeled Zimmerman a "chronic felon, manipulator, deceiver and charismatic with the woman." (these articles can also be

found on the myspace page) The statements made by Pirro didn't sit too well with Zimmerman, which is why the skeletons in Pirro's closet wound up being the focal point of Zimmerman's MySpace page. "The whole time she's making these statements about me, I'm thinking to myself, "Jeanine you ain't no angel yourself."

Nicholas' contempt for Pirro doesn't stop there. For sale, exclusively, on his MySpace page is the first of a four part series of books entitled "*My Side of The Story/The Investigation/Part 1.*" Throughout chapter six of the book Nicholas, who has no law degree and didn't even finish high school, chips away at Pirro's credibility on an array of legal issues. However, Pirro shouldn't feel singled out. Zimmerman also attacks the initial trial judge that handled his 2001 weapon's possession case. "I could not believe he denied all of my alibi witnesses," Nicholas said. "Every witness that could have proved that I was innocent, he denied them. He (Judge Roger R. Rosengarten) and (Assistant District Attorney, Leigh Bishop) never wanted me to prove my innocence, so they set the trial up so that the jury would never hear my defense. They used an innocent jury to convict an innocent man."

There is yet another feature that has captured the attention of the 137 million members on MySpace. Amazingly, Nicholas' page offers a newly released CD that he recorded previous to his incarceration. New York's Illest/The Compilation/Part I is a collage of music from Nicholas (who goes by the stage name "Puzz Pacino") and some of his friends/label mates. Apparently Nicholas had executive produced the album in 2001 and intended on a July release of the CD for that year. Instead, the album was derailed and Nicholas ended up in prison for a crime, most people agree, he didn't commit. The MySpace visitors have the option of sampling a few songs of the CD before purchasing it. Also attractive about the page is Puzz Pacino's video for the single "Ghetto Girl", which is now playing online.

As noted above, Zimmerman's situation has begun to attract some major players. Listed among Nicholas' 300 plus friends and supporters on MySpace are Jay-Z, Nas, Diddy, and Russell Simmons just to name a few. Although its great to have the Hip-Hop community behind him, Nicholas acknowledges that it's also wise to make nice with some politicians as well.

"I've sent some letters out to a few political figures; Charles Rangel, Al Sharpton, Hillary Clinton, etc . . . I'm reaching out to anyone and everyone who will listen, from the President on down to the average 9 to 5 citizen. I'm in a battle for my life and I need all the help I can get" says Nicholas.

A few "not so average" American citizens have already begun to assist Nicholas in his quest for freedom. Paula Averyhart, a massage therapist in Lubbock, Texas, finds time in between her two jobs to type Nicholas' legal briefs and motions. "Sometimes I don't go to bed until 2:00am in the morning, but I don't care. As long as he gets out, that's all that matters to me" says Averyhart. Another friend and supporter, Sharlyne Gooding, who is currently attending Law School, quit her job to defend Zimmerman. "I was working security when I first met Nicholas, but after I read his case I couldn't just sit back and not do anything to help him. I decided to go to law school. I'm going to be the best lawyer Nicholas has ever had" Gooding says.

For now, Nicholas may be incarcerated but his future is looking bright. His Federal appeal is pending in the Eastern District Court before Judge Allyne R. Ross. Zimmerman hopes that once Ross previews his case (and that revealing recorded conversation between him and Nakia Stubbs) she will overturn his conviction and dismiss it entirely. "It's been a long ten years," Nicholas says. "I've been to every state Appellate Court and all of my appeals were rubber stamped. I'm hoping Ross does the right thing this time, I hope someone's listening."

My Side of The Story also takes you through Nicholas' 1997 conviction for Criminal Possession of a Forged Device, in which the D.A. alleged that Nicholas used an intricate forgery instrument to increase the spending limit on some of his friend's credit cards, resulting in the loss of hundreds of thousands of dollars to credit card insurance companies. In response to this Nicholas only says, "I was involved in some things I shouldn't have been involved in, in 1997."

CHAPTER 13

My Pen

By the Honorable Black Entrepreneur

My Pen gon' be the death of me
It'll be in my right hand when I exhale the last
breath in me
I use it as my weaponry
So I ain't got to resort to violence like the panthers
in the 70's
And my oppressors keep telling me
"If you just stop writing we'll consider granting you
clemency."
I guess it's just the Re-bel in me
And they can't understand why I can't accept what
they selling me
You should see how they discredit me
Tellin' people I'm a rat so the homies will try to get
at me
But all that did was give me energy
And more credibility when real street ni**a's
defended me
So throughout my life's tendency
You can expect me to invoke what Martin Luther
King extended me
The right to effectively
Tell the world of the oppression Corrections has
subjected me.

My Pen Gon' Be The Death of Me!

CHAPTER 14

The First Amendment Right To Freedom of Speech Shouldn't Cost So Much: Why Prisoners Pay The Ultimate Price To Speak Out Against Injustice.

By Nicholas Zimmerman

I understand that many of you don't believe, or agree, that a prisoner should have a constitutional right to anything; let alone the Right To Freedom of Speech. There are many victim advocacy groups that argue vehemently that once a prisoner is convicted he or she should lose every right that an ordinary citizen enjoys, including the right to be treated humanely. Amazingly, some conservative groups argue that this should happen even before conviction; perhaps at the accusatory stage of the criminal justice proceedings. I don't know if there is anything that can be done to educate someone with such a narrow mind and/or a tunneled vision perception of reality, but I am hopeful that the points I make here will convince someone not so shallow that prisoners should have a First Amendment Right To Freedom of Speech. The importance of this right could not be more evident, and as demonstrated below, the experts agree, allowing prisoners to speak out has obvious benefits.

Not so long ago, the State and Federal Courts applied a "hands off" approach when it came to addressing prisoners' claims of abuse, retaliation and violations of civil rights. "The hands off doctrine embodied the Courts unwillingness to review prison administrators decisions. Under the doctrine, Federal courts avoided addressing whether prisoners retained *any* constitutional rights. The primary function of the Courts was to ensure the freedom of illegally confined individuals, not to superintend the treatment and discipline of prisoners." [R.N. 1] During this timeframe, before the mid-1960's, the Courts

assumed that prisoners were “slaves of the State” and were not entitled to any constitutional protections. [R.N. 2] But then the bloodiest prison riot in America took place in 1971, in which 10 hostages and 19 inmates were murdered at Attica Correctional Facility in Attica, New York. (Coincidentally, I am incarcerated at the world famous *Attica* as I write this report). The main contention among the prisoners during this uprising was the abuse and inhumane treatment by Correctional Staff at Attica. The prisoners were beyond tired of being oppressed and, at that time, did not have a right to due process, freedom of speech, etc. such that they could speak out against injustice. So, the prisoners resorted to what they knew best—Violence! And this violence most certainly got the attention of the American public, as well as the on looking justices.

As a result of what took place at Attica, as well as the unrest in west coast prisons like Pelican Bay, Folsom, Corcoran, etc., the murder of Comrade George Jackson (and his brother Jonathan), coupled with the hell the Black Panthers were raising in the streets, a new era was ushered in called the “Rights period” which lasted from the mid-1960’s until the late 1970’s or mid-1980’s. [R.N. 3] It was during this period that politicians, legislators and the courts realized that more violence was sure to follow if the prisoners weren’t given some sort of protection against the brutality and oppression of the prison guards. And so several laws were passed, and handed down by the Supreme Court.

Starting with *Wolff v. McDonnell* in 1974 [R.N. 4], the high court recognized that prisoners were entitled to (inter-alia) a host of due process rights at disciplinary hearings, similar to judicial proceedings for a criminal trial. Prior to this landmark ruling, the Department of Corrections had been tossing prisoners in Solitary Confinement simply because they didn’t like them. So the Supreme Court affirmed *Wolff*, which held that there had to be sufficient evidence that a prisoner violated a jail-house regulation before he or she could be placed in Solitary Confinement. Then came *Procunier v. Martinez* [R.N. 5] (later partially overturned by *Thornburgh v. Abbott* [R.N. 6]) which, again in 1974, held that prisoners had an expectation of privacy and a first amendment right to express themselves freely in their correspondence with people on the outside without fear of reprisal by Correctional staff. The reasoning for

this ruling was to stop Correctional staff from tampering with, censoring, or most times simply discarding prisoners outgoing/incoming mail that they felt was "political," "religious," "inflammatory," "defamatory," or if it "unduly complained" or "magnified grievances" against the prison institution. Staff also had a category for "otherwise inappropriate" which meant if they just didn't like what a prisoner said in their letter, it was going in the garbage and the prisoner was going to Solitary. (Oppression at its best!) The justices simply weren't having it, and they used some harsh language in curtailing this oppressive tactic by the Department of Corrections:

"Accordingly, prisoners are entitled to use the mails as a medium of free expression . . . and as a constitutionally guaranteed right . . . It seems clear that this freedom may be seriously infringed by permitting correctional authorities to read all prisoner correspondence. A prisoner's free and open expression will surely be restrained by the knowledge that his every word may be read by his jailors and that his message could well find its way into a disciplinary file, be the object of ridicule, or even lead to reprisals. A similar pall may be cast over the free expression of the inmates correspondents.

Letter writing keeps the inmates in contact with the outside world, helps to hold in check some of the morbidity and hopelessness produced by prison life and isolation, stimulates his more natural and human impulses, and otherwise may make contributions to better mental attitudes and reformation . . . The harm censorship does to rehabilitation cannot be gainsaid. Inmates lose contact with the world and become wary of placing intimate thoughts or criticisms of the prison in letters. This artificial increase of alienation from the outside world is ill advised . . . Perhaps the most obvious victim of the indirect censorship effected by a policy of allowing prison authorities to read inmate mail is criticism of prison administration. The threat of identification and reprisal inherent in allowing correctional authorities to read prisoner mail is not lost on inmates who might otherwise criticize their jailors . . . When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open inter-change of opinions; his yearning for self-respect does not end . . . If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment. Whether an O. Henry writing his short stories in a jail cell or a frightened young

inmate writing his family, a prisoner needs a medium for self-expression . . . The State (DOCS) asserts . . . that contraband, weapons or narcotics may be smuggled into the prison via the mail . . . but this argument provides no justification for reading outgoing mail. Even as to incoming mail, . . . merely opening and inspecting—and not reading—incoming mail would clearly suffice . . . I emphasize my view that prison authorities do not have a general right to open and read all incoming and outgoing prisoner mail. It is the role of the First Amendment and this Court to protect those precious personal rights by which we satisfy such basic yearnings of the human spirit.” (these quotes can be found on pages 1815, 1816, 1817, and 1818 of *Procunier V. Martinez*).

Two years later in 1976, the Supreme Court decided *Estelle V. Gamble* [R.N. 7]. It was the first time that the court recognized that a prisoner’s “conditions of confinement”, as far as how they’re treated, could violate the Eighth Amendment right against cruel and unusual punishment. The case in *Estelle* involved an inmate plaintiff who claimed medical malpractice and inadequate treatment of his back injury by the prison doctor. The justices realized that by ruling in favor of the prisoner in this case, they would be opening the floodgates to future lawsuits of similar substance from incarcerated litigants. So the court set a standard (*a very high standard*) for other lower courts to follow when evaluating these types of suits: Introducing the “Deliberate Indifference” standard.

The court stated that “In order to state a cognizable claim, a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs.” [R.N. 8] Simply put, in order to present a good claim, a prisoner’s medical issue must be serious enough to warrant federal attention, and protection. “Serious enough” all depends on the judge deciding the case. However, the good thing is the deliberate indifference standard has been applied to the majority of the conditions of confinement cases brought by prisoners and, although the outcome hasn’t always been favorable, it has provided more protection than the pre-1970 courts.

Then *Turner* came out, which “turned” the prisoners’ rights litigation world upside down (a bit). In *Turner v. Safley* [R.N. 9], the Supreme Court’s ruling in this case was publicly regarded as “schizophrenic” by most in the legal world [R.N.

10] and perhaps rightfully so. Embarrassingly, the majority of the well learned judges of the court somehow came to the conclusion that a prisoner has a right to marry another prisoner, but doesn't have a right to send that same prisoner a letter through the mail? (S.M.H.) However laughable the opinion, the courts found that D.O.C.'s concern, that allowing prisoners to marry other prisoners would create hatred and jealousy amongst other inmates and could lead to violent endings, was irrelevant, besides the point and a exaggerated response. However, on the other hand, the same court found that allowing prisoners to write each other (or in this case, their new spouse) "is a potential spur to criminal behavior" [R.N. 11]. The judges said (and I quote) "The danger of such coordinated criminal activity is exacerbated by the presence of prison gangs . . . the policy of separating and isolating gang members logically is furthered by the restriction on prisoner-to-prisoner correspondence . . . the correspondence restriction does not deprive prisoners of all means of expression. Rather, it bars communication only with a limited class of other people . . . inmates at other institutions." [R.N. 12] As the court seen it, the First Amendment allowed me (a prisoner) to marry my prison wife, but didn't allow me to stay in contact with her through the mail? Because I might be a "gang-member." Sending her "gang-coded messages." And there is an "appreciable risk" of missing dangerous messages by prison staff. A reasonable person would question why the court just didn't ban prisoners from marrying and writing? Or, why they didn't find as the four dissenting justices did that "the text of the Constitution more clearly protects the right to communicate than the right to marry. In this case, both of these rights should receive constitutional recognition and protection." [R.N.13] Perhaps the court wanted to give us "some" rights, but not "all" rights? Whatever the case, I am appreciative of the constitutional protections that we have obtained thus far, as not too long ago we were nothing more than "slaves of the state" (supra). But the struggle continues . . . and the fight for free speech rights has never been more purpose driven.

THE FIRST AMENDMENT RIGHT TO FREEDOM OF SPEECH: An Update On The Progress Being Made By Prisoners

The courts anticipated further litigation from prisoners regarding their First Amendment Rights, and so they set a doctrine that should be followed by the lower courts when judging such a claim. In *Turner*, the Court outlined a three-step analysis which should be measured against an inmate-plaintiff's claim of violations of their free speech rights. The fact-finding procedure leads the Court to ask three questions:

1. "Whether the governmental objective underlying the regulation at issue is legitimate and neutral, and whether the regulations are rationally related to that objective." (Meaning: Whether the government's reasoning for bringing about such a law is just and fair, or are they just enacting this regulation to stop a certain group of people—in this case, prisoners—from speaking out?)

2. "Whether there are alternative means of exercising the right that remains open to prison inmates." (Meaning: Is there another way that a prisoner can get his message to the public without using the avenue that the government will not let him use?)

3. "What impact of the accommodation of the asserted constitutional right will have on others (guards and inmates) in prison?" (Meaning: If the Courts were to allow a certain prisoner to exercise the right he was seeking in court, would it promote violence or unrest, effect the prison's financial budget, create more work for prison staff, defraud the public, etc.?) [R.N. 14] Several prisoners have been successful in court when the justices have fairly applied the three-step analysis to their cases. I examine some of the cases below:

Prisoners have been winning First Amendment cases against D.O.C.'s way before Roger Hicks, but I start my reporting with the case of *Hicks v. Russi* [R.N. 15]. As discussed in Chapter 1 of this book, what Hicks did in 1995 opened the door and allowed me to do what I am doing today. In 1995, while I was more focused on my career in the music industry than civil rights, Mr. Hick's was doing battle with New York State D.O.C.'s over his right to publish, promote and distribute his book to prisoners. After serving his minimum

sentence imposed, Mr. Hicks was released to parole and he intended to utilize the knowledge and skill he learned while in prison to work as a paralegal and assist prisoners with their appeals and motions that they submit to the Courts. He also wanted to publish a book about how to affectively challenge your criminal conviction in court. Of course, the Department of Corrections and the Division of Parole would have none of this, and so they illegally imposed Rule 9NYCRR 8003.2(g) against Hicks to stop his business practice. By (mailing) his promotional flyers about his book and paralegal service to prisoners, Lucille Roth, his parole officer, found that he was violating the rule, which stated: "Parolees may not be in the company of or fraternize with any person he knows to have a criminal record." (Based on my previous investigations, and lengthy experience with the government, I am eager to assume that a supervisor or someone at an executive level was forcing Ms. Roth to enforce this rule against Hicks. It's almost never the low level staff member, but some unseen hand in the upper echelon that encourages and dictates violations of ones civil rights. See Chapter 1 to see how Captain Kevin Brown of Attica was dictating the violations of my Civil Rights). And so, Hicks was probably threatened that if he continued with his business, he would violate parole, and be returned to prison. Risking his freedom, and undeterred by his oppressors, Hicks filed a lawsuit/petition pursuant to Article 78 of New York's Civil Law arguing that his parole officer's decision was in violation of his First Amendment Rights to Freedom of Speech and was arbitrary and capricious. The Supreme Court of New York denied his claims, which is commonly done to deter pro-se litigants from filing future lawsuits. (Almost everybody loses in the first court). But Hicks appealed, and the Appellate Division 4th Dept. held: "We conclude that respondents (DOC's) interpretation of the applicable regulation, 7NYCRR 8003.2(g), is arbitrary and capricious... Here, respondents distort the regulation by interpreting it to bar any 'direct contact' between criminals that may lead to the 'possibility of fraternization.' Further, respondents erroneously interpret the regulation to permit only "accidental' or 'incidental' work-related contact. As we interpret the regulation, respondents may not prohibit petitioner from advertising or selling his book to inmates by direct mail or working as a paralegal on criminal cases." [R.N.

16] Although in the Hicks case the Court did not reach the merits of the First Amendment issue, the judges ruled in his favor, nonetheless. The Hicks case has strengthened my First Amendment issue tremendously! (More on this later).

The Hicks case opened the door for another political prisoner—Mumia Abu-Jamal.

**The First Amendment Right To Freedom of Speech
Shouldn't Cost So Much: Why Prisoners Pay The
Ultimate Price To Speak Out Against Injustice.**

By Nicholas Zimmerman

COMING SOON!

RESEARCH NOTES

If you would like to purchase a copy of the Research Documents listed below, send payment and the name of the document to: Madison Avenue Entertainment Group, P.O. Box 10276, Albany, NY 12201. Price includes .15¢ per page printed, plus postage.

R.N. 1 (See Melissa Rivero, *Melting in the Hands of the Court: M&M's, Art and a Prisoners Right To Freedom of Expression*, 73 Brooklyn L. Rev. 811,³) Price: \$4.85.

R.N. 2 (See Trevor N. McFadden, *When To Turn to Turner? The Supreme Court's Schizophrenic Prison Jurisprudence*, 22 J.L. & Pol. 135,1) Price: \$6.50.

R.N. 3 (Id at 1)

R.N. 4 (See *Wolff v. McDonnell* 418 U.S. 539)

R.N. 5 (See *Procunier v. Martinez* 416 U.S. 396)

R.N. 6 (See *Thornburgh v. Abbott* 490 U.S. 401)

R.N. 7 (See *Estelle v. Gamble* 429 U.S. 97)

R.N. 8 (Id. at 106)

R.N. 9 (See *Turner v. Safley* 482 U.S. 78)

R.N. 10 (See R.N. 2 Supra)

R.N. 11 (Id. at 92)

R.N. 12 (Id. at 116)

R.N. 13 (Id. at 116)

R.N. 14 (See *Abu-Jamal v. Price* 154 F3D 128 (3rd Circuit 1998), *Shakur v. Selskey* 391 F3D 106 (2nd Circuit 2004), *Farid v. Ellen* 514 F Supp2D 482 (2007), *Hammer v. Ashcroft* 42 Fed. Appx. 861 (7th Cir. 2002), *Canadian Coalition Against The Death Penalty v. Ryan* 269 F.Supp 2D1199 (2003), *Clement v. California Department of Corrections* 220 F Supp 2D1098 (2002), *Hicks v. Russi* 632 NYS2D 341 (1995). All successful cases that have been litigated under the Turner three-step analysis.

R.N. 15 (See *Hicks v. Russi* 632 NYS2D 341 (1995)

R.N. 16 (Id. at 342)

CHAPTER 15

Clinton, Dannemora

April 17, 2014 started liked any other day in Attica's Special Housing Unit (also commonly referred to as the "S.H.U.," the "Box," the "Can," the "Hole," etc.) I woke up at 6:00 a.m. and started my early morning routine of washing up and brushing my teeth, then stretching, then meditation. Recently I had started doing my routine backwards because my neighbor¹ complained that my rusty water button on my sink made noise when I pressed it for water. It wasn't the first time I heard that, however. Even I knew that my sink sounded like a muffled bullhorn, and at 6:00 a.m. that could piss off anyone. But most of the people on my company² had been there for months and was already used to my alarm clock/sink. Some people even made fun of me and my sink: *"Touch that sink one more time and it's over for you ni**a. And I ain't playing!"* My boy Flip from the Bronx channeled Pinky from Next Friday when he said that line to me. He's got the best pinky impression I've ever come across; it's spot on! Unfortunately, he said it to me while I was brushing my teeth and I almost swallowed my whole damn toothbrush!³ Of course, he found that funny too. Anyway, I decided to not "touch that sink" till 7:00 a.m. so I didn't bother my neighbor(s).

7:00 a.m. rolls around and so does the mail cart being pushed by officer Robert Henson. For the most part, Henson had been fair with me during my stay at Attica, but that's Attica's standards of "fair," not the normal prison standards of fair, meaning: If you needed a pen, tissue, etc. Henson would

1

2

3

get it for you, but you're gonna wait about 3 or 4 hours to get it. Compare that to most officers in Attica who might ask "Are you crazy?" when you ask for the basic necessities of life and you'll find Henson to be fair. I handed Henson eighteen letters to be placed in the mailbox and he handed me eighteen new envelopes in return. Although prisoners are allowed to mail as many letters as they like, sending that much mail in Attica is sure to bring you some unwanted attention and retaliation. I've had my fair share of both, but exercising my rights to Freedom of Speech through writing was so worth it and by now Henson was used to the large amount of mail I sent out and received so he just put it in the box and left. I started to set up my "office" for the day.⁴ I grabbed my to do list and took a seat. But something felt so awkward this morning. Since I awoke that morning I had been feeling a funny kind of "out of place" feeling or a feeling like something was missing. My girlfriend of four years, Desiray was starting to become distant around this time and I hadn't heard from her in months, so I just assumed that was the empty feeling I was feeling. I'm not the type of person to sit around and cry when things go wrong. I rather invest my time in trying to find a solution to the problem, so I brushed off whatever I thought I was feeling and tried to get a little writing done before breakfast came. What happened next would confirm my funny feeling, but Desiray wouldn't be the reason for it.

"A yo E.N.Y., they coming for you!" Usually I'd respond to the sound of Big Kid's voice. Big Kid and I had become fairly good associates during the months we spent around each other in Attica's Box. I can't recall us disagreeing or arguing about anything and most or all of our conversations were positive, and about growth and development. That's rare, given the circumstances we were under. I've seen Solitary Confinement turn comrade against comrade, but that didn't happen here. Still, I didn't respond to him. Not because I didn't want to, but because I was stuck on stupid about who was "coming" for me? Big Kid called me "E.N.Y.," short for East New York⁵—a

4

5

nickname he would call me whenever the C.O.'s⁶ was around us or on the company. So I knew a C.O. was coming for me, but for what? This was very unusual, and the timing was way off. Nobody was being pulled out of their cell at this time of the morning unless you had to take an insulin shot for diabetes or it was an emergency cell search, and if it was a cell search, I'm thinking, what did I do wrong? It would be a few seconds before the C.O.'s made it down the long company to my cell, C-W-177. When they got there it was Henson again, and another officer I never saw before, probably someone filling in for Correction Officer Dean Bauer, Henson's steady partner. It was always nice to wake up and not see Bauer's face. Bauer was, by all means, the worst C.O. in Attica's Box⁸ and he took pride in being so. However, for the last fifteen months or so Bauer had stopped harassing me and he had even (amazingly) slowed down on harassing other prisoners. Still, I had a history with Bauer, and he had done things to me and I had witnessed him do things to others, that would not allow me to settle my disdain for him. The fact that he tried occasionally to smile and joke with me only made me dislike him more, but I smiled back just to keep the peace. Anyway, Henson was at my cell, and he had some news for me. News that would tell me it was time to put that fake smile away. (At least for now)

"Zimmerman, the Cert. Team is here to get ya. You're drafting out today. You're leaving and going to another jail." And just like that, everything around me stopped! Total Silence! No Movement, No Noise, No Nothing! It was so quiet that I could hear Good Morning America's Robin Roberts blaring through my tiny earbud/headphone piece that was at least five or six feet away from me, which was surprising since Attica would sometimes put the news station on so low that one could barely hear it. All nineteen cells on the company was quiet, not saying a word. No one believing their ears. Big Kid called out again, "A yo E.N.Y., that's you?" For some reason his voice seemed really loud, but not louder than the beating of my heart, which was beginning to sound like a little man was

6

7

8

playing drums inside my chest! My body kind of locked up on me, like some sort of strange temporary paralysis. It lasted for about 2 or 3 seconds and I remember trying to move my right leg, but I couldn't. Henson said something to me about my property, which snapped me out of my trance, and then another prisoner asked me something, but I can't remember who or what it was that was asked. As soon as I was sure that I could speak proper English again, my first words to Henson was something like, "C'mon Henson. Don't play like this. This ain't funny." I guess I was waiting for him to crack a smile or do something to let me know he was joking, but he didn't. He just had a dead serious look on his face as if to say "this ain't no joke." And at that point, what I thought was sweat on my face from trying to change my underwear and clothes quickly, was actually tears coming out of my eyes. I was crying. Crying uncontrollably at that. I didn't even know I was crying, but there they were, tears. And I'm not even the type of dude to cry. I had only cried once during my incarceration.

A prisoner's rights activist named Virtuous Lydia White who, at the time, was affiliated with the Atlah World Ministry in New York City wrote me a letter while I was in Shawangunk. This was in 2003 and the escape allegations at Sing Sing was still front page news. Her letter said that my mom had contacted her about me, told her that I was being accused of the escape attempt at Sing Sing, and I needed help—basically someone to advocate for me against the escape allegations. Her letter was fiery. She told me that she knew all about the corruption in the Department of Corrections and Community Supervision (DOCC's), the brutality and retaliation against prisoners, the violations of visitors rights, the abuse of power, etc. Her letter couldn't have landed at a better time.

Jatanya and Tamara had just broke out on me, my other so called friends and associates wasn't responding to my family's phone calls and everybody else was distancing themselves from me because they didn't know what was going on? (I can't be mad at 'em though, with that type of media attention I may have distanced myself from certain people too.) I was also having a lot of problems with George Karamonos, a C.O. at

Shawangunk. He was a regular for my company⁹ and worked the 3 p.m.-11 p.m. shift, Monday through Friday, so I had to deal with him pretty much every day. He let me know from the first day I arrived at Shawangunk that he didn't like the media attention I was getting, probably because the press was painting me as the "Handsome rapper from Brooklyn who's girlfriends loved him so much they broke into a jail for him." He never even asked me if any of this was true. He just proceeded to fuck with me every day. Most times I'd just ignore it, but a lot of times I would just sit there and ask myself "what is wrong with this guy and how did he get this job?"

Lydia White's letter reached me at a time when I had little or no understanding of politics, the legal system, civil rights, prisoner rights (prisoner's rights? Who knew prisoners had rights?) etc. And it was like she was speaking directly to what was going on with Karamonos and I. I grew up thinking that nobody cared about black people in urban America and with that misguided mentality, I automatically assumed certainly that nobody was going to care about what a C.O. did to a prisoner, or what Karamonos was doing to me. Ms. Virtuous Lydia White's letter would be the first instrument to chip away at my pessimistic ideology toward society.¹⁰ She showed me that she cared. And that made me cry. Uncontrollably. Real Talk!¹¹

I got dressed as fast as I could and put my hands out the feed up slot to be handcuffed, backwards.¹² Sergeant Condone asked me if I had breakfast yet and I answered "No" but really I was thinking "You can starve me for a week. As long as I am leaving Attica, I'm good!" Big Kid, Blills and Malice was saying goodbye to me as I walked down the company, everybody happy (and shocked!) that I was leaving Attica, but nobody really wanting me to leave. I can be the life of the party, at times, depending on the type of people I'm around. If I'm comfortable, I'll share knowledge, advice, history, strategy, etc. And (although extremely rare) I may tell you a few funny

9

10

11

12

stories that happen to me in the past. But if I'm in a awkward space, and I don't like the chemistry of the people around me, then I won't say anything. Not a word! And I may go on like this for months. Before I left Attica I kind of liked some of the people that was around me and hopefully they liked me, (maybe?). But it was time to go now and there were four correctional officers, one Sergeant, two bullet proof trucks and a lot of guns and bulletproof vests waiting to take me somewhere, anywhere?¹³ I walked past Sergeant Bartello on the way out of the building and he said "So you're finally going to Colorado huh? Dress warm, it's gonna be cold!" During my last Hunger Strike he jokingly told me that they were going to transfer me to a prison in Colorado if I didn't start eating. At first I thought he was joking as Attica employees can (sometimes) have a sense of humor, but every time I thought I had seen everything there was to see in Attica, Attica would do something new, and shock the hell out of me, so anything was possible. Also, around this time, I had come across an article in a prisoners rights newspaper that stated there was a nationwide movement going on to stop the Department of Correcitons from transferring prisoners to other states, simply because they didn't have enough space in their own State to house their inmates. So was Colorado an option for me? Maybe, but anything would have been better than Attica. I think even my family would have rather visited me in Colorado than Attica. (*Yeah, Attica is that bad!*)

So I made it down the stairs with all my shackles on—Leg Irons, Handcuffs, Waist chain, Padlock, the works! This Certified Operation Team (which only handles transfers for so-called "high profile" prisoners like me) wasn't as aggressive as the last team that had transferred me to Federal Court in August of 2011. Maybe that was because I was suing their boss, Donald Selsky and others, and they wanted to harass me a little. But on this transfer I was just going to another prison, not to court, so the team didn't bother me. They were respectful and I was in return. I hopped in the truck, they buckled me in, and we slowly pulled away from Attica Correctional Facility. I looked over my left shoulder at the prison wall, saying a prayer

13

for the brother that's being picked out of the line going to breakfast. The line will continue on without him and when the coast is clear, fifteen to twenty C.O.'s will beat him mercilessly and unjustifiably. And he will be charged with assaulting them. This happens every day in Attica. Literally, *every day!*

While pulling off the property that surrounds Attica we passed the Hospitality House which is where the visitors can freshen up after the long six hour ride from the city. Looking at that place made me think about everything Desiray, my mom and my family had done for me since being in Attica. Every time they came up to see me they had to wait in that house (for hours) until their name was called to visit me. I now had a glimpse of what they went through every weekend. The truck made a right turn off the property and we started on our long journey, somewhere? I tried to take in as much scenery as possible as I had not been on the outside in three years, but one hour turned to two, and two to four, and four to six, and by this time I was really starting to think we were going to Colorado! At a rest stop, one of the officers was left to watch me alone and so I asked him, "Hey, where we going?" He looked at me for a few seconds, looked away and reluctantly said, "Clinton."¹⁴ The word Clinton starts with a "C" and I thought he was about to say "Colorado" and, at that point, I may have believed him being that we were six hours into a trip to nowhere. But he said Clinton. And I thought "Clinton? Okay. Clinton sounds nice this time of year. I can do Clinton." And we were off again. We was probably about an hour away from Clinton, but the rest of the ride felt longer than the beginning of the journey because the officers took the scenic route for the rest of the trip. I don't know if they did it as a security measure so I wouldn't know the highway route to Clinton, or maybe just to clock some overtime, but boy was that a looooooog ride! We past some cows, horses, bears, deer, sheep (I think we past the same sheep twice?) and some kind of animal that looked like a mixture between a raccoon and a hyena (and it looked hungry and was chasing us!). I never thought I would feel happy about going *to* jail, but when we got to Clinton I felt relief. *Finally*, we were there!

The word about Clinton was if you didn't bother the officers or the staff, then they weren't going to bother you. I had heard this from numerous prisoners throughout the years and, although 5½ hours from the city, several prisoners I knew wanted to do all of their time in Clinton. Of course, I ran across a few prisoners that told me they were assaulted by officers for no reason, so I took that into account as well. But for the most part, I figured Clinton would be a better atmosphere than Attica and that I would make the best out of my time there. Still, I had Sing Sing hanging over my head and no matter what jail, prison, courthouse, etc. I go to in America, that will follow me (or might get to the institution before I do, as staff is usually notified ahead of time that a high-profile prisoner is on the way.) The way people respond to my case can be categorized in three ways: (A) You will have the officer that will be informed about my situation and may have heard about it in the media and might have even been to my website www.freenicholaszimmerman.com to check out my music, my book and to learn more about my case. This officer won't say anything to me about it however, or if he does it will be brief and to the point. (B) The "B" officer will know everything the "A" officer knows, but he will be more inquisitive about my case—where I'm from, who I know, etc. He will be friendly and want to make small talk, and I'm cool with that because I'm not anti-police. I'm *anti-corrupt police*. (C) The "C" officer will know everything the A and B officers know, however this officer will make his hatred for me known, either intentionally or inadvertently. He will fuck with me for no reason and I don't have to do anything to warrant it. He will do it just because. Being high profile and in prison brings you a lot of attention. Sometimes good attention and sometimes bad! The jealousy is also prevalent, but it's worse when it's coming from someone with authority that can abuse their power simply because they don't like you. And you don't have to do anything for them not to like you. They just won't like you because they just won't like you. Simple! I'm not the type of person to care if a certain person likes me or not, but when your dislike for me turns to harassment, that's when problems occur. I wasn't looking for any problems in Clinton and actually I was hoping there were a lot more A&B officers there than C's, but I would have to be patient, as only time would tell.

So the officer unbuckles my seatbelt and I hop out the truck and hop to the front door and walk in, all the while still shackled head to toe. I'm directed to a holding cell where the Certified Team starts to take off all the shackles and handcuffs. Once that's done, the cell door closes behind me and one of the officers says "Alright Zimmerman, see yah." I say "I-ight" and they're gone. At that point I am now officially "Clintons' Property" (as they say) and part of normal procedures, a Clinton officer directs me to hand him my clothes to start the strip search.¹⁵ I complied, but I noticed that this officer was a little aggressive in his speech—talking loud and stern. Immediately I thought to myself "possible C officer," but I wanted to wait before I thought the worst of him because I wouldn't want someone to judge me based on the first 10 minutes of meeting me. If I was having a bad day, and I responded to someone in a bad way upon meeting them, I wouldn't want them to think I was a bad person, all around the board. So I gave him the same benefit of the doubt. Once I got dressed, a supervisor came over to me and introduced himself as Sergeant Stewart. He was polite, well spoken and had a cool laid back demeanor. He even made small talk with me, asking me if I ever did time in Comstock. (Great Meadow C.F.) At first I said "No," but then he asked me, "You didn't come through there a few years ago?" At that point I remembered that I stayed at Comstock for a few days in 2011 for my Civil Rights trial. It was the closest state prison to Albany, N.Y., so DOCC's decided to house me there until the case was over.

"Yeah, but I only stayed there for a few days for court," I told him. "Why? You was there?" I asked.

He said, "Yeah, I was. I thought I remembered your name," and from that point on our interaction was respectful. I was given the normal rundown on how the Box was run and told "If you act like a man, you will be treated like a man" by the officer. (As a prisoner, you will hear this line throughout your whole bid and, at first blush, it sounds fair. But its meaning has a double-edge sword. In reality, what I've come to understand of this statement is if a officer harasses you, don't file no grievances, no complaints, no lawsuits and don't

15

complain to any supervisors. Basically, whatever is done to you by an officer is fair game and, in some way, you brought it on yourself. So just “act like a man” and stay quiet about it. On the other hand, if you file a complaint, you are not acting like a man and you deserve to be beat up by ten officers when nobody else is looking. That’s pretty much what that statement means) I said, “Okay,” and I was led down the hallway to a cell. On the way, Sergeant Stewart told me that everybody starts off on “one company” and that if I was quiet I would be moved to three or four company, which are the best companies, in a few weeks. I assured him that I had no intentions of being a problem and they placed me in a cell, eight cell to be exact, and left. I immediately realized why everybody started off on one company. It was the worst company in the Box and eight cell must have been the worst cell in the entire SHU. The thick cloth mattress looked like a bunch of wild hogs had been sleeping on it for years (and smelled like it too!) It had stains everywhere. Some of it looked like blood stains. The floor was covered in thick dust, as if it had not been swept in months. The base of the toilet was covered in what could have been feces, but I think it was more like rust from not being flushed or cleaned in months. I didn’t smell a feces type smell, so I concluded it was rust. The walls were filthy, stained and written on by prisoners who wanted other prisoners to know that they “were there.”¹⁶ And, the worst thing about it, the sink was stopped up and water was spilling over to the floor. I thought to myself, “So this is my initiation into Clinton, huh?”¹⁷

I’m sure Sergeant Stewart knew that some of the cells on one company was dirty, but I don’t think he knew just how bad eight cell really was. I think that “possible C officer,” knew, and purposely put me in that cell. Maybe if I asked Stewart for a mop, a broom and cleaning supplies he may have arranged for it, but I decided against asking them for anything. I was a new arrival to Clinton and I didn’t want to make any noise about anything. I’d be better off just following Stewart’s advice, staying quiet, and moving to a better company as soon as

16

17

possible. So I fished¹⁸ two bars of soap, a small broom, shampoo, an old towel and a homemade mop from my neighbors on my left and my right (you'd be surprised what you can find in the SHU!) and I got busy on cleaning that cell! While I was cleaning, my neighbor told me how good the shampoo smell was coming from my cell and so he started cleaning his cell too. Two or three other people starting cleaning their cells as well! I chuckled quietly, happy that the brothers were following my lead on cleaning their cell. I turned a negative into a positive, not bad for my first day at Clinton.

Over the next few days I started to learn more about my surroundings. Turns out that the last three prisoners that were in eight cell had all complained to the officers that the sink was stopped up in that cell and had tried unsuccessfully, as I had, to unclog it with a plunger. I figured if the officers had yet to call the facility plumber to fix the sink, that they had no intention on doing so. They wanted the sink to stay just like that as an added inconvenience to prisoners. Of course, I made a request for the plumber, but I was told things like: "We only have one plumber for the whole facility and he is busy," "The plumber don't work on weekends," "We called and left a message," "I'm not sure if we have a plumber," and "Why do you need a plumber anyway? Nobody else is asking for a plumber . . ."¹⁹ Some issues I'm willing to stay quiet about because in dealing with the government, more specifically the Department of Corrections, you must learn the art of picking and choosing your battles. But hygiene issues is not one of the issues that I am passive on and my clogged sink was starting to become a hygienic problem for me, so I figured it was time to say something about it.

The next morning a white shirt makes a round²⁰ and I stop him to speak to him about the sink. I don't know who he is, so I ask him and he says, "Lieutenant Something?" I don't remember his name but I know Lieutenant sounded good enough for me. Just then, he introduced the other white shirt that had caught up to him. "And this is Sergeant Something?"

18

19

20

He's my Sergeant. One of the best Sergeants I know. He runs this Box and he does an excellent job at it. If you have any issues he will address them," and he walks off leaving the Sergeant to talk to me. I understand the language of politRicks really well²¹ and this is where DOCC's and I differ vehemently. Because I can detect when someone is lying to me (or when DOCC's is lying to me) they retaliate against me. They actually get mad at me because I am not susceptible to their internal conspiracies. I've been studying political science (intensely) for more than ten years (which makes me an expert in that field by some standards) and in doing so, I've picked up the ability to know when someone is lying; akin to a reporter in his search for the truth²². I may not be the smartest man on the planet Earth, but I am far from the dumbest man on Pluto, and with that said, I know bullshit when I see it. Assuming that Lieutenant already knew who I was²³ (which I'm quite sure he did, but even if he didn't...) what he was telling me in politRical language was that no matter what that Sergeant had done in the past, or may do in the future (to me or to any other prisoner), he was going to justify it and co-sign it! He was letting me know, up front, that he was not going against the establishment no matter what, and so any complaints I sent his way about any staff members would be denied, without investigation. He knew I was a Pro-Se Litigant²⁴ and he was letting me know that he didn't care anything about my litigation skills. (To be honest, he didn't have to say that. I've been dealing with DOCC's since 2002 and I already know that no DOCC's official is going to investigate a complaint against another DOCC's official pertaining to a prisoner. It just ain't happening!) But I respected the Lieutenant's stance. I always like it when a government official is up front with me about their views and opinions on prisoners, and prisoner's rights. It makes for a better prisoner/officer relationship.

Clinton, Dannemora by Nicholas Zimmerman. Coming Soon!

21

22

23

24

