

Los Angeles County has the largest jail system in the country. On any given day it houses roughly 20,000 inmates. As I walked into the main jail I was so sick I could hardly stand. Once the chains were removed I was placed in a holding tank with other “new arrivals.” Whereas getting booked at the city jail took less than an hour, here it took two days. Remember, I had yet to be formally charged and had not had contact with an attorney.

As time passed more and more bodies were packed inside the tank. Before long we were standing shoulder to shoulder, butt to butt, like sardines in a can. My nightmare was at a high point. I felt like I wouldn’t be able to do this much

longer—like I might collapse or lose consciousness. Right then this guy looked at me and said, “Hey, brother, you’re sick as hell aren’t you?” When I said yes, he directed those around me to move over just enough so I could sit down. Never have I been so glad to sit.

We were eventually herded into a larger holding tank that had one seatless toilet and a sink for everyone. In this world privacy does not exist. Hours are spent in these concrete enclosures with others who are arrested for everything from public drunkenness to robbery. Most are addicts, skid-row winos, homeless people, or a mixture of all three. Many have mental problems. Within these rooms one hears a constant mixture of echoes from slamming cell doors, people yelling, wailing, vomiting, and laughing. Strange how, over time, I got used to it.

The next step of the journey involved being strip-searched. As our clothes were removed, the stench of body odor permeated the room. It took effort not to gag. After having every orifice of our naked bodies examined by deputies, we were steered to a shower area, given about thirty seconds to wash, and then sprayed with bug repellent. Next came jail clothing, a wool blanket, and a towel.

Before being assigned to a cell we were photographed, fingerprinted, and given receipts for our

property. Finally, after nearly two days, I was led to a four-man cell—my next temporary home. There were already six men living there—two sleeping on the floor (these cells had enough space for two bunks, a toilet, a sink, and about thirty inches between the bunks). I, along with two of the others, slept on the concrete floor. Whereas they slept directly underneath each of the bunks, I took the space between them—and was glad to have it. No mattress. No pillow. But the blanket and the space sure were nice.

I welcomed the chance to rest. I still couldn’t sleep, but it felt good to just lie there. Around 3:30 A.M. a guard came down the tier (the walkway in front of the rows of cells), waking up people whose names were on the daily court list. I was one of the fortunate few. Within a few minutes the cell door opened and I was guided to a holding tank where I waited with other court-bound men to be taken downstairs for breakfast. Once given food and seated, we had about three minutes to eat.

Our next stop was an area containing dozens of holding tanks—each acting as way stations for different courts. Deputies, reading names and court destinations from printouts, directed us to the appropriate tanks. I soon learned that I’d be going to the Torrance court. Before long we could hear the rattling of chains—a signal that we would soon be departing. As our names were called, we walked forward and placed our wrists in cuffs. After we were chained, we were led out of the jail into a parking lot where a huge fleet of black-and-white buses sat, waiting to take us to courts all over the county.

A jail bus ride can be an eventful occasion. For a short time you are almost in the world. Through steel-meshed windows you see cars, buildings, parks, streetlights, and people who are free—including women. Many of the men yell and joke about whatever crosses their mind. Others stare idly through the steel grillwork—silent and serious looking. Five days after my arrest I was finally going before a judge.

After arriving at the Torrance courthouse, we were taken to a basement holding tank and unchained. Because I didn’t have money for a lawyer I was assigned a public defender (PD), whom I met through the bars of a holding cell located next to the courtroom. His name was Robert Harrison. Like every other lawyer I ever had, he was white. He

INSIDE THE CRIMINAL JUSTICE SYSTEM AND BEYOND: ONE MAN’S JOURNEY

Prosecution, Adjudication, and Sentencing

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carried a briefcase packed with papers, had a suit on, and looked like he was in his late twenties. Although clearly hurried, he treated me with respect. After introducing himself he informed me that this would be my initial appearance and that I'd be back in two weeks for a preliminary hearing. Our meeting took about three minutes.

During the initial appearance I was arraigned in municipal court (the lower, or misdemeanor, court), which meant being legally charged, given a set amount of bail, and a date on which to return. The district attorney (DA) and public defender introduced themselves to the judge as participants in the case. The entire proceeding took less than a minute. Afterward, as bailiffs escorted me from the courtroom, my PD told me, "See you soon."

Two weeks later, still in jail and running on no sleep, I returned for my preliminary hearing—the phase of the process in which the district attorney tries to convince the court that a felony has been committed while the PD shoots for dismissal based on lack of evidence or an unlawful arrest. The woman who called the police testified that she had seen suspicious activity around my room—strangers coming and going. The police testified that I evaded arrest. The heroin, money, and other drugs taken from my pockets and room were used as evidence. My PD tried to get the case dismissed by arguing that the police searched me without probable cause. The DA said the search had been lawful. The court ruled against me, and I was bound over for arraignment in the superior court (felony court). After the hearing, my lawyer told me, "It doesn't look good." I asked him, "How much time do you think I'll have to do?" He said I'd "better plan on doing five" (that meant years and that meant prison).

Arraignment in the superior court came two weeks later. This time, as well as being told what I was charged with, I made a plea. In another brief meeting before the hearing, my lawyer told me, "When they ask you to plead, say 'Not guilty.' The judge will then set a trial date. Before that time arrives I hope to know more about what the DA wants from this case." I did as he suggested and a trial date was set. Within a few weeks my PD came to visit me in the county jail to tell me about a deal being offered by the district attorney. If I pled guilty to possession of a controlled substance (heroin), the rest of the charges would be dropped and I

would be sent to the Southern California Regional Guidance Center at Chino—state prison, for a ninety-day evaluation, a process designed to assist the court at sentencing. He said, "Because of the evidence in this case I don't think we'd have a chance to win at trial. If you take the deal there is the possibility that a positive evaluation by the people at Chino might influence the judge to send you to a drug program. The worst-case scenario, though, is two to ten years for possession. On the other hand, if you go to trial and lose, you will most likely get five to fifteen years for possession with the intent to sell."

I knew my situation was bleak. The court already had a presentence investigation (PSI) report from my last case in which I received jail time and probation. I didn't think I had a chance of being found not guilty for my current charges. Plus I had heard about guys getting breaks after going to Chino. So the deal sounded good and I went for it.

To formally accept the deal I had to plead guilty in court to the charge of possession of heroin. My PD told me I needed to understand that doing so must be a decision I willingly make and that the judge possibly would not accept the deal. Finally, there were no guarantees as to what type of sentence I'd get. He said he'd recommend a drug program, but the chances were good that I'd have to do prison time, regardless of what type of evaluation I received from Chino.

When the court date arrived I appeared in Judge Barrett's courtroom. The district attorney told the judge that in exchange for a guilty plea to possession of a controlled substance, the people would agree to drop the rest of the charges. My PD said that we agreed. Then the judge said, "Mr. Terry, before accepting this plea I must ensure that you are doing so voluntarily. Has anyone coerced you in any way to plead guilty to this charge?" I said, "No." "Has anyone promised that you will receive a specific sentence if you plead guilty?" "No." "Do you understand that you do not have to make this plea and that you have a right to a trial by a jury of your peers?" "Yes." "And understanding all this, do you waive that right at this time?" By now I was wondering if I was making a mistake. It seemed as if the judge was trying to talk me out of it. I looked at my PD for assurance. He nodded his head, indicating it was okay. I said, "Yes." After accepting my plea of guilty the judge sent me to Chino as expected and

said that sentencing would take place upon my return to court.

The “evaluation” from the ninety-day observation came from a twenty-minute interview by a counselor who recommended a drug program and a fifteen-minute interview by a psychologist (nicknamed San Quentin Sally) who said I was a threat to society and belonged in prison. Within three months I was back in the county jail awaiting my final court date.

Finally, five days after I returned from Chino, I was again taken before Judge Barrett for sentencing. Inside the courtroom, before the actual hearing took place, my PD showed me a copy of the evaluation from Chino that clearly indicated the likelihood of a prison sentence. San Quentin Sally not only recommended prison but also said I was a chronic liar with a dismal future. Once I read that I lost all hope for a drug program. Right then I also felt alone, isolated, like it was me against the world and I was definitely losing. I had no friends or family in the courtroom, I was surrounded by strangers dressed in suits and fancy dresses, and the only person who seemed to care about my well-being was my PD.

When the hearing began, the DA used my criminal history and the evaluation from Chino as justification for a prison sentence. My PD suggested a drug program because I had an extensive history of addiction and no arrests for violent crimes. He pointed out that this was also the conclusion of the counselor at Chino. Before imposing the sentence, the judge asked me if I had anything to say. I said no. Then he said, “After considering all sides of this matter I feel little choice but to send you to the department of corrections for the term prescribed by law. I understand you have a problem with drugs, but you’ve had your chances in the past. It is my hope that when you get to prison you do something to better yourself so when you get out you can live a normal, decent life. With this said, I sentence you to do not less than two but no more than ten years in the California Department of Corrections for possession of narcotics.”

I felt good that day when they chained me up to take me back to the county jail. It had been a while since I got arrested, and I was finally headed for the last leg of my journey. I figured that with the time I had already spent in custody, plus good time, I would be out within eighteen months to two years. ■