

Note that the states' dependence on plea bargaining has risen since Lafler v. Cooper, in 2012, according to Julius Kreeger Professor Emeritus, Albert W. Alschuler, "Plea Bargaining and Mass Incarceration," 76 N.Y.U. Ann. Surv. Am. L. 205 (Footnote #2):

"Ninety-seven percent of the felon convictions in federal courts and ninety-five percent of those in the state courts are the result of guilty pleas. ... See U.S. DEPT. OF JUSTICE, UNITED STATES ATTORNEYS' ANNUAL STATISTICAL REPORT FISCAL YEAR 2017, Table 2A, <https://www.justice.gov/usao/page/file/1081801/download> [https://perma.cc/L5EH-3U7W]; U.S. DEPT. OF JUSTICE, BUREAU OF JUSTICE STATISTICS, CRIMINAL CASES: SUMMARY FINDINGS (July 3, 2018), <https://www.bjs.gov/index.cfm&ty=TP&tid=23> [https://perma.cc/LP5H-YKLT]."

Note also that the numbers offered by Chief Justice Burger have, likewise, risen. His hypothesis was based on ten percent going to trial, but as shown above, presently, there are only between three and five percent going to trial. This halves Mr. Burger's steps from ten percent in 1970 to five percent in 2023. To achieve the same tremendous consequence that Mr. Burger was saying would take a shift of 10 percent would now take only 5. Where we now have one in twenty demanding a trial, we would need only two or three to double or treble (respectively) the demands on facility and personnel resources. And were those same people to demand "speedy trials" it would require that demand be met very quickly. Let us consider more of Chief Burger's words. From Santobello v. New York, 404 U.S. 257, 260 (1971):

"[P]lea Bargaining' is an essential component of the administration of justice. ... If every criminal charge were subjected to a full-scale trial, the States and Federal Government would need to multiply by many times the number of judges and court facilities."

A final closing thought, from United States v. Andrades, 169 F.3d 131, 132 (2nd Cir. 1999):

"A criminal defendant's plea of guilty is perhaps the law's most significant waiver of constitutional rights..."

Mongoose Dist.
PO Box 220069
Brooklyn, NY 11222

Steve McCain
2096064
Wainwright Unit
PO Box 660400
Dallas, TX 75266

Reverse Our Course! Regain Our Freedom! Receive Control of the Game!

Our friends and family members, that are being held captive in County jails or other pretrial detention facilities throughout this country, need our help. They need our love and support, or advocacy, and, most of all, our strength. And whether we realize it or not, we neet theirs.

We need to get a message to them: that we stand with them, and with each other, to help and support them. Our actions speak louder than our words.

We need to help those friends and loved ones to unite in purpose. The example of our own unity is our greatest tool, our most convincing display.

We need to help them conquer their fear. To do this we must conquer our own; we must show them that we are fearless ourselves. Let our example teach.

We need to help them understand that it is they who control the criminal justice game; that they have been and are presently being manipulated — the prosecutors prey upon their (and our) ignorance and fear — to control it in such a way that it works to their disadvantage, and to ours. We need to help them understand that they can, by exercising their constitutional rights (which they are being tricked into waiving), turn it to their advantage; that in doing so they will save themselves, and potentially many others, who are not yet in their position, much anguish.

We are all being rounded up — take a moment to look around you — like cattle. We are being separated from our families, friends, and communities and being led through the cattle chute to the slaughterhouse that is prison. We need to help our friends and family members, who are at this stage of the process, understand that they can clog the chute; that they can inhibit the process; that they can weaken the slaughterhouse; that they can regain their freedom by so doing. We need to understand this ourselves. We have allowed this to continue for far too long. The time is ripe, and WE MUST STOP IT.

Two things only must our friends and loved ones do, while being detained in these pretrial facilities, but these two things will require:

- a) those being so detained to unite with each other, and with the broader whole, in a singular purpose. What purpose? Controlling the game, and thereby controlling the adversary, and
- b) they will have to overcome their fear of the adversary. They will have to understand, as we ourselves will have to understand, that there is nothing to fear, truly, because THEY CONTROL THE GAME!

More will be said about these items below. This job is not our friends' and loved ones' alone. The responsibility is not exclusively theirs. It is ours also. In fact, it is more ours than theirs. Their strength depends on our strength; their fearlessness depends on ours. They are agents acting on behalf of all. Their actions will be to the benefit, or to the detriment, of all of us. Plainly, we have a responsibility to influence their actions to serve the betterment of all. Dr. Martin Luther King, Jr., said, "To passively cooperate with an unjust system makes the oppressed as evil as the oppressor." Well, we have been passively cooperating with this unjust system for too long now, but because we have been doing it somewhat unwittingly, having been duped, I do not declare us evil. But now we know. I know, you know; we all know. We have no excuse to continue cooperating with the enemy. We must stand up against and stop the adversary. And we have the power to do so. The time has come to declare who we are, and we must declare it by standing on one side or the other. Not only does our freedom hinge on the actions of our detained friends and loved ones, but our future also. We must convince them to:

1. say no to any and all plea bargain deals offered (none of such are really bargains, but rather deals with the devil), and
2. motion for a speedy trial. This should be done weekly until granted.

This is where everyone chokes — Am I right? — saying, "They'll give me a million years if I go to trial. They told me so." This is fear talking, and it only works so long as they control the game, that is, it only works so long as almost nobody demands a trial. It is here that we can seize their armory.

You believe that they have the big guns and all of the ammunition, right? This is what they want you to believe, but it is a deception. What would you think if I told you that they had more blanks than bullets; that, like master magicians, they had convinced you of something that looks but is not real; that they are paper tigers, and full of... well, hot air. Could I convince you? Yes? No? Maybe?

Alas, I know what you are thinking. You are thinking, "Who is this guy?" Am I right? And you would be right in your thinking. I am a nobody. I am a convicted felon, like you either are or will soon be, unless we washout the road. But what would you say if the Federal Circuit Courts and the U.S. Supreme Court told you the same thing? Could they convince you? Would you then remain so skeptical? Consider the following words of a Federal District Court, the U.S. Supreme Court, and of a Chief Justice of the U.S. Supreme Court (ordered as they appear):

"The number of judges and trial courts available in this countr... is grossly insufficient to support trials in any substantial percentage of charged cases." Smith v. Phillips, 979 F.Supp.2d 320, 325 (2013).

"[C]riminal justice today is for the most part a system of pleas, not a system of trials. Ninety-seven percent of federal convictions and ninety-four percent of state convictions are the result of guilty pleas." Lafler v. Cooper, 566 U.S. 156, 170 (2012).

"It is elementary, historically and statistically, that the system of courts — the number of judges, prosecutors and courtrooms — have been based on the premise that approximately 90 per cent of all defendants will plead guilty, leaving only 10 per cent, more or less, to be tried... The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90 per cent to 80 per cent in guilty pleas requires the assignment of twice the judicial manpower and facilities — judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70 per cent trebles this demand." Excerpt from a speech delivered to the American Bar Association, by Chief Justice Warren E. Burger, 56 ABA J. 929, 931 (1970).