

Derrick Quintero #155453 RMSI 2-D-204 7475  
Cockrill Bend Blvd. Nashville, TN., 37209-1048

December 25, 2013

Hedy Weinberg  
ACLU  
P.O. Box 120150  
Nashville, TN., 37212

DEAR HEDY,

---

Terry Horgan, catholic prison ministry, said he talked with you about my need for legal assistance from the ACLU-<sup>1</sup> concerning the toxicity of this death row building/site and using the Grubbs vs. Bradley prison condition lawsuit's Consent Decree to possibly re-vitalize the Federal court's overseer jurisdiction through a Contempt Order. It is my opinion that every death row prisoner, by being forced to live in this toxic soup bowl, has an 8th Amendment claim that negates their death sentence. Please pass this on to the appropriate people.

I was initially imprisoned at Riverbend Maximum Security Institution (RMSI), in August 1990, as a pre-trial detainee. I have been imprisoned on Tennessee's death row since December 1991. I am 52 years old.

RMSI was opened in October 1989. In Grubbs, the Middle District Federal Court of Tennessee resolved a prison conditions lawsuit, in part, by closing the Tennessee State Penitentiary (TSP) and accepting Tennessee's agreement to build RMSI, which houses the state's death row prisoners. All parties agreed that the totality of TSP's living conditions were unconstitutional. In essence, all parties agreed that TSP's physical plant created conditions that damaged the mental and physical well being of the prisoners housed there. Specifically regarding death row, in the case of Ron Harries

(a case consolidated into Grubbs by the Sixth Circuit Court of Appeals), Federal Judge John Nixon, opined that the conditions at TSP contributed to Harries dropping his appeals, and ordered an attorney (Brad McClain) to act as his guardian ad litem. A "Death Row Plan" was developed to deal with the idleness and to create avenues for mental and physical health treatment and an adequate grievance system.

Prior to constructing RMSI, there was an environmental impact study done, roughly completed around 1985. As the RMSI's name suggests, this area is on a river's bend. And there was some concern about building any structure on this locale because this used to be a major dump site, some of which used to be for construction-type materials. My Papa, Celerino Cuintero, used to dump here in the early 1980s. Currently, there are three prisons built on this dead end road: Charles Eass (currently a classification centre), RMSI, and the DeBerry Special Needs Facility (mental health, certain medical treatments and hospice care). RMSI and DeBerry house many long-term prisoners.

In the early 1990s, I personally read the 1985 environmental study result. My memory is not what it used to be, but the concern of the study seemed to be whether or not it was safe for workers to work 8 or more hours at this site. This seemed to indicate to me that this site was not originally slated for prisons but industrial-type facilities. (Until just a few years ago, these three prisons' mailing address was changed from Cockrill Bend Industrial Road to Cockrill Bend Boulevard.) The crux of my understanding of this study was that it came to the conclusion that it was not safe to build industrial-type facilities. Grubbs needed a site for these three prisons to be built on so...

The reason why this study has stuck with me all these years is that I have asked, to no avail, multiple people in the local legal and anti-death-penalty community to help me in determining whether or not this physical site

is causing mental and physical health issues that Grubbs was designed to alleviate. Granted, the evidentiary proof was not obvious earlier as, in my opinion, it currently is.

It is my conclusion, based upon 22 plus years of imprisonment at RMSI that, at least amongst the long-term confined prisoners (and possibly some guards too) at RMSI, and most likely DeBerry: (1) this physical site has directly caused an inordinate and statistically indefensible amount of deaths (beginning in 1997 until the latest death(s) in 2014) and debilitating physical and mental disorders such as: cancer (lung, colorectal, testicular, brain); arterial disorders (heart attacks and strokes); muscular sclerosis; bacterial infections; memory loss; and general lethargy, especially after coming indoors where we are forced to breathe 85% recycled air from ventilation shafts that have never been cleaned, with the outer shafts having been welded shut around 2000. (2) The nutritional value of the food was impacted beginning around 1995, when the newly elected Republican Governor Sundquist ceased prisoner-grown food production and preparation, and contracted with Marriott to feed all Tennessee prisons with "quick-chill" prepared foods (cooked and frozen at least three days in advance of thawing and serving, similar to airplane-style food). (It did not help matters when, in 1996, the new RMSI warden, Ricky Pell, stopped serving fresh fruit because a couple prisoners were caught making wine). What is obvious is that many death row prisoners' health started declining immediately after the prisoner-farmed food was contracted to Marriott. Under the current Republican Governor Haslam's regime, the nutritional value of the food has recently taken a worse turn with daily servings of fake eggs and vegetarian (?) meats, few fresh vegetables, and sporadic fresh fruit, except for those in recently won, court-ordered Kosher meals. (3) All RMSI buildings, and possibly all the DeBerry buildings, have developed cracks and have leaked from the roofs, walls, and windows since day one, due to structural

settling. As seems to be the usual business practice, the original construction company went bankrupt immediately after RMSI and the DeBerry facility were opened, negating their contractual obligation to upkeep the structures. In 2004, the state finally decided to try to fix the problem by replacing the roofs. The result was that accumulated bird and rodent feces and whatever rust-related contaminants washed into the buildings. Immediately, about a half dozen or so RMSI prisoners, three or four from death row, were hospitalized for weeks in ICU at St. Meherry General Hospital in Nashville, for respiratory and blood related afflictions. One of these death row prisoners, Tommy King, after being released from death row, and being given parole, died of cancer about a year ago, within 18 months of his release. We believe he contracted cancer from this incident, as he had to have multiple blood transfusions to remove the toxins from his blood system. After the roofs were replaced, none of the contaminated RMSI buildings were decontaminated.

(4) In 2010, Nashville was flooded. All the water supplies were compromised, including all three of the above-mentioned prisons, all of which were flooded to various degrees. (RMSI, including death row, was forced to house general population prisoners from other local prisons that were severely flooded.) The local health authority advised that the water had to be boiled, or to drink bottled water if possible. Many cases of bottled water arrived at RMSI, but the maximum-security prisoners, at least, did not receive a single bottle of water. We were forced to heat our own water, but we could not boil it as our hot pots are not capable of obtaining a boiling point. In the last couple months new water pipes are being installed all over RMSI due to major water losses. Plastic piping is now being installed. (5) In 2014, the prison medical contract was awarded to Centurion, replacing Correctional Medical Services. The current Department of Correction Commissioner's (Derrick Schofield) wife has some

executive position with Centurion. An article detailing this was recently published in the local newspaper, The Tennessean.

We are experiencing problems associated with “non-diagnosis.” I currently have a grievance in the commissioner’s office regarding medical treatment not being offered simply due to us having a new medical contractor and the new doctor Lai (sp) not wanting to order a colonoscopy until after the first of the year (2014) because he did not know what exactly this new company would approve yet. I had acute diarrhea for a week and was having 25–30 bowels movements a day, with associated bleeding, which was verified by a stool sample test. (I have been on the “chronic care” list since I had a stroke on May 20, 1997, which, I believe, was caused by non-treatment of a torn abdominal muscle in January that caused me debilitating pain. These incidents have been covered up since, even though I was placed on daily aspirin, blood pressure and cholesterol medication, and a modified diet. My current attorneys tell me that there is no proof in my medical records of this stroke. I still have residual effects of this in my left eye.) For decades, a local minister, Joe Ingle, has been death row’s constant advocate for medical care. Rev. Ingle was seeing me on May 20, 1997, to have me sign medical release papers so outside doctors could assess my torn abdominal problem. When the guard came to tell me Rev. Ingle was here, I had just been taken back to my cell, after not being treated for the stroke I was having at that moment (blood pressure 190 over 140). This guard aided me to the visitation room, out of concern for my situation, and Rev. Ingle ran from there to the prison infirmary where he tried to get me medical treatment, to no avail. So, he brought a local cardiologist out to see me, but the prison medical personnel removed all the testing instruments from the death row unit’s triage room. I lay in my prison cell for two weeks with no treatment. I never knew how depression could physically hurt until

this time. Right after this, the prison quit allowing outside medical people to come into the prison to offer "second opinions." Four death row prisoners died of cancer and heart attacks during the next two and a half years, beginning with Terry Barber on April 15, 1997. I believe these illnesses primarily killed those who had compromised immune systems. Only the ones who were/are physically active/fit have managed to survive this building's toxicity, exacerbated by nutritionally bankrupt food. (6) Over the last five or six years our eye sight has been damaged by the installation of energy-saving florescent bulbs. Immediately after the installation of these bulbs, we noticed how dim the lighting was and began experiencing pressure around the eyes. And, it is hard to focus after an hour or two, especially if reading or doing any detailed work, like art. Even the people who come to visit complain about how it takes several hours for their eyes to readjust after being here for a couple hours.

Related to health, TDOC Commissioner Schofield went on television in October 2013 stating that he was going to install an airport body-scanning machine at RMSI for everyone entering the compound. (This was in retaliation for a non-death row, maximum-security prisoner calling a local reporter on a contraband cellphone while he was confined in his cell.) While this scanning machine impacts the visitors who come in two or three times a week, if prisoners raise this concern, the commissioner will simply implement video conference (non-contact) visiting, which he already tried (unsuccessfully) to get the legislature to approve in his first budget session. This issue has to be raised by the medical and prison employees who will be exposed to much radiation four or five times a week, on top of already being forced to have scanned any food they might bring in. I have been educating and consulting with several guards, who have expressed concerns about this radiation issues, coupled with the exposure to the issues associated with the dump site under this facility. I have

not heard one guard tell me that they were warned about coming to work where an industrial waste dump used to be situated. The concern among these guards is that they are worried about losing their job-related benefits, especially healthcare. We all know they will be retaliated against. Just as we all know that their ability to obtain other work is limited by their poverty-based lives. I will have to find some who are not ex-military, as they are already conditioned wrongly. I will handle it if you can help us fight this first-of-its-kind situation: a body scanner in any state (or Federal(?)) prison.

### Grubbs' and Contempt Order

Some of us death row prisoners have come to the conclusion that opening the Grubbs lawsuit would be more efficient and a faster vehicle to obtain an injunction to stop what is happening now before it becomes settled in. We are being told that a whole bunch of new policies are being implemented after the first of the year. Even our food portions are going to be cut because the commissioner said on television that the prisoners are too fat. A Contempt of Court order would seem to be the avenue, as the state is now trying to renege on the conditions of the settlement. Here are some other concerns, related to this:

1) The monthly "Warden Meetings" are no longer video recorded, starting about two years or so ago. The machine broke and has never been repaired.

2) The grievance Chairperson tells the inmate who writes out the minutes what to put into the minutes.

3) Since this administration came into office in 2010, a practice of not giving the prisoners anything in written form has been established. No paper trail!

4) The prison job-creating group "TriCor" used to have a data entry program situated on death row, which employed over twenty death row prisoners. This was created by the Grubbs case to stop the damaging effects of

idleness. Constant praise was given to the quality of work being produced on death row. It is obvious that the quality of work produced was due, in great part, by the fact that death row was not a transient population who had to be retrained constantly. In 2010 this administration removed the entire program to general population. They determined that this was a rehabilitative type work and death row was not entitled to it because of that factor. Since then, some jobs have been created specifically to have some money coming into the unit. These jobs are meaningless—merely paper jobs. They do nothing to alleviate idleness.

5) Idleness has become apparent again as the “Death Row Level Program” is working so well that over fifty prisoners are walking around unrestrained to everywhere but media visits, where we are now forced to be in full restraints. (This was due to a 1999 escape from Unit 1, the general population lock-down unit next door, where the local media criticized the then warden, Ricky Bell, for his lax security at RMSI. Bell even punished the media by not letting them interview us for several years, then only if we were manacled, perpetrating the lie that we were always restrained whenever we are outside of our cells, which is not the reality.) The prison administration is, once again, complaining that there are too many “A-Level” (the elitist group) prisoners walking around. Every time this occurs, the administration begins harassing the A-Levels until some of them are given write-ups and their level is dropped to a B or C. If there were meaningful jobs, there would not be that many death row prisoners walking around.

6) The current administration wants death row treated like the punitive based maximum security units are. A good example is that Christmas packages were given out to every prisoner here by local churches and individuals. Just because death row is situated on the high security side of this prison, we were not given shampoo and toothpaste (and some other items, like crackers and cotton gloves) because the punitive-based prisoners in the surrounding units use



the bottles to squirt fluids onto the guards. Now, death row can buy these same items from the commissary, unlike the punitive-based units. Death row has never been treated like the punitive units, because we are not here for breaking some prison rule. The court ordered "Death Row Level Program" has always allowed us to have a similar status as general population prisoners' classification system, which means that based upon our good behaviour we are given certain privileges, such as being able to work, walk around unrestrained to the law library and visits, and congregate with other A-Level prisoners in groups of 12 or more. A-Level is similar to minimum custody. B-Level is similar to medium custody. C-Level is similar to maximum security custody.

7) Unit 2 has its own mini-law library. The books were originally donated by a federal district judge, John Nixon. The pocket parts inside most of them read 1997 or earlier. A 1999 computer was recently placed in, but there is no hook-up to West Law. This is mainly due some guards raising a stink about us having it in the first place. Some of them are saying that due to copyright laws, they cannot copy the West Law onto discs at RMSI's main law library and carry it down to install into this computer. Two computers were donated by two Vanderbilt students about two years ago, but the red tape has kept them buried in some closet somewhere unknown now. All we can do with this computer is key stuff into it and access the encyclopedia Britanica. Anyone who is anyone knows that Tennessee death row prisoners have been heavily involved in their own cases and those of other prisoners who cannot defend themselves from the torrent of bad attorneys who have been shoveled onto many cases here. We cannot be expected to rely upon some prisoner we do not know at the main library to do our research for us. We cannot sue these prisoners for I.A.C. We want our unit's library returned to fighting order once again.

8) Two years ago, commissioner Schofield ordered

that all but two cubic feet of our legal material had to be removed from our cell. It was placed in plastic containers and sits in the 2A Program Building, where the law library and arts and crafts room are located. We can access it once a week, unless an emergency comes up. Schofield said this paper was a fire hazard and presented too much for his staff to search through. As I write this, all of our legal file boxes have been removed from this unit and taken somewhere to be searched. The agreement we had with the prison officials, when they first took these legal papers, was that the boxes would be zip-tied in our presence and they would not be opened outside of our presence. Like usual, authority's word is bankrupt of veracity. Schofield has created two special forces units of guards, which are only concerned with searching things. There is the "Strike Force Team," which protects and only answers to the commissioner. Then there is the "Green Team," which is only answerable to the warden of each prison they work at. Then you have the low-level guards who are searched and trusted like they were prisoners.

This commissioner, at the order of the governor most likely, has already run off most of the old-time prison personnel. This saves money, but it also allows the commissioner to get ex-military personnel to help him run these prisons.

9) Currently, death row is being forced to endure daily inspections, where we have to stand and acknowledge whomever comes around for inspection, mostly the unit manager and sergeant. This was implemented several months back, after being implemented in the general population last year. (The current commissioner is a retired colonel, who the Governor was in the military with, some say.) We are awakened at 6:15 a.m. every morning (even though we come out for breakfast around 6:30). Sometime after the 9:00 a.m. count, they come around for cell inspection. Everything you are working on must be put up until this inspection is over, sometimes around 10:30, or sometimes,

they do not even show up. Then there is an 11:15 am and a 4:15 pm head count. Then there is a 3:00 pm head count where you have to be sitting or standing. You cannot go to sleep before 9:00 pm. The 9:00 pm and the 6:15 am count are to determine that you are alive. Some of the guards said this was being implemented because a prisoner at the Tn. Prison for Women was found dead in her cell, after three days. We later determined this was a lie, utilized by some of the guards to get us used to the idea of having to be awakened every morning.

I want whomever reads this to understand that I do not relish this fight, as I know the retaliation that will come down behind it. I am strong enough to handle whatever comes, as long as I know I am being aggressively represented. I cannot carry this fight myself anymore, since the stroke. I honestly do believe this could be used to end the death penalty in Tn.

I also want you to know that ending the death penalty means a life sentence for me, which bothers me more to have than the death penalty—one ends and the other is merely a walking death sentence. It is not in my personal interest to have a life sentence because this means that I, an innocent man (with a long list of documented issues with authority), might very well have to depend on myself and some prisoner legal aides to carry my fight forward.

All I am saying is, please do not send anyone who does not understand that I view life from a political prism. I fight because I have to. I have paid my dues to the Struggle. I do not owe but a handful any apologies for the mistakes I made and none of them belong to anyone in authority. It took me a long time to grow to like and respect what I see in the mirror, so please do not come around me if you are not real to who you are. You, in general, have asked me to learn how to fight abusive authority differently, which is why I picked up the law books when they indicted me on this Tn. case. I have enough

**Incarceration**

**Scapegoat 7**

gas for one more good fight, so help me and this glued-together personal word processor show what justice is supposed to look like.

Thank you for your time and attention in this matter.

In Peace and in Solidarity,



"If My Journey Was A Book Title . . ." by Derrick Quintero, mixed media

Derrick Quintero

IF MY Journey Was A Book Title...

This diorama depicts my journey since 1980 where I was first imprisoned in Ky. to my third escape, where in ~~1988~~ 1988 I was charged and then convicted of two first degree murders that occurred in Tx. I have been on Tx's death row since Dec. 5, 1991.

Unresolved issues with myself and with authority had to be addressed. My transformation had to be done within a death row cell. That was the parameters set by the authority. How I chose to do the internal work was solely mine. And, the outcome would determine whether or not I could legally crumble these confining walls around me.

Almost from the start of this odyssey, this nightmare, I had to learn the specialized language of law to protect my co-defendants and my legal interests.

I ~~wrote and~~ authored and self-published a book of prose and poetry.

with a fellow death row prisoner (no longer imprisoned).

I even learned how to paint the story and the messages I wanted to tell. These 3 made people mad at me.

The journey ~~out~~ on the road to freedom begins with freeing myself from the injustice of the criminal justice - on the mental level.

I sat many nights in meditation, as the mummy (dummy) of me depicts, it resembles me and has my actual hair. This is only a part of my spiritual transformation. I eventually understood I was agnostic - concerned that my spiritual beliefs could not be proven to others and vice versa.

The story in the plumbing well is from 1980-1991 when I was placed on death row.

The story in the death row cell is the relevant story. The dream catchers have been filtering bad dreams for years. ~~One~~ The small one I made myself. The red, white and



blue strings represent government setting parameters. However we all are responsible for building our space ourselves. We only cede who we choose to be when we forget that we are the masters of our secular destiny. That is relevant to the rulers on the top, outside of the back of the cell - "measuring time and space".

The books in the stringed squares outside the back cell are all part of my self-teaching; are things I thought of; are things I want to do; or represents parts of my race and cultural and personal identity.

Lastly, the cobwebs on the back of the cell represent times passage. The one on the front of the cell, where the door is, represents that once the government gets you in a cell they want to keep you there, at least until you are old. That door has not been opened in so long it self-sealed itself. It is not visible from the outside.

The main thing I had to do is quit running. Now I am close to walking out.