

Ear Hustle
"Actual/Factual"
September 21, 2022

Krista Scott: Hey, listeners, this is Krista Scott, Ear Hustle producer for a day. The following episode of Ear Hustle contains language and content that may not be appropriate for all listeners. Discretion is advised.

New York: *Looking around in this yard right now, man. What do you think the percentage of people who have lied about their case?*

SQ Guy: *[laughs] A high percentage?*

New York: *Now probably like 50%.*

Nigel: *50? Okay.*

SQ Guy: *I'm going to go 80%*

SQ Guy: *I would say about 95%.*

Nigel: *What percentage of guys out here do you think have lied about their crime?*

SQ Guy: *I would say at least a good 60%.*

New York: *Well, maybe 80%, 90%. So, basically pretty much everyone then.*

Nigel: *What kinds of lies are they telling?*

SQ Guy: *Just exaggerating, what actually happened to make them look bolder or better.*

Nigel: *So, like vanity lies.*

SQ Guy: *Yeah.*

Hamisi: *My name is Hamisi Spears. I've been incarcerated for 27 years.*

New York: *What percentage of this yard right do you think are lying about their case?*

Hamisi: *[laughs] As far as saying that they're innocent?*

New York: *Saying that they're innocent, saying they was a big-time baller, and they were a big-time smoker.*

Hamisi: *I'm going to tell you, it's the same as this yard, 50-50.*

Nigel: *Can you tell when someone's lying?*

Hamisi: *Oh, most definitely two and a half decades up in here.*

SQ Guy: *I think the first lie I told was when my parents asked me if I peed my pants, and it was obvious I peed my pants, but I said I didn't do it. I was probably 4 years old, and I was trying to hide from it.*

New York: *What was your first lie?*

Hamisi: *You talking about prison lie? "I didn't do it." [chuckles]*

New York: *How long did you rock that one?*

Hamisi: *I'm still rockin' it. [laughs]*

Nigel: Earlonne, I was wondering, how often do you think that the people we talk to about their crimes are lying to us?

Earlonne: Probably a lot.

Nigel: Oh, gosh, yeah. It's probably human nature. Everyone wants to tell their story from the perspective that going to makes them look the best.

Earlonne: For sure. When you're dealing with the criminal justice system, you have this one story, the story of your crime that just gets told over and over and over again- You're telling it to the cops, you're telling it to your lawyer, to your cellie. There could be a few different "versions" of the story.

Nigel: Yeah. This came up in an unexpected way when we met this guy at a prison in Southern California a couple years ago.

Earlonne: Yep, Sam.

Nigel: Sam Brown.

[ambient noises]

Earlonne: I remember we were sitting at a table, and he had this giant wad of paper in his top pocket, and you asked him about it, which I knew you would.

Nigel: Of course.

Huh. This guy has like three inches of paperwork in his pocket. What do you carry with you?

Sam: *I guess I'm like the old school person you will see on the streets. They got the fat wallet even though everybody got cards and stuff these days. So, with me, I always have emails and phone numbers and stuff like that.*

Nigel: *Your to-do list.*

Sam: *To-do list. That's correct.*

Nigel: Sam Brown is tall, he's lean. He's also commanding, like when you walk into a room you would definitely notice him.

Earlonne: We were talking about his circumstances and how he got to prison and so forth, and I remember he just tried to slide this one line in.

Nigel: Exactly

Sam: *When I was fighting my case and still maintaining my innocence.*

Nigel: And you were like, "Wait, wait, hold on a minute. Hold on. [laughs] We got to know more."

Earlonne: Exactly.

Wait, you said when you were maintaining your innocence?

Sam: *Yeah, because I was maintaining my innocence when I was not innocent.*

Earlonne: Now, you're accountable.

Sam: 100%.

Nigel: When did that change?

Sam: It was gradual. The final straw, the final turning point, was after I went to the board the last time and got denied. I felt like I had been maintaining my innocence for so long, the internal dialogue I was having with myself, the external dialogue I was having with others, made it difficult to just stop it. And I would embellish on it more and more and only dug a hole deeper for myself. And now, I've sat here for 24 years.

Nigel: Right.

Sam: I had to evolve and let that go.

Earlonne: And when you went in there into the board and told them for the first time, "I'm accountable, this is what I did. This is what happened," what was that-?

Sam: That will be taking place in August. I'll be doing that in August.

Earlonne: That's what's up.

Nigel: Are you nervous about it?

Sam: 100%. Yes, I'm terrified.

Nigel: When you go into the board, how do you start? Do you say, "I got to come clean"? How are you going to start that conversation?

Sam: I'm going to walk in there and say, "Before we begin, I want to confess that I have been untruthful in my prior hearings. And I apologize for disrespecting the board. I apologize for disrespecting the victim of my crime and society as a whole. I stand before you today as an open book, fully transparent, I'm willing to answer anything that you ask me, and I'm at your mercy," basically.

[Ear Hustle theme playing]

Earlonne: Today on the show, the story of one big lie. I'm Earlonne Woods.

Nigel: I'm Nigel Poor. And this is Ear hustle from PRX's Radiotopia.

[Ear Hustle theme ends]

Nigel: *What is lying?*

Sam: *That's a great question. What most people would think lying is just not telling the truth. But I think lying is not telling your truth, not being real with yourself*

Nigel: *And what are some of the reasons that people lie?*

Sam: *People lie to protect their image. People will lie to get away with things. People lie because they're afraid. People lie because they're trying to fit in. People lie to get out of prison. People lie to keep the peace.*

Earlonne: *Do you feel your lie-- I mean, was it a big lie or was it a small lie on the grand scheme of things?*

Sam: *It was a gigantic lie. It was humongous.*

Earlonne: Sam's lie has to do with something that happened when he was 19 years old.

Nigel: At the time, he was living on and off with his mom in Sacramento. He was enrolled in college but not really taking it seriously. He'd had some run-ins with the police and was selling drugs.

Earlonne: Sam says that's when a neighbor of his approached him with a proposition.

Sam: *He was someone I grew up washing his car, cutting his grass, helping to paint his home and all of that type of stuff. And when he seen me come up amongst my peers and my community, he offered me an opportunity to sell his drugs, I'm like, "Alright, I'll do it." And he told me, "Come back Thursday. I had these big old bags of weed for you," and all that type of stuff, "because I didn't want to sell crack no more."*

When I came back Thursday, he was like, "Well, I don't have it right now, but I forgot to tell you. If you come short on my money, you know what's going to happen to you, right?" Me, feeling I'm a gangster and all this stuff at the time, I didn't appreciate him even talking to me that way. I said, "Well, I don't want to do it. I'm not going to do it."

And he told me, "You going to do it or else." I thought he was joking. I'm like, "Or else, what?" He said, "I'm going to take you to war for your spot."

I felt like I had to do something about it. So, at the age of 19 years old, I decided that I was going to kill him. I armed myself with a shotgun. I laid in wait. And one morning when he came out, I set out to kill him. I was standing behind him with a shotgun at his head and he didn't even know I was there. So, I decided to pump the gun one more time so he could turn around and look. So, I shot him. He fell to the ground, and I shot him again in the face, and he didn't die. Half his face was like buckshots, all gone. He lost an eye. He lost a lot of his teeth. He lost the side of his face and everything. It was really messed up what I did. At that time though, I didn't have no remorse. It was like, "You bought this on yourself. Had you not tried to force me to sell your dope, had you not pulled a knife on me and put a gun on me and all this stuff, we wouldn't be here." I was 19 years old. This dude was damn near 45. He could have been my daddy.

Nigel: For a while, it looked like Sam might get away with it.

Earlonne: The victim initially told the police that the shooter had a ski mask on, so he couldn't see his face.

Nigel: There were no eyewitnesses. And the one piece of evidence cops found was a shell casing. And Sam's fingerprints weren't even on it.

Earlonne: So, for a few months, Sam was like, "Guess I'm good."

Sam: *There was a part of me that felt like, "Man, I shot this motherfucker and I'm finna to walk. Then, I'm going to really be some gangster shit when I get out, like my street credibility is going to go through the roof. I'm going to be a legend in my neighborhood." They're going to be like, "Yeah, man, Sam went in and shot this fool. Said he didn't do it, walked out of prison. He the man."*

Nigel: But that's not what happened.

Earlonne: About four months after the shooting, the victim changed his story.

Nigel: He told police the ski mask wasn't pulled down all the way, and that he had been able to see Sam's face.

Earlonne: It was enough to get Sam arrested and put in jail. Sam was offered a plea deal for 13 years in prison.

Nigel: But he turned it down because he still thought he could beat it. He got two of his friends to provide a fake alibi, saying that Sam had been with them the whole night of the shooting.

Earlonne: The jury didn't buy it. Sam was convicted of attempted murder and sentenced to life in prison.

Nigel: But even then, he wasn't going to let it go. As far as he was concerned, the victim lied, and the cops all went along with it.

Earlonne: I'd be pissed too.

Sam: *The DAs knew that was a lie. The judge knew it was a lie. The police, the detectives, I did, he did. We all knew that was a lie, but they convicted me on it.*

Nigel: *Well, you did it.*

Sam: *I did.*

Nigel: *Yeah, so--*

Sam: *I shot him. But at that time, in my mind's eye, I thought I was a good criminal. And I thought I got away with my crime. And the police, what I learned at that time was it wasn't about whether I committed the crime or not, it was about who could tell the best lie. There's factual innocence and there's actual innocence. Actual innocence is when you really did not commit the crime. Factual innocence is when they don't have the facts to prove that you did it. I know, I'm just telling you.*

Nigel: *I don't really follow that because you actually did the shooting.*

Sam: *They're police officers and they're supposed to have a code of ethics that they follow. They turned into the criminals, falsified police reports, false testimony, and everybody knew. That's criminal behavior. Again, factually, I know you don't probably like this part, but factually I was innocent. I was factually innocent.*

I resented the way that they went about incarcerating me or getting me convicted. So, as I languished in those cells for 24 years, they're not getting in trouble for what they did. No one is holding them accountable for what they did. Only person who was suffering was me and my family.

Nigel: Well, probably the guy you shot in the face suffered.

Sam: Of course. Yeah, of course. So, I want to be clear. I wish I would've never shot that guy. So, I just want to make that real clear to you.

Nigel: Yeah.

Earlonne, when I first heard this actual/factual stuff, I have to admit I was a little frustrated. Of course, I understand that evidence matters in a trial. But why was he still holding onto that more than two decades later?

Earlonne: Well, this actual/factual issue was why Sam felt justified denying it for so long. It's what motivated him to keep maintaining his innocence for 24 years.

Nigel: Sam decided to appeal his case. And to do that, he had to come up with a whole new lie.

Earlonne: Here's what happened. After Sam got sent to prison, the little brother of one of his friends from the neighborhood killed himself.

Nigel: Sam called his friend and was like, "Hey, can I pin the shooting on your brother since he's dead?"

Earlonne: And the little homie said, "Sure. Go for it." So, Sam starts trying out this new story.

Sam: I began telling that story in Calipatria to my cellie, Ricky D. "Ricky D, man, my little homie shot this dude. They shot him on my behalf."

Nigel: Think he believed you?

Sam: Hell nah, he didn't believe me. Everybody's trying to find a way out. He's got three strikes. He's trying to find his way out. I'm trying to find my way out. It wasn't about believing me. It was about whether or not do we think this could float. It spiraled. You know what I'm saying? It started getting like more complex and complex and complex. And I was trying to keep up with my own lies.

Earlonne: And you added every time, embellished.

Sam: *Every single time, and I couldn't even remember. I was like, "Damn. did I--?" I would have to sit here and work out the lie, "What if they asked me this? What if they asked you that? How would you respond to this?" Then, I would talk to people about it and tell them, they didn't give a fuck. They didn't care. Everybody is trying to get out of prison. Nobody really cared. You know what I mean? But I was just practicing on everybody that I came across. I was trying to convince myself of my own lies so I could deliver it in a believable fashion.*

Nigel: *That's what I wanted to ask you. Did the lie get so complicated that you couldn't remember it and you had to, and you just said--?*

Sam: *Yeah, I did.*

Nigel: *They just like spun out.*

Sam: *I had to practice. I wrote it. I wrote it a zillion times.*

Nigel: *You did write it down?*

Sam: *A zillion times. I had to keep up with all that crap. And it became challenging.*

Nigel: The main reason Sam kept polishing this lie is that he knew he was going to have to tell it to the parole board.

Earlonne: Exactly. Being that he had a life sentence, Sam would have the opportunity to stand in front of the board of commissioners. And they would decide whether Sam had reformed himself and was ready to be set free.

Nigel: Guys practice for months before these board hearings. They learn this really specific way of talking about themselves and their crime. They use phrases over and over again like "criminal mentality" "toxic masculinity." I know there's others.

Earlonne: Accountability.

Nigel: Yeah. All those words are great on their own, but come on, sometimes it just sounds like it's by rote.

Earlonne: Yeah, I know. But if I had to go through that I'd be doing the same thing because in an incarcerated person's mind, this is what you've been told that the parole

board wants and expects to hear. That's how you're supposed to demonstrate to them that you understand what you did and why, that you're accountable.

Nigel: I sympathize but I have to say, even when I was hearing Sam in our interview, there was part of me that I was like, "Ugh, I've heard this hundred times."

Earlonne: You have. But the first time Sam went before that parole board, it almost worked. He told the commissioner that same lie, that his little homie had been the one that fired the gun, and the commissioner believed him.

Nigel: Right. He called Sam's story "plausible." And he told Sam that if he would work on his behavior, get sober, he might have a good chance the next time he came back.

Earlonne: So, Sam switched up his program in prison. He started going to school and earned a bachelor's degree. And he got deep into all those self-help programs. Even started a group in prison focused on how to pass a parole board.

Nigel: And the name of that group was, Earlonne, it is quintessential prison group naming. Let's have him say it because I can't even remember it.

Earlonne: It was a lot of Ps,

Sam: *I created the 10P Program. It's an alliteration. It stands for a Prisoner's Parole Portfolio's Positive Programming and Proper Preparation that Prevents Poor Performance for the Parole Board.*

Earlonne: Definitely 10 Ps.

Nigel: [laughs]

Earlonne: He took this reform stuff seriously.

Sam: *I had 30 guys that I was teaching on Friday and 30 guys that I was teaching on Saturday. Then, I used to walk around the prison yard helping everybody prepare for the board, doing mock hearings. I was helping people, they were getting out of prison before me, you know what I mean? People looked at me in a certain light. Because I had a college degree, they considered me to be articulate. I have a decent vocabulary. I had brought opportunities inside the prisons for men and the whole nine. So, they see me a certain way.*

I changed, I really changed my life, but I did not change that story. I was not ready to tell the truth. It felt like I was fake. The whole time I'm telling them, "Man, first thing you go, accept responsibility for your crime. Go in there and just be an open book, be honest." I'm telling them right, but I'm not taking my own medicine. It was embarrassing.

Nigel: But I guess he felt like he was just too deep into that lie.

Earlonne: Because a couple years later, Sam went back to the board for a second time. He sat down and told the commissioners that same old story about how he was innocent and that it was the little homies who'd actually fired the gun.

Nigel: Because remember the first time he'd told this story, it had worked. The parole commissioner seemed to believe him.

Earlonne: But this time, it was a disaster. Sam had a different commissioner, and this guy was not buying it. He told Sam he knew he was lying and issued him a flat-out denial.

Sam: *People be waiting for you when you come back from the board. They're on the yard waiting to see you. When I come back, my head down, I got denied first, they couldn't believe it. They thought I was joking. There were guys in my program, they was like, "Man, if you have all of that going and you got denied, I don't stand a chance."*

Earlonne: Sam made a big decision. He was going to tell the guys in his 10P group the truth.

Nigel: Yeah, but he'd been lying, not just to them, but to everyone about the facts of his case for decades.

Earlonne: And the 10Ps didn't take it too well.

Sam: *One guy was like, "Man, you was a lie. You was a fucking liar. You a hypocrite. All this time you've been telling us to go in and set responsibilities. I thought you were smarter than that. "*

Nigel: Earlonne, it's interesting, when you tell a lie, you're affecting so many people around you because they start molding their reality and their thoughts about you around what you're telling them. When you come clean, you disrupt not only your life, but the lives of so many people that have been there in your corner.

Earlonne: Oh, definitely. And especially your family members and your close people.

Nigel: Oof, yeah. There was someone else Sam had been lying to all those years. His mom.

Earlonne: And by saying you didn't do it, I'm assuming your mom's believed you.

Sam: *Yeah. My mom's had my back. From the moment I committed this crime, my momma was like, "Did you do it?" I said, "Nope." She martialed every resource she had from her prayers to her money. She made every single court date. She kept money on the phone, kept money on my books. She did everything you can think of, and more.*

Nigel: *How did that feel?*

Sam: *Terrible. I was taking advantage of the person that loved me more than anybody on the planet. She was a church lady. She didn't raise me like that.*

Nigel: In 2020, after more than two decades in prison, Sam started preparing to go before the parole board for a third time.

Earlonne: He was practicing all that language again about accountability and his criminal mindset, getting ready to convince the board that he was no longer a threat to society.

Nigel: And on the outside, his mom was hard at work too.

Earlonne: Yeah, because families get involved in this parole process. Whenever Sam went to the board, his mom was outside lobbying on his behalf, collecting character letters, praying, fasting, and talking to lawyers.

Sam: *I've seen my mom about to happen all over again. She was going to marshal all her resources and her money and everything. And I was like, "Hold on, hold on. There's something that I have to tell you," because I couldn't allow that to happen again.*

Nigel: *Can you remember? Can you pretend we're your mom and you're telling us?*

Sam: *Well, we were sitting there in the visiting room, you have to have one person on one side of the table, one other side of the table.*

Mrs. Brown: *He told me, "Mama, I'm going to the board, and I have something bad to tell you." And I didn't even know. Because I believe, I kept believing.*

Nigel: *So how did it feel when you found out that he hadn't told you the truth?*

Mrs. Brown: *My heart dropped in my stomach, and I was hurt. He said, "It's going to break your heart, mama, but I'm sorry." And so, I said, "Okay, I have to forgive because if God forgave us for serious sins and taking Him to the cross and killing Him, how can I not forgive my son?" Even though it took a while to get over it, a lot of tears, a lot of fasting, and God help me, and God forgive me because it makes you angry and you don't want to be angry at someone if they didn't do the thing, you see?*

Nigel: *Did he tell you the details? I mean, did you want to know exactly what happened?*

Mrs. Brown: *I read the case.*

Nigel: *And how did that feel reading that?*

Mrs. Brown: *[muffled audio] I don't believe it because he's not one that I've seen running around with no sawed-off shotguns and he had no bullets. They had no bullets, they told you they didn't. No fingerprints or anything.*

Nigel: *Do you feel like Sam did shoot that man or you think he didn't?*

Mrs. Brown: *At this point, I'd rather not be trying to come back over that nightmare. I really don't.*

Nigel: *Mm-hmm.*

Earlone, this was a really perplexing and difficult interview. I honestly couldn't tell exactly what she thought, and it was really uncomfortable trying to push her to answer.

Earlone: Right. I kind of heard it, and I don't know if I told you this, but while we were interviewing her, I kinda texted him like, "Bro, does your mama know the truth?"

Nigel: Hmm.

Earlone: This whole time we were talking to his mom, Sam was on the other line, on mute.

Mrs. Brown: *[crosstalk] -values, that's what I'm saying.*

Nigel: *Okay. Well, should we bring Sam back in for just one or two follow-up questions?*

Mrs. Brown: *If you want to, it'd be fine, because he's going to probably say, "My mama believes in me, my mama loved me and my mom still prays." His mama still praying and I still do believe in him.*

Nigel: *Let's see what he says.*

Mrs. Brown: *Okay.*

Sam: *Well, my mama believes in me. My mama loves me. My mama prays for me.*

[laughter]

Mrs. Brown: *And we just pray too at times, huh, baby? Because I don't always see eye to eye on [unintelligible [00:26:39] things same time.*

Sam: *Oh, we definitely disagree, mama, but we bring it back in the end.*

Mrs. Brown: *Right. We sure do.*

Sam: *She still loved me. She still embraced me. And honestly, she was like more upset at the guy that I shot than me for shooting him. You know what I'm saying? Because she was like, "Well, he was a scumbag. He shouldn't have tried to make you sell his drugs. Then, the police were out to get you." My mom was still hurt from the whole thing. She still took my side when it's all said and done.*

Nigel: *Sam had told his mom. He'd told the guys in his group. But he wasn't sure he had the guts to tell the parole board.*

Earlonne: *I mean it's risky because it's admitting that you're a liar. What if they say, "You know what? Come back in 15 years when you get your shit together."*

Nigel: *Even Sam's mom thought it was a real gamble.*

Sam: *My mom was afraid, because once I told her that I could get denied for telling the truth, she was like, "Well, baby, you sure you want to do that?" Because all those*

appeals that I filed, that's an historical record, and I knew that they would see that. I felt if I went in there and changed my story now, they would say, "Well, you've been saying this all these years. Why do you want to change now?" So, that was part of the reason why I didn't want to come clean.

Even my big sister, she was like, "You sure you want to do that?" I'm like, "Yeah, I've got to get this out the way, because once this is out the way, there's nothing else." I mean, I got a bachelor's degree and associates of arts transfer degree and associate arts social science degree. I've done a slew of things. I really have changed my life. This is the only thing that's remaining from my past that stops me from really just being myself. And going in there and let these people see me and see my change because this lie stands in the way for them and prevents them from seeing me.

Earlone: In 2020, Sam went in front of the parole board for the third time. And this time, he was all pumped up to tell the truth.

Nigel: Yeah, but I mean, oh boy. It is one thing to tell your mom, it is a whole other thing to tell the board. Earlone, they are probably the least sympathetic audience imaginable. So, when the moment came for him to finally tell those commissioners the truth--

Earlone: Sam chickened out. And he was denied once again.

Nigel: One year later, 24 years after he first got sent to prison, he had another chance.

Earlone: That's coming up after the break.

[break]

Parole Officer: *Please raise your right hand. Do you solemnly swear or affirm that the testimony you give at this hearing will be the truth, the whole truth and nothing but the truth?*

Sam: *Yes, ma'am. Yes, I do.*

Earlone: On August 19th, 2021, after 24 years in prison, Sam went before the parole board for a fourth time.

Nigel: This was the hearing that Sam had been gearing up for when we first met him in prison.

Earlonne: And I remember you was asking him how was it going to feel being in there.

Nigel: *I'm just wondering, is your mouth's going to be dry? Is your stomach going to hurt? [Sam laughs] Are you going to be trying to not move your hands around?*

Sam: *We're told to keep your hands on the table.*

Nigel: *Are you serious? Like that?*

Sam: *Yeah. When you go to the board, they say, "Keep your hands in front of you and sit up at all times. Don't put your hands under the table. Don't do any of that."*

Officer: *Your COVID-19 safety reminder. Any time you're out of your cell, please continue to clean and disinfect-- [voice fades away]*

Parole officer: *So, as you can see, you're looking into one computer, Mr. Brown. We have multiple screens in front of us. So, we're not looking directly at you-- [crosstalk]*

Nigel: Earlonne, this was the first time I'd heard a recording of a parole board meeting, and I've always been curious. So honestly, this was a big deal to hear what goes on behind those doors.

Earlonne: Yeah, I never had to go before a parole board, so this was new to me too.

Parole Officer: *You did meet with a psychologist for your comprehensive risk assessment interview. Did you get a copy of that 13-page report?*

Sam: *I did.*

Parole Officer: *Okay. And from that 13-page report, the psychologist rated you as a moderate risk for future violence. So, do you understand the difference between low and moderate? Do you know why you got a moderate versus a low?*

Sam: *I do understand the difference and based on the answers that I provided at the time, I know why I received a moderate.*

Parole Officer: *And why do you suppose that was?*

Sam: *Ultimately, it was because I maintained my innocence when I shouldn't have, so my credibility.*

Parole Officer: *Okay. So, you're saying the doctor felt that you weren't being credible?*

Sam: *Yes, ma'am. My heart wanted to tell the truth. My spirit and my soul wanted to tell the truth, but my mind still had reservations. And those reservations were rooted in that narcissism in trying to protect that image.*

Parole Officer: *So, if Mr. Moore was sitting right in front of you right now, what would you say to him?*

Sam: *I would say, "I'm sorry." [long sigh]*

Earlonne: *If you knew that someone had lied previously at a parole hearing, does that change the way you listen or perceive them at the next hearing?*

Bob Barton: *Yes. Wouldn't it you?*

Earlonne: *Well, I guess so. Maybe I would try to see if he's compounding or she's compounding that lie or-*

Bob: *Yeah.*

Earlonne: *-or something to that effect.*

Bob: *See, you answered your own question.*

Nigel: *Bob Barton is a former inspector general of California Department of Corrections and Rehabilitation. These days, he works as a parole commissioner, sitting in on hearings just like Sam's.*

Earlonne: *So, he knows exactly what it takes to get past the board.*

Bob: *You hope people, when they take the oath, they take it seriously. But I've had hearings where 10 minutes into it, I've caught them in a lie and they flat out have said, "Okay, I apologize. I was just lying to you." That's happened in hearings.*

Nigel: *Can someone come back from that?*

Bob: *In what sense?*

Nigel: *Well, if 10 minutes into the hearing, you've caught them in a lie.*

Bob: *It depends.*

Nigel: *I mean-- jeeppers.*

Bob: *It depends. What did they lie about? Was it material? Was it something minor? The bigger question is when you do think someone's being invasive, what's the import of that? It's something immaterial, is it a sign of a bigger character defect that they're just dishonest and they haven't broke their criminal thinking mindset? Or is it something that they were really trying to hide because to tell us the truth means they're going to get denied today. And I've told guys that. "Well, you realize, I appreciate your honesty now, but you're probably not going to get a grant today, but at least you're setting a baseline for honesty for your next hearing."*

Now, if they've already started lying, and the board believes they've been lying, at this point, it's a little different because now they're back into that world of not addressing what are potentially character defects or aggravating factors that haven't been mitigated yet. You know lying is wrong. Most of us do. And you still choose to do it, you make a conscious choice to lie, you're still thinking like a criminal.

Parole Officer: *When was the last time you manipulated anything?*

Sam: *The last time I attempted because it failed was when I came into my last hearing and claimed that I was innocent still.*

Parole Officer: *Why was that so difficult to just say what happened?*

Sam: *I maintained a lie because you told me to go study manipulation. One of the 20 manipulation techniques is projecting blame. And in it, it says the manipulator lies. Then, they lie again about the lie. Then, they tell another lie and then they have to re-manipulate to make the first lie seem more believable. And that was me. So, I was caught up in that. I told lie on top of lie on top of lie. And it built shame on top of shame. [sobs]*

Parole Officer: *Let the record reflect that the inmate is emotional. Okay, take your time.*

Sam: *Yes, ma'am. Thank you. It feels shame on top of shame on top of shame for me.*

Bob: *I've had inmates break down, and that's not my goal. My goal isn't to have them break down. But I've had them say, "Man, this is really hard." And the answer to that is it should be hard. Especially if you've taken a life and you're asking for the chance to go live your life, it shouldn't be easy. At the end of the day, it's all about offender change. You can't fix something if you don't know why you did it, or what was wrong with you at the time. The crime is somewhat important, but it's generally not the most important thing, especially if it was 25 or 30 years ago. What's more important is who they are today, how did they get here, and is this change real?*

Sam: *I left because I was still afraid for my life and I didn't want to go to jail. [voice fades away]*

Nigel: Sam was finally telling the truth. And listening back, I can hear how he's sort of walking a tightrope. He knows what the parole commissioners want to hear.

Earlone: Yeah, he wants to be accountable. He's telling the truth, but he also has this other version of the story, he wants to get on the record. Even now.

Nigel: You mean the factual and actual?

Earlone: Yes.

Sam: *I shot this man, but I had a problem with the fact that I felt like that they turned to the criminals to convict me. I'm supposed to be the criminal, not them. There was factual innocence and actual innocence. And I was trying to manipulate the facts that show my innocence, to show that my case should be overturned.*

Bob: *We don't expect people that come before us to be attorneys. We all know that cases get pled out. People are found guilty of various degrees when we're talking about a homicide, from first degree, second degree, voluntary manslaughter. And there are nuances in the laws to each. I tell people when they come in, "That really doesn't matter to me because I'm not here to retry your case. I'm here to figure out if the person in front of me today is a current unreasonable risk to public safety."*

Nigel: There was one more person who Sam and the commissioners had to hear from. And that was the prosecutor.

Earlonne: He was there to represent the district attorney's office. That is the office that prosecuted the original case against Sam. And this guy is there, essentially, to argue why Sam should not be let out of prison.

Mr. Archibald: *I think it's important to note that with regard to Mr. Brown, he's someone who has a real problem with the truth, and he's a liar. He said that he actually was the one who shot the victim, he lied about that for 24 years. There's a long, complicated story on every issue. It's always a long, complicated story. Another characteristic of people who lie is that others are always lying about them. I would submit for all those reasons, Mr. Brown is someone who is still profoundly unsuitable for parole. Thank you.*

Parole Officer: *Thank you, Mr. Archibald.*

Nigel: And then, it was Sam's turn to make his final case.

Sam: *As I sit before you today, I really want you, if nothing else, to really understand, I am not a threat to society. I am not going to harm anyone. I'm not going to commit a crime. I don't have to rob anyone. I never had to do any of those things. I am not the person that I was when I committed this crime. I am not the kid that I was when I came to prison, or even when I was making bad decisions early on, intentionally. I'm not that person. I'm not that man.*

Earlonne: After Sam made his final plea, the commissioners went into recess and Sam just sat there and waited.

Nigel: It only took a few minutes for the board to issue its decision.

Parole Officer: *This was not an easy decision today, Mr. Brown. We looked very closely at the facts, but based on the legal standards and evidence considered, we find that you do not pose an unreasonable risk to public safety and are therefore suitable for parole. But, Mr. Brown, please continue to be mindful of your narcissistic personality and manage it because it will appear. And it will make you very difficult to work with and not to mention, create problems in all areas of your life.*

Our decision wasn't easy today because the district attorney was correct. You have had a long history of lying and manipulation. You blamed and made it seem as though others did something wrong. However, we, as a panel, had to ask ourselves, "Have you done the work to address those issues?" And we believe that you have learned from those experiences, that you've gained greater insight, and that you have bettered yourself.

We wish you the very best. Good luck to you. And thank you to everyone who participated in the hearing today. The time is now 12:52 PM, and this hearing is adjourned.

Earlonne: A few months later, Sam was out of prison, staying at a house in the San Fernando valley, outside of LA.

Nigel: He was reconnecting with his family, getting back into his life. I remember the house was really busy. There were people coming and going. He had ordered pizza for everybody, and we were just hanging out in this open kitchen area.

Earlonne: And Nigel could not help but ask this one question that was just burning for her.

Nigel: Mm-hmm.

Okay. All right. Are you factually guilty or innocent?

Sam: *[laughs] You know what? That's a great question. [laughs] So, the truth of the matter is, I'm actually guilty. The fact still remains that I was factually innocent.*

Nigel: *How about spiritually?*

Sam: *Guilty.*

[Sha and Donte laughing and conversing]

Earlonne: This season-

Nigel: Season 10-

Earlonne: -we're closing out each episode with an update on people who have appeared in previous episodes.

Nigel: So, we thought we'd check up on two dudes, Sha and Donte, that listeners may recall from our very first episode, Cellies.

Earlonne: These guys used to sit in their cell every night, giving each other shit over their top five lists.

Nigel: Yeah. It was usually like entertainment based, like top five rappers, top five actors, top five basketball players.

Earlonne: What about the old lady that did yoga?

Nigel: [laughs] She was the one unto herself.

Sha: *Yo, we got the top five black men.*

Donte: *I'm here to challenge your top five.*

[laughter]

Sha: *The reason why he wants to challenge my top five because his top five ain't bullet proof, that's why.*

Donte: *[unintelligible [00:43:42] bullet proof.*

Sha: *He ain't got no hold you down top five like that.*

Donte: *It's guaranteed bullet proof.*

Nigel: Oh, my God, Earlonne, they're still at it. Of course, they are.

Earlonne: And they're doing good. They're out of prison now. Sha's in film school. And Donte's working at an organization that provides housing for the homeless. And he's also helping Sha with some video projects.

Nigel: It's really nice to see them out.

Earlonne: It's a pleasure hanging with these cats in society.

Nigel: Earlonne, let's pick up with that list of the Top 5 Black Men of All Time, what do you say?

Earlonne: Sure.

Nigel: You think you're on there?

Earlonne: I better be on that shit.

Nigel: [laughs]

Sha: *Number one, first and foremost, is Frederick Douglas. Number one overall. I'm just saying because I got reasons why. First of all--*

Donte: *I didn't say nothing.*

Sha: *But when you do, first of all, Frederick was born slave. Died old and rich with his kids-*

Donte: *Classic.*

Sha: *-as boss. So, brother, we got Fred.*

Donte: *Who else you got?*

Sha: *Number two is a brother from Haiti. Toussaint Louverture. The reason why Haiti is still black right now.*

Donte: *The revolution that started around--*

Sha: *Absolutely.*

Donte: *Yeah. Okay.*

Sha: *Number three, I've got to go with W. E. B. Du Bois.*

Donte: [laughs]

Sha: *Listen to me. Listen to me. Let me finish because he pushed his line before, while you over there laughing. Number four, Don King.*

Donte: *He's probably about the only one I agree with so far.*

Sha: *Bro, the greatest formerly incarcerated person of all time is Don King.*

Donte: *You don't got Martin Luther King though?*

Sha: *This is well-crafted, well-curated top five.*

Donte: *You got to take bro from Haiti out.*

Earlonne: And while they were in the studio, we figured we'd have Sha and Donte do the credits as well.

Sha: Special thanks to Hamisi Spears, Harry Goodall, Miguel Sifuentes, Randolph Jackson, Terry Kitchen, Anthony "Ace" Gomez, Kevin Sample.

Donte: Michael Adams, Timothy Ross, Michael Sperling, and Adriel Ramirez for talking to us on the yard at San Quentin. This episode was produced by Earlonne Woods, Nigel Poor.

Sha: Amy Standen, Rahsaan "New York" Thomas, and Bruce Wallace.

Donte: With help from Tony Tafoya and Rhashiyd Zinnamon.

Sha: It was sound designed and engineered by Earlonne Woods, with help from Terence Bernardo and Fernando Arruda. It features music by Antwan Williams, Rhashiyd Zinnamon, Joshua Burton, Inky.

Donte: And David Jassy.

Sha: Amy Standen edits the show. Shabnam Sigman is our managing producer. And Bruce Wallace is our executive producer.

Donte: Thanks to Warden Ron Broomfield. And as you know, every episode of Ear Hustle has to be approved by this guy here.

Ron: Do-Re-Mi-Fa-So. Are we good? This is Lieutenant Sam Robinson, the Public Information Officer at San Quentin State Prison. This is one of those weighty episodes. And with that, I will say I do approve this episode.

[upbeat music]

Earlonne: This episode was made possible by The Just Trust, working to amplify the voices, vision, and power of communities that are transforming the justice system.

Nigel: Don't forget to sign up for our newsletter, The Lowdown, where you can learn more about each episode, and find out what the Ear Hustle team is up to. Subscribe at earhustlesq.com/newsletter.

Earlonne: Ear Hustle is a proud member of Radiotopia from PRX. Radiotopia is a collection of independent, listener-supported podcasts.

Nigel: Some of the best podcasts around. Hear more at radiotopia.fm.

Earlonne: I'm Earlonne Woods.

Nigel: I am Nigel Poor.

Earlonne and Nigel: Thanks for listening.

[upbeat music]

Sam: Prisoners Parole Portfolio's Positive Programming and Proper Preparation that Prevents Poor Performance for the Parole Board.

[crosstalk]

[laughter]

End of Episode

[Transcript provided by SpeechDocs Podcast Transcription]