

Middle Ground Prison Reform
139 East Encanto Drive
Tempe, Arizona 85281
480 966-8116

Donna Leone Hamm
Executive Director

James J. Hamm
Director of Program and Advocacy Services

May 14, 2010

Mr. Richard M. Romley
Acting County Attorney
Maricopa County Attorneys Office
301 West Jefferson Street
Phoenix, Arizona 85003

In re: Marcia Powell Investigation/Prosecution

Dear Mr. Romley:

In just a few days it will be one (1) year since Marcia Powell was killed at the Perryville Prison. Thus far, no prosecution has been announced.

The Arizona Department of Corrections completed its investigation in this matter several months ago, which led to firings, demotions and lesser sanctions. The matter has been turned over to your agency for determination of whether to file criminal charges against any of the persons who were directly involved in Marcia Powell's gruesome death.

The circumstances under which Marcia died clearly reflect extreme indifference to human life and reckless disregard for obvious and historically recognized dangers known to result in death in Arizona's climate.

We sincerely hope that it is not necessary to recount for you in detail all the circumstances under which Marcia Powell died, but those circumstances include deliberately withholding hydration, refusal to allow Marcia to be removed from direct sun even after she collapsed, taunting her as she asked for help, and numerous other extraordinarily unconscionable actions on the part of prison staff, followed by lying to investigators in an attempt to escape responsibility for their actions.

Although Marcia has no family or anyone with legal standing to fight for her, her death cannot be permitted to be either forgotten or ignored.

Your office has successfully prosecuted in the past other citizens whose intentional or unintentional negligence has resulted in the death of another person. Such circumstances include

the prosecution of Charles F. Long, who was convicted of Manslaughter for the death of Anthony Haynes, who was a teen participant in a boot camp operated by Long; the prosecution of mothers whose children have drowned in bathtubs when they stepped out to answer phones; inebriated drivers in cases where accidents caused the death of either passengers or persons in other vehicles; and numerous other circumstances, none of which rise to the level of the cruel, torturous acts callously perpetrated on Marcia Powell, a helpless, caged, mentally ill female prisoner.

Marcia Powell's death cries out for justice. A year is long enough; a decision needs to be made; and it is not acceptable for politics or special treatment to deny justice in this case, where the justice system employed the persons who killed Marcia Powell. Without the force of back-pressure upon the prison system that will come from prosecution of the wrong-doers in this case, respect for the criminal justice system and all its various components will be seriously impaired – and should be impaired – if your office fails to shoulder the burden of prosecution in such an egregious crime.

While some prosecutions are declined because of questions about whether a jury would find guilt beyond a reasonable doubt, this case unquestionably does not fall into such a category.

There is no legitimate excuse for not prosecuting the individuals directly responsible for Marcia Powell's death.

Please, Mr. Romley, do your duty.

Sincerely,

Donna Leone Hamm
Director