

CHAPTER ONE

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OLSOM STATE PRISON, April 2, 1996:

I had been in prison for the past three years although it wouldn't be long before I was set free again. It was 7:55 a.m., but I'd been awake since 4:00, pacing in my cell, trying to make time move faster. Instead, it seemed to move in slow motion.

It was always like this whenever I was about to be released. The tension would mount each day as the date drew nearer. The nights would seem longer and it would get more difficult for me to sleep. My brain would suffer a persistent dull pain from all the questions that zipped through my mind, making my head hurt like the time Carlos Montes whacked me on my skull with a ball-pin hammer back in '69. Every morning I would suffer unrelenting stomach aches that kept me on the toilet for long periods of time.

Where would I live? How long would I stay out this time? Would I get a life sentence the next time I got busted? After all, the "Three Strikes You're Out Law" had taken effect in March of '94 in California. I had read the language of the statute in the prison library when it had first been implemented, and it clearly stated that anyone with two prior felony convictions who was arrested and found guilty of any type of felony would be sentenced to life. The state was serious too. I had read a newspaper article about a guy from San Diego who had been sentenced to life for stealing nothing more than couple of slices of pizza.

I had five prior felonies.

I really didn't think I could stay out either. The last time I had been cut loose I had been so nervous I had rushed to a liquor store and bought a half pint bottle of Smirnoff Vodka and a pint of orange juice as a chaser to calm my jitters. Even though I hated alcohol, I had guzzled the entire contents of the

bottle trying to relieve my anxiety. When the Vodka hit my stomach, it had temporarily eased my fear, but it also tore down what little resistance I'd had about breaking the law. As soon I reached my destination, I quickly located my Homeboy *Babo* and got a free shot of heroin from him. I started stealing after my \$200 release money ran out a few days later.

I didn't want to drink alcohol, use heroin, or steal anymore, but I didn't know how to live in the outside world. Sometimes I wanted to tell someone that I didn't know how I was going to survive on the streets without breaking the law. But there was no way I could tell any of my fellow prisoners I wanted to go straight, or that I was terrified about being outside in the world without sounding weak. The very notion of being afraid of freedom seemed ridiculous—after all, getting out is what every prisoner dreams about.

Suddenly, I heard the echo of the Man's footsteps as he approached to cut me loose.

"*Oralé Hueró*, it's time for me to get going," I said to my cellmate.

"I hear you, Homie."

"Come on, De La Cruz, we don't have all day," Officer Miller barked.

Yeah, yeah, I thought, it was the same ole-game of hurry-up and wait.

Officer Miller stuck his big brass key into the lock and in one quick motion turned it to unlock the steel barred door. Everything was deathly quiet in the cellblock and I heard the door squeak as he swung it open. There was no one on the tier when I stepped out of my cell because the entire prison was on lock-down. An altercation between a northern California Mexican (*Norteño*) and a Southern California Mexican (*Sureño*)—violent prison rivals—a few days before had led prison administration to confine all prisoners to their cells 24 hours a day. Walking towards the stairway at the end of the tier, I briefly stopped in front of my road dog Prieto's cell.

"Get laid and take a shot for me, Home-Squeeze," he said smiling brightly as he shook my hand through the bars.

"*Simón, Ese*," I replied, as Miller and I continued on.

A guard sitting behind the desk situated inside the cage at the entrance of the cellblock hit a button hidden underneath the counter that unlocked the door leading to the main corridor. Officer Miller pulled the steel door open when he heard a loud buzzing sound, and we stepped into the main hallway, wide and tall enough to drive three eighteen wheel trucks through, side-by-side. Normally, when walking down that corridor at any given time of the day, it was as packed as a crowded state fair at peak hour. You could barely hear the guy standing next to you speak because of the loud chatter created by many men talking and laughing at the same time. But now, Officer Miller and I were the lone two men and hearing the echo of our footsteps in that desolate, cavernous hallway made me feel like we were the last survivors in an abandoned underground nuclear bunker.

It wasn't until Miller unlocked the door to Receiving & Release (R&R) that I saw the other inmates who were being released as well. As soon as I walked into the room, I sensed the underlying nervous anticipation of everyone there. No one said anything, but it seemed as though we all knew we were about to embark on a difficult journey.

An R&R guard stood behind one of those doors that opens the top half, turning the bottom closed door into a sort of counter. He handed me a large brown bag containing the street clothes Mama had sent me two weeks earlier. Mama hadn't forgotten the kind of clothes I liked either. She had sent me a stone gray long sleeve shirt, a pair of black dress slacks, a black belt, matching black socks, some boxer underwear, and a pair of gray-on-black Stacy Adams alligator skin shoes. Taking off my prison suit, I slipped on the clothes **Mama had sent me** and immediately felt that I was no longer a faceless member of the Orange Jump-suit crowd.

Afterward, I sat down on the long wooden bench bolted to the wall. I tried to sit still as I waited for Officer Miller to call my name so I could sign my walking papers, but my nerves were on edge. I felt sweat run down my armpits underneath my shirt, and my stomach hurt too. It felt like I needed to take a shit. Unable to contain my apprehension, I strolled over to where the other prisoners were waiting to sign their release papers and when my turn finally came, I walked up to the counter where Officer Miller stood. I grabbed a pen and waited to sign my name on the forms he held in his hands. He was reading the paperwork slowly as if something was wrong. After a while Officer Miller looked up over the rim of his glasses, and slowly shook his head.

"I don't think you're going anywhere this morning, De La Cruz," he scoffed.

For a brief moment, I stood there in disbelief. Then a wave of pain moved through my stomach, as if Officer Miller had stuck a knife in my gut and sliced from one side of my body to the other. I tried to keep my facial expression blank, attempting to hide that he had gotten to me, but in that instant, my world came crumbling down. What kind of game was this clown playing? First he tells me I'm going, and then he says I'm not.

"What do you mean, I'm not going anywhere?"

"Well, De La Cruz," Miller smirked, "these documents indicate you have an outstanding warrant."

I wanted to shout "NO!" But my mouth felt dry. I glared at him, thinking that he had to be playing some kind of wicked mind game with me, but the cruel look in his eyes, and the contemptuous grin pasted on his face let me know he was dead serious and that he loved every second of goading me.

Just as I was about to lose my cool and snatch him from behind the counter to beat the life out of him, he smiled at me and said, "Get laid and take a shot for me, Home-Squeeze."

Abruptly, I awoke, gasping for breath, in a cold sweat, disoriented, and realized I'd been dreaming. I shook my head in an attempt to clear my thoughts and remembered that I was going to be released later that morning. And even though I should have been happy that I was finally getting out, I felt a knotted fist in the pit of my stomach.

Looking over at the lighted dial of the small clock sitting on the steel table in the corner of my cell, I saw it was only 4:00 a.m. I wouldn't be escorted to R&R until 8. Not wanting to wake my cellmate, I quietly slid off my bunk, took a leak, washed my face, and brushed my teeth. I filled my tumbler with cold water and plugged the stinger (a device used to heat water) into the electrical socket in order to make myself a cup of instant Tasters Choice coffee.

Waiting for the water to boil, I recalled how at the beginning of my criminal career, and for many years after that, being cut loose from prison had always been like going on a vacation. As soon as I hit the streets, I would hook up with my old friends, start shooting heroin, which led to robbing drug dealers, boosting cigarettes from super markets, breaking into homes to steal the TV's, stereos, jewelry, or guns if there were any. And periodically, if I got angry or drunk enough, I would stab a man. Invariably, I would get caught and sent back to prison.

But things were different now. The last time I had been on the streets had been really tough. I hadn't been able to find a reliable crime partner because most of the guys who had been into crime with me were either dead, serving life sentences, or so sick from Hepatitis C that they couldn't rob or break into homes even if they wanted too. I had ended up homeless.

I remember feeling a sense of relief when I was arrested and ultimately returned to prison. It was as though I had come home. And why shouldn't I have felt relief? I had been shuttling in and out of prison for almost thirty years and confinement was now part of my nature. I had grown accustomed to the State of California telling me when and what to eat, when to move to the yard, when to shower, when to lock up, when to stand for count, when to get strip-searched, and who to live with. In a perverse way, the prison walls had become part of my security.

On the other hand, whenever I was free, I could wake up in the middle of the night with a craving for donuts, walk down to the local 24-hour Safeway and get some. During the day I could pick and choose between a Chinese, Indian, or Mexican restaurant to go for dinner. In the evening, I could go to a 16-Theater Cineplex and select any movie I wanted to watch. But along with all these choices came the responsibility of having and keeping a job, something I knew nothing about. As much as I hated to admit it, all those street freedoms had meant very little to me. After all, if staying out had been so important why did I always manage to return to the penitentiary? I clearly had become institutionalized.

But I had to stay out this time because it wasn't just about me anymore. Four years earlier I had fathered a baby girl and she needed me now. During this confinement, I had tried desperately not to reflect so much about my baby because thinking about her made me want to cry, and there was no way I would cry in prison. But each day I had been haunted by the image of my little girl's face. She was the first thing I thought about when I woke up, and the last thought that raced through my mind before I fell asleep.

As I sipped on my last cup of prison coffee, I thought about the morning she was born. I had been standing outside the door of the delivery room on the second floor of St. Joseph's Hospital in Stockton, California at 5:58 a.m. when I heard her cry out. A few minutes later I was invited in to see my daughter. I walked into a room and a nurse handed me my baby curled in a pink receiving blanket that was gently scented with baby powder. My baby's fragile pink fingers peeked out from the blanket and waved slowly in the air. Her full head of dark hair was covered with a white beanie, exposing only her rosy face as she slept. For a second, it appeared as though she instinctively smiled sweetly at me. I carefully brought her to my chest with tears streaming down my face. I remember asking myself how in the world I expected to be a father to my child if I was constantly in prison, but I felt powerless to change what seemed inevitable.

I had known lots of guys in the joint who had kids, and I had seen their children end up in prison, too. There was even a guy whose son had been his cellmate. I couldn't understand how he could live with himself knowing he had failed his son completely, but I never asked him how he dealt with it.

What I did know was that I didn't want my child following in my footsteps. Holding her in my arms that day, I made a decision to straighten my life once and for all.

Unfortunately, my old patterns of behavior had been too difficult to change. Within months of her birth, I gave in to my habit of stealing and shooting heroin and had wound up in prison again. So here I was, faced with having to go out to the streets and get straight, or risk being the father whose kid would only see him in prison visiting rooms; if I was lucky.

Lying back down on my bunk, in the dark quiet of my cell, I closed my eyes and tried not to think about all the changes I would have to make if I wanted to stay out. I tried not to think about the Three Strikes Law looming out there ready to snatch me up and take my freedom forever. I wished that I could snap my fingers and live a life similar to the ones I had seen in some of the afternoon soap operas.

Damn, how had I gotten to a place where I was so terrified with something that so many people throughout the world strived for everyday—freedom?