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Criminal Justice Issues and Prisoners' Rights

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by [Jean Casella and James Ridgeway](#) | February 8, 2011

In another example of solitary confinement as a tool of retaliation in the prison system, a Colorado inmate claims that he was put in solitary for nearly a year because he refused to provide false testimony in a capital prison murder case. He is now suing prison officials in federal court. [This story](#) comes from Alan Prendergast, who reports on the state's hefty prison-industrial complex for Denver's *Westword*:


Inmate Ray Wagner says he doesn't have any firsthand information about the stabbing death of Jeffrey Heird at the Limon Correctional Facility in 2004, which prosecutors maintained was a gang-related execution carried out by [Alejandro] Perez and David Bueno. But Wagner was one of several potential witnesses identified by investigators, and these witnesses were led to believe that they would be punished if they did not cooperate with [District Attorney Carol] Chambers and provide testimony favorable to the prosecution, Wagner states in his federal lawsuit.

In a 2007 hearing, Wagner testified that he couldn't have witnessed the murder because he was in a different pod at the time. Weeks later, he says, prison officials retaliated against him by putting him in administrative segregation the hole, as it's known to the convict population and leaving him there for 360 days.

Wagner, who's serving thirty years on burglary and robbery convictions, claims that a lieutenant at Limon told him he'd pissed off the powers that be shortly after he refused to provide the desired testimony at the 2007 hearing. He was then removed from general population and put in the hole locked down for all but a few hours of week, subjected to lights that were never shut off, denied regular showers and hot water over his alleged involvement in smuggling tobacco into the prison. After months of administrative appeals, during which he was moved to the state supermax, a hearing board found there was no evidence to support the charge against him.

Although they offered immunity in some instances, prosecutors have denied pressuring any witnesses in the case to commit perjury. Wagner is now suing Steve Hartley, the Limon warden at the time, and six other prison officials, claiming false imprisonment, cruel and unusual punishment, and other constitutional violations.

According to Prendergast, Controversy has dogged Chambers' decision to seek death for Perez and Bueno from the start. The case lacked clear physical evidence tying them to Heird's murder and was built largely on the testimony of inmates who stood to benefit from their cooperation. Alejandro Perez was found not guilty last month. His co-defendant David Bueno was found guilty, but a judge subsequently vacated that conviction, criticizing the prosecution for withholding relevant and possibly exculpatory evidence.

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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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