# RIGHT ALLEY, WRONG CAT

## **BOOG DENIRO**

A Work of Fiction

Tuesday, June 26, 2013 York, Pennsylvania

Ray Davidson III# known amongst trappers and gun clappers as R.D#3, was a 44-year-old brother with a Harvard law degree, and ten years into his private practice. His skin was brown, his suits were dapper, and he was the most sought after defense attorney in the York City area. Harrisburg, and neighboring counties as well. Twenty bands was his going rate for felony offenses.

Murder beefs would run thirty grand easy. If you had that kind of money, Say Davidson III was your guy. He rarely pled out, and didn't take cases he wasn't passionate about. That's how he kept his win percentage in the aid-nineties,

"All rise," said the court deputy, as the Honorable Judge Christmas exited his chambers in his Yale stride. His black cloak didn't look so dark this day, and his sweeping blue eyes held brightness that seemed to settle the jam-packed courtroom.

"You may be seated," Judge Christmas advised, having already claimed his elevated seat on the bench. It was well known amongst his colleagues, and defendants alike, that Judge Christmas was the most liberal, independent thinking jurist in the York County Judicial Center. He thrived in the dignity, the integrity, and the authority of the criminal justice system, and never shied away from admonishing a prosecutor if necessary.

Davonte Carter was standing next to Ray Davidson III when the Judge spoke. Davonte was wearing handcuffs, an orange jumpsuit, and a sharp ass 5 o'clock shadow on his beard to go with his wavy bald fade haircut. Davonte had dreamt of one day having his case put before a judge who would focus laser-like on the facts of the case and the law, instead

of taking a prosecutorial stance like Davonte's trial judge had during the prosecution and over the years that followed the conviction. At times, the trial court had taken an unusually personal interest in the outcome. At least it felt that way to Davonte and the Carter family.

Sadly, in the U.S. the courts were more concerned with finality than they were with assuring that a wrongfully convicted individual didn't rot in prison.

Under the accomplice liability theory, Davonte had been con-victed of First Degree Murder for his alleged role in the 1998 homicide occurring less than a block from York City's Ultra Violet nightclub. To be found guilty as an accomplice, the prosecution must prove that the Defendant had the same requisite specific intent to kill as the shooter.

Prior to his arrest, Davonte was a bitch's dream. He was handsome, ambitious, straightforward, flashy, winning and single Bora June 21, 1978, Davonte's zodiac was Cancer, and he embodied the characteristics of the sign. He grew up to be principled, passionate, and full of purpose, which was why people wittingly and unwittingly gravitated towards him.

His crime partner turned co-defendant, Rondell Beckham, was the supposed triggerman, Leading up to their arrest, Rondell had been a hotheaded thoughtless hooligan with a penchant for bringing pain. He'd been suspected of multiple shootings in the York

City area, but was never charged. The more he got away with, the more his conscience and civility eroded. There were times Rondell would lick shots at cats from moving vehicles, and while Davonte was driving. The two childhood friends had far less in common than that which had bonded them.

Davonte knew Rondell wasn't a thinker from the traditional standpoint. Davonte also knew Rondell's violent impulses were in total contrast to what he saw for and thought of himself. Davonte wanted to bring joy, Rondell wanted to instill fear. But it was that brazen disregard that was making business boom for Davonte, and the stickup kids think twice about ripping

Davonte off. Ron-dell's violent proclivities also prevented dudes from not paying Davonte for the product he was fronting them.

But what Davonte never anticipated was Rondell elevating from calves and thighs and buttocks, to chests and necks and heads when squeezing them triggers.

That reality came one blistering cold winter night so unexpectedly, and changed Davonte's life forever. The life altering events invaded Davonte's thoughts every single night...

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U.V.'s was lit that night, A hometown hero who was getting a lot of money on the southside of fork had brought in Lord Tariq and Peter Guuz to perform their smash hit Uptown.

Rondell knew Lord Tariq personally, both being Bronx, New York natives and whatnot. So he decided to add to his street lore by joining the duo on stage. The extracurricular activities didn't stop there, Nah! Rondell grabbed a mic, and remixed the lyrics:

"If it wasn't for the Bronx, the ganglanging shit wouldn't be going on! Uptown baby!"

When Rondeil came down off the stage, some pushing and shoving and profanities ensued\* Of course, Rondeil had to have the last word. "Bitch ass niggasss\*"

Davonte was off to the side brokering a deal that would make that Christmas a splendid one. The party planner was looking to cop two kilos, when Rondeil walked up and said, "I'm about to let my nuts hang, dog." Spittle was flying from his mouth, his breath smelled like nicotine and alcohol, but Davonte could see his comrade wasn't drunk\* Davonte said, "It's all good, dudes know how you move."

"Right, right, right," Rondell said then barged his way back into the

thick crowd\*

Davonte would've bet the big link and icy Jesus piece around his neck nothing would follow. He could be naive sometimes, Two ki deal closed, Davonte sought to ingratiate himself with all the eye candy beautifying the place. Rondell was on some other shit.

They exited the club together, Rondell and Davonte. But Davonte had stopped in his tracks when this mocha complexioned cutie with a healthy derriere, slim waist, and luscious lips grabbed him by his hand. Her name was Kitty. She was 24, and a solo mom with two kids.

"Who you sliding with?" she had asked Davonte while pushing these long silky raven tresses from her soft facial features. The wind was blowing kind of hard.

Kitty and Davonte weren't strangers. In fact, the weekend before, the two had slept together after running into each other at a comedy show. Davonte wasn't just a materialistic brother with a big ego. He was a bitch's dream—ate pussy, ate ass, sucked toes, and slang that seven inch dick like he was living in his last days. And, he didn't mind putting a bag on a broad's shoulder, or some fly shoes on a sistah's feet if he dug her.

Davonte had whispered, "You, Kitty Cat," thinking of how good she tasted and how loud she purred the last time the two were together. Davonte was also watching all the movement going on around them when Rondell's colorful Pelle Pelle leather jacket crept into his periphery, Kitty had said, "You gonna bust it open, like you did last time?" That shit sounded so sexy coming out her pretty mouth.

Secretly, she wanted Davonte to stop sleeping with other woman and lock her down. For now, I'll settle for some good loving, a continental breakfast in bed at the Holiday Inn Express, she thought as she awaited Davonte's reply.

But Davonte's attention was being divided.

Another sistah with high yellow skin and blonde hair like Faith Evans

was vying, and Rondell appeared to be up to no good.

Kitty still had Davonte's cold fingers entangled in hers and had no intentions of letting him go. Politely, Davonte told the red-bone he would get with her, then told Kitty, "Wait for me in the black 850 Beemar right there."

Davonte disarmed the Viper alarm then hit the automatic start with the remote control in his free hand, almost in one motion. then walked east towards Rondell'a stalking stature before Kitty could even respond.

Blushing, Kitty did as she was instructed. But not before rolling her slanted eyes at the other woman Davonte said he would see later. Kitty got into the passenger seat and ran her manicured fingers over the wood grain dashboard. She then removed her stilettos before slowly slipping off her fancy silk socks, knowing how much Davonte adored pretty feet. Her toenails were painted

French just like her fingers. Davonte had been the first brother to give her a foot massage. Yup! She was feeling Davonte! And would probably do anything for him.

People were walking by trying to see through the tinted windows. Men, women, even couples - they all took a gander. Then they started running. Fast! Kitty realized those were gunshots that had her eardrums ringing and people falling and tripping over each other. She ducked first, her heartbeat pounding, then looked up over the headrest and saw Davonte looking into an alley- way. His brown and beige Fendi bomber and skull hat could not be missed.

Davonte returned alone and told Kitty he was going to take her home. She couldn't put her socks and shoes on fast enough. Few words were exchanged, then a light kiss as Kitty exited the vehicle.

The next time Davonte saw Kitty was at his preliminary hearing. She was the Commonwealth's primary witness.

And the last time Davonte saw Rondell was at their sentencing

hearing. During the sentencing phase, the trial court ordered that the two defendants be kept separate for at least 10 years.

Little did the judge know, that was the best thing the Court could have done under the circumstances.

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#### PRESENT DAY

It took a while for Davonte to stop hating Rondell for the predicament he had put him in. For whatever it's worth - Rondell had suggested Davonte contact the DA and tell her that Rondell had acted alone. Davonte just couldn't do it. His name meant too much to him. Plus, he hated rats, which meant he'd have to hate himself. On top of that, he had reached the breezeway after the shots were fired. So Davonte didn't actually witness the shooting.

For every two years Davonte spent imprisoned, he petitioned the courts for post-conviction relief, requesting a new trial. A total of ten times. If that ain't being diligent, then what is???

His previous 8 requests had been dismissed as untimely or for lacking in merit. In some instances, the District Attorney didn't even have to reply to the matter. That finality thing was real! But something was different about this petition...

Luckily, recalibrating was one of Davonte's strong suits. Knock him down, he'd get right back up. That mentality was the direct result of his Rotten Apple upbringing. Over the years, Davonte had developed a healthy mind and a rich spirit to go with his unrelenting will to be freed.

You can't win it if you ain't in it! was his motto. That mind frame enabled him to persist, to absorb knowledge, and to survive in a place he hated with a passion. He would get right back to the drawing board, crafting the next attack on his wrongful conviction.

By the time he was thirty, Davonte had begun to write better than some attorneys, even interpret the law better than some lawyers. He enjoyed going to war with the prosecution, a prowess he lacked when the nightmare began. Had he not been kept separate from Rondell, he may've been on keep lock just like Rondell. Prison had made Rondell worse than he was pre-incarceration.

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Judge Christmas cleared his throat while looking around long and hard. His eyes swept from the prosecuting attorney, to the defense table, and then through the throng of supporters flanking the courtroom that hot summer day.

Davonte began to shiver as the silver bracelets restraining his wrists seemed to had gotten colder and tighter. Ray Davidson III, having noticed the goose bumps on his client's arm, leaned over and said, "This is what you've been fighting for all these years."

Davonte relaxed, as the only thing he feared was the Most High. Davonte believed that what the Most High set in place no man could interfere with. That belief could not circumvent nervousness though.

Almost as if the Judge could read Davonte's mind, Judge Christmas said, "This has been a long journey for you, young man."

Davonte only nodded.

"Most men would have given up after all the denials without a hearing," the judge went on to say.

Again, Davonte just nodded.

The prosecutor was a beautiful woman, white with auburn hair and wearing a navy blue blazer and pencil skirt. Although she was in high school when the case was tried, and knew very little about the facts of the case, she fought tooth and nail to prevent the hearings from taking place.

She said the petition was un-timely and deserved no further" review. That the Judge had no jurisdiction to hear the Defendant's claims. And that the new facts, which was necessary in order to get the hearing, wasn't really new, just a new source for previously known facts. A prosecutor's very first line of defense; and usually works when a defendant is fighting alone. Her name was Jenna Borger.

That's why Davonte did what he had to, to secure the representation of Ray Davidson III.

Davonte scooted back in his seat as Judge Christmas said, "After two day of testimony - Friday, and well into Monday - from two witnesses I find to be very credible, one of which was unavailable to the Defendant prior to and during trial, and could not have been ascertained through the exercise of reasonable diligence, in conjuncture with the fact that the commonwealth failed to correct the false testimony of Kitty Childs, I am compelled to reason that this information would produce a different result at a new trial. I rule in favor of the Defendant..."

The first outburst came from Davonts's sister Nevaeh. Nevaeh was heaven spelled backwards. Nevaeh had dedicated her life to Davoate's cause, doing fundraisers, hiring private investigators, traveling hundreds of miles to talk to Davonte in person. She was three years younger than Davonte but operated like she was his mother. Very protective. Davonte's mother was around, but she wasn't around. That's a whole other story.

"God, you are a merciful God!" Neveah shrilled and had to be calmed by her husband of ten years. Knowledge.

Davonte took his caramel colored eyes off the judge in time to see Ray Davidson III, rise to his feet shouting, "YES!" It was Ray's very first time overturning a life sentence.

Davonte was making eye contact with many of his supporters, searching for one face in particular. She wasn't there. Sabrina had given up on him just like his mother, and every other woman who professed to love him.

As Davonte sat stoic in the face. Ray Davidson III said, "Goodwork, Davonte, picking the case apart. You made my job easier," Kitty's smile caught Davonte's eyes as he digested what his attorney had just said. He wasn't sure why she was still there, since she had testified last week on Friday. He hated Kitty, and had always wondered why she bad told the authorities she saw him in the breezeway looking out for Rondell, and that he had returned to the car flustered and acting suspicious before kicking her out.

With the exception of people telling the investigators they saw Davonte out partying with Rondell, and witnesses saying they saw Rondell in a shouting match with the deceased moments before leaving the club\* the only evidence the commonwealth presented against Davonte was Kitty's testimony.

Davonte couldn't present his alibi because his attorney was halfstepping, he wasn't from Pennsylvania, had no parental support while he was being prosecuted, and knew nothing about the law. Couple that with Kitty's lies, and you have the recipe for disaster.

Well, Davonte finally got his answer when Kitty mounted the stand and answered Ray Davidson III 's question with, "After many year of regret and sorrow, I could no longer live with the demons of knowing I put an innocent man in Jail• At the time, I was only twenty-four and raising my kids on my own. The police and the investigators threatened to take my kids and throw me in jail if I didn't tell them what I knew. I told them I didn't know anything, that I was in the car. And they turned that on me and said I was the get-away driver, and that they could prove it. They said people saw me in the car with the guys who did it. I didn't want to lose my kids, so I lied. Today, I am forty-four, and I have lived my life while Davonte lost his for nothing."

What had actually tipped the scale for Davonte was, Kitty had been telling people that story for years. But the story didn't break until photos

of Davonte began to pop on Instagram and Facebook. That's when another witness came forward, someone the authorities had spoken to, but never turned over her statement. The same female he wanted to use as an alibi. It was thred-bone sistah Davonte told he'd get with. Her name was Summer.

From the witness box, Summer testified that, "When the shots were fired, Davonte was telling me that he was going to drop Kitty off and come back to get me, so that we could spend the night together. Instead of him and Kitty going to hotel. See, we were both dating Davonte Cater."

Jenna Borger did her diligence and could not discredit neither of the women.

"Your honor, I request that based on the new facts and after discovered evidence and the amount of time-my client has spent unjustly imprisoned, he be allowed to go-home-today." Ray Davi- son III turned around, looked back over his shoulder, then added, "As you can see his family and friends, who never doubted his innocence, are here today to take him home."

"Objections, Your Honor! Before you make that ruling, I request that you ear on the side of caution," Jenna Borger dead- panned.

"Denied," replied the judge, "I believe the shooter acted alone, and absolutely no evidence was presented to establish the

Defendant had the requisite specific intent needed to convict as an accomplice. The Commonwealth has thirty days to appeal. Until then, I see no reason an innocent man shall remain in prison,"

The courtroom exploded in pandemonium! Until, "May we approach?" The Judge gave prosecutor Borger that courtesy, and R,D,3 joined. Five minutes later, he returned and whispered to Davonte, "She requested the judge review your prison record before releaseing you."

Davonte disguised his fury with a controlled tone, "Can she do that?" "Yes, she can." There was a pause, and R.D.3 went on to say, "Between myself, my fiance, and my paralegals, we have reviewed your entire case.

But when it comes to your prison record, I have to say...I am clueless. Is there anything I should know? Or, you may not want the prosecution and judge to find out about?"

"I have some misconducts," Davonte revealed, reluctantly. As he ran down his devastating 20 years spent behind bars, Davonte was also removing a file from his large legal folder he had traveled from state prison with. "But I also have my GED, my business technology diploma, and my associate degree in communications."

R.D.3 knew Davonte was by far one of his most interesting clients\* having sat and talked with him for many hours, leading up to the hearings. But he wasn't privy to the accolades and accomplishments Davonte had amassed along his journey.

Davonte went on to show R.D.3 several other certificates, while felling him, "R.D.3, I educated myself, but I was also doing what I had to do to survive up in there and to make sure I didn't die in there, convicted of a crime I should have never been arrested for."

Ray Davidson III felt those powerful words, and didn't need the blanks filled in, at least not there in the courtroom with the prosecuting attorney and the judge awaiting his return. He said, "So, we don't want the judge or Borger seeing your prison record," He then scooped up the file and proceeded to the bench.

Davonte could hear Nevaeh calling him in a low pitch. When he looked back she was breathing right down his neck. The court officer said, "You can talk, but slide back just a bit, miss. Thank you." As she slipped back a bit, Nevaeh whispered, "Your mother tested me. Your boo thang too."

"Did you really faint?" Davonte quizzed in a matched whisper.

"I only lost my footing, not my consciousness. You see these shoes?" Nevaeh returned with a smile on her shiny lips.

Davonte peeped over the 4-foot wooden barrier to see his sister sporting the latest Louis B's with the tiny spikes on them and four inch stilettos. \$800 shoes.

"I want you home today," Nevaeh said, now looking into the windows of her brother's soul. "When you got arrested I was in my last year of high school, now your niece is about to start her last year of high school," "facts," Davonte replied, along with a deep sigh.

"Who are all these washed up hoochies up in here? Drooling all over themselves??"

Kitty was seated in the last row to the left; and not far from Davonte and Nevaeh was Summer. Summer still had it. In fact. Summer was a regular model in Straight Stuntin Magazine.

Kitty on the other hand could not hide the fact that she had given birth four times since Davonte's arrest. The other females he had seen in flicks before, and remembered from his past life.

Ray Davidson III returned with a half-baked smirk and spoke to both Davonte and Nevaeh, "1 don\*t know what made you travel with your certifications, but I'm glad you did. The judge is impressed that you made the time count. And Jenna Borger, I think she now sees you as an enigma more than a victim of circumstances."

Davonte said, "The circumstances in a man's life are nowhere near as important as how that man handles those circumstances." •

"We can talk all day, Davonte," Ray Davidson III said, then added, "But right now we have a decision to make. You can go home today if you plead--"

"I'm not pleading guilty," Davonte made clear.

"—no contest to conspiracy to third degree murder. This saves the district attorney's office from liability in a future lawsuit if you are acquitted at a new trial,"

Jenna Broger was still standing before the judge as the courtroom seemed to be suspended in air.

When Davonte didn't reply, Ray Davidson III told Nevaeh, "It's a good

deal. If this judge decides to get ahold of Davonte's prison record, this could be delayed for at least two months and up to a year to get back in court. And—"

Nevaeh said, "Davonte, aren't you tired of being strong, and being tough, and not emoting? Because I am. Take the deal," That was her motherly instinct kicking in. She knew her brother better than anyone, and even rolled her eyes at him to put emphasis on her words.

With that, Davonte said, "Cool," Shortly after entering into the plea deal, Davonte was unshackled and uncuffed and announced he was free to go. Nevaeh wanted to get right on the road and head back to New York so she could enjoy the rest of her vacation days in the hot city. But

Davonte said, "I don't want to sit in a car for four hours, I just want to walk."

His brother-in-law, Knowledge, said, "The man just want to walk. Let him walk, and we'll get back on the road in the morning. Plus we can pick his stuff up from prison before we leave this state."

So they rented their hotel suite for one more night.

Davonte showered, then slipped into the skinny jeans, Gucci belt, V-neck Tee and Gucci kicks Knowledge had picked out for him.

Nevaeh gave him the phone number to the iPhone she copped for him, and his submarine style Rolex she'd held all those years for him, and Davonte proceeded to walk. He walked all the way from Route 30 to Parkway Blvd., thinking nothing of it. Then he walked another quarter mile before hitting the heart of the city. A total of at least two miles.

A lot had changed. York had a minor league baseball team, condos galore throughout downtown, and two-way streets where there once was one-ways. Nothing looked familiar except the huge court-house he'd been released from hours earlier.

The sun was setting and the street lamps was lighting up. As Davonte crossed College Ave heading south, a woman called his name. He

recognized her from court.

She said, "R.D.3 is the shit!" Davonte just nodded, and lowered his gaze and he stopped his stride.

"It's good to see a good dude have a good ending," the woman went on to say, "My name is Damita."

Davonte thought she was attractive in her own way, early thirties, and helplessly leered back into her lovely cleavage. She smiled at the shyness of a recently freed man, whom happened to look like an expensive steak dinner to her at that very moment.

And, she wasn't exactly concealing her nice body, so she didn't mind Davonte taking a gander. Her toes are painted too, Davonte noticed. And red! his favorite color. He had \$500 in his pocket, and \$23,000 in the bank. She could have whatever she wanted at that moment for a slice of her loving. He hadn't been with a woman in many years.

"I'm putting my last load into the laundry," Damita told Davonte since this well-spoken, highly educated fellow had yet to pronounce a word. "Then I'll be right back out, so we can chit- chat, Two minutes." She sashayed off, blushing.

"Cool," Davonte finally said, smirking. Watching Damita's heavy backside bounce in those teeny red basketball shorts, Davonte pulled his iPhone from his back pocket and texted Nevaeh: [MET A FEMALE. MIGHT BE LATE.]

Nevaeh texted right back: [ COULDA DID THAT IN N.Y.]

Damita was about 5'4", sexy, succulent and single, working a dead-end gig, and dancing and singing along to a tune by Cardi B...Money...as she dropped her last load, pondering the possibility of ecstasy with a sexy man a whole lot of women were about to be hunting down. Her last relationship stalled, so the unexpected with a freedom fighter could actually be exciting for a woman on the brink of turning thirty. The thought of being fucked by Davonte had her juices flowing, and her thick

nipples penetrating her white tanktop.

While shutting the washing machine door, Damita's brown eyes were undressing Davonte, visually enjoying him. That type of temptation didn't happen for her often. In fact, there were men who would describe Damita as a prude. Can he kiss? she wondered.

She already knew he had a freaky side. She'd heard that from some of his past conquests while spectating in the courtroom earlier that day.

Damita blew into her palm to check her breath for tart, grinning, when she noticed a white 4-door Oldsmobile come to a sudden halt, and three young boys hop out on some super aggressive shit.

The ringleader, whom she recognized from the neighborhood, gripped a pistol with a clip in it that Damita thought was too big for the gun, while the other two, though empty handed, backed his move.

Having grown up on South George Street, in York, Damita didn't panic.

The gunman rolled up on Davonte, staring him down, as Damita reached for her Galaxy phone so she could begin recording. "You know what it is, run it, oldhead."

Prior to that moment, Davonte had never stared down the barrel of a gun. Not even when he was apprehended on murder charges. But while imprisoned, he had endured some very violent situations, which heightened his reflexes, and his self-defense methods.

Davonte said, "I'm muthafuckin D.Dot! Who the fuck you be?" advancing his position. The name rang bells in the State pen "D.Dot?" the younger spat back, defiantly and unmoved.

Now, Damita was panicking. She was moving towards the doorway when Davonte lunged forward and wrestled the glock 50 from the fragile youth, who hadn't even began to grow facial hair yet, "This fucking clip is bigger than you, lil niggah!" Davonte deadpanned.

"That's how we moving out this joint," the young gunman stated,

showing Davonte his palms and taking cautious step backwards and into his comrades.

"I just did twenty-fucking-years for just rolling with a Dude! The same shit can happen to you two bozos for just rolling with this twerp, if he kills somebody. Yeah, just for being there!" Davonte roared, "Unless, of course, you cooperate,"

"I ain't no rat!" one of the other boys snapped, "Not yet, lil niggah," Davonte returned. "But um, I prayed, I cried, I cursed the Most High, and I vowed to let as many fools know as I can, that we can do better. We have to do better. And stop killing each other..."

Davonte didn't see the unmarked car moving in on them, with three plain clothes cops in it. But, the young boys did And they took off, as the dark sedan came to a screeching halt.

"Drop the gun in!!!"

Dasnita was still recording with her Galaxy. That was Davonte's only saying grace. The video was used to exonerate Davonte, and at the same time catapulted him to a recognizable face in the social media orbit. He went on to save many lives, specifically young lives from a world of deprivation and stagnation...that being prison...through his motivational speeches, and inspirational videos released weekly on YouTube and Instagram Live...

Damita finally met her man too, as Davonte was rocking her world. They eventually married and moved to New York City.

## FINAL THOUGHTS...

Under criminal law, all people, no matter skin tone, no matter status in society, have to, by design of this nation's Constitution and justice system, be treated equally, or exactly alike. Nevertheless, that is just not the case for people who look like me. I'm a handsome brown skin brother!

Wrongful convictions are kin to America's original sin. Thus, blacks will not be treated equal in America. Instead, blacks will be treated with greater suspicion...

And, the question is never really whether or not one has paid their debt to society, but whether or not one has truly suffered enough.

That is what the justice system is all about. And, for 23 years, I've had a front row seat to how broken and prejudiced this system is.

I come from a place of minimal opportunity. The Bronx, NY. So I was wired to take chances. But I didn't commit the crime I was imprisoned for. Like many other brothers and sisters, throughout this nation, I am Devonte Carter...

Unconditionally,
And Emphatically,
Ty "Boog Deniro" Crocker

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