

**Cellblocks To Mountaintops -
Podcast Episode 1:
THROW AWAY THE KEY
Transcript**

Sterling Cunio: I didn't grasp the significance of the harm that I created, nor the significance of what laid ahead of me.

Constant fluorescent radiance of artificial lights, eroding retinas. Disrupting sleep. Anxiety. Depression. Rage in the hole for 3285 days.

Facing the pain I caused was harder than anything that I experienced in prison. I had to acknowledge that from age 14 to 24, I brought some type of chaotic impact to everybody's path that I crossed.

Love is what helped me connect and heal, and education is what expanded my realm of thinking.

Sterling Cunio: Many of us know what dark roads look like.

Host: This is Sterling Cunio in 2016, speaking at his graduation from Chemeketa Community College.

Sterling Cunio: A lot of our backgrounds include poverty, addiction, criminality, violence.

Host: This was taking place inside Oregon State Penitentiary, where Sterling was serving a life sentence.

Sterling Cunio: We know the struggles of those who have to sit in the chards of good things, shattered by our own actions, and then have to struggle for a sense of self-worth not crushed by guilt.

We know that things can get better when we commit ourself to the pursuit of improving.

Host: At this point, Sterling had spent years committing himself to that pursuit. And soon the authenticity of his transformation would be tested.

Because in 2020, he went in front of a very different audience, the most important of his life, a parole board that would decide whether he would live the rest of his days behind bars or one day walk free.

About 50 people attended the virtual hearing. Most of them to attest, is transformation and show support for his release. Among them were a prison chaplain, college students, professors.

Professor Melissa Buis: Sterling explained to me that his goal was to transform the culture of prison. He wanted to give incarcerated men a different vision of conflict resolution and healing and growth.

Lauren Kessler: I know him as a compassionate, empathetic, generous, emotionally present man. I look forward to welcoming him to join my family, my husband, and my children around the dining room table.

Professor Melissa Buis: He deserves, and I believe justice demands, that he be given a chance of life beyond prison walls.

Host: Sterling's lead attorney, Ryan O'Connor, argued for his release.

Ryan O'Connor: - Mr. Cunio is indisputably rehabilitated. As Doctor Zorich said in her updated psychological evaluation. By all measures, he is rehabilitated.

Host: My name is Phil Stockton. I've taught theater for over 15 years to incarcerated people at various prisons in Oregon and California. Sterling Cunio was one of my students.

By the time I met him, he'd been inside for more than 20 years. In that time, he'd become an artist, a writer, a peacemaker, a change agent. But of course, there's more to his story, because not everyone at the parole hearing was there to support Sterling's release.

When he was 16 years old, Sterling and a friend kidnapped a young couple. They were recently engaged, just 18 and 21 years old. And Sterling and his friend carjacked them, robbed them and murdered them. They took two innocent lives and shattered many more. That was in 1994. And Sterling, not even old enough to vote yet, was sentenced to spend the rest of his life behind bars.

I'd never attended a parole board hearing before this one. I was expecting it to be dry and procedural. I wasn't prepared for the emotion and brutal reality of it all.

He spoke about what probably went through his victims minds.

Sterling Cunio: They was terrorized. They had to be thinking about their family, their parents, I think they felt terrorized.

Host: His victims' mother, father and sister - - they all had to sit .. for hours.. And listen to Sterling recount the details of their loved ones final moments.

Sterling Cunio: "They was helpless, not only did we have guns but we were yelling. There was nothing they could really do."

Host: And they had to listen to Sterling's supporters talk about the wonderful person he had become and all the good things he'd done, years after killing their daughter, son and sister.

When it was their turn to address the board, they spoke of their deep trauma and never-ending sense of loss. They said their peace of mind depended on Sterling staying in prison.

They asked us not to use their voices, nor mention the names of the loved ones they lost ... and we're honoring their wishes.

But here's Deputy District Attorney Ryan Joslin speaking on their behalf.

Ryan Joslin, DA: - Justice must account for the harm inflicted on the victims. Recognizing that in the case of homicide, there is no righting that wrong. There's no bringing back from doing what was done. There's no alleviating the sense of loss and the actual loss of the victims in this case.

Host: As the hearing ended, it felt unsettling and inconclusive, and the board was faced with a difficult decision. Was this man Sterling Cunio worthy of release?

Board Chairperson: I understand the gravity of decision that we have to make. We do want to take our time and be deliberative and careful about it.

Host: His case raises so many difficult questions, most of which I'm still trying to answer. Like, how do we mend the safety net so many kids like Sterling are falling through, and once they do fall, do they ever deserve a second chance? If not, what is the real purpose of our prison system? To rehabilitate, to deter crime, or to just punish for punishment's sake? And what does justice demand?

In this series, we're going to follow Sterling's path to see what lessons can be learned and whether there might be a better way. We'll hear from former prison employees, lawyers and other people working to radically change the correctional system or abolish it altogether.

A lot of podcasts examine a single event and interrogate the crime itself. In this series, we're going to interrogate the system that allows the cycle of violence to continue, through the lens of one man's story.

From Narrative Alchemy, Sonic Union and PRX. I'm Phil Stockton and this is Cellblocks to Mountaintops. Stay with us.

BREAK

Host: Americans invest a lot in our system of mass incarceration. We spend about \$84 billion a year to lock up more people than any other country in the world, but what are we getting for our money? It doesn't seem to be making us safer. Multiple studies have shown that increased rates of incarceration have no demonstrable effect on violent crime.

And we aren't increasing people's chances of leading more successful lives once they're released. Seven out of ten people released from American prisons will come right back within three years. So all we have right now is a really expensive revolving door, and it's one where black and brown people are vastly overrepresented. All this suggests that not only is this system inefficient, it's also ineffective and inequitable.

Something needs to change. But what? To explore possible answers to this question, we're starting at Sterling's 2020 hearing before the parole board. The parole process differs from state to state, but the parole board is often appointed by the governor, and they wield immense power, the power to keep someone behind bars or grant them their freedom. They're a panel of civilians, like a jury, but without a judge.

Kaurna Thompson: The parole board receives a packet about somebody maybe has an hour looking at that packet before walking into a room with somebody that they've never met.

Host: Kaurna Thompson worked as a prison chaplain for the Oregon Department of Corrections for nearly two decades, and became the department's victim liaison in 2022. She's witnessed dozens of these hearings. She says more often than not, they're pretty brief.

Kaurna Thompson: They have a half hour to an hour with this person and they decide what their life is going to be and if they are transformed. I don't know how you can make an informed decision about somebody in that way. It becomes very arbitrary and based on any kind of bias or opinion that they want to draw on. And the weirder part for me, having spent so much time in prison, is the people who I would have let out years ago and know would be fine. Don't get let out. And the people who should never be let out somehow are able to put on a veneer that is comforting and easing. And frankly, in my opinion, much more predatory are the ones who do get out and they do come back.

Host: The stakes are high... So how do parole boards make these determinations? Well, the key test is often whether or not someone appears to be rehabilitated. And one of the things they look for to measure rehabilitation is remorse for their crime.

Rosemary Brewer: It can be really difficult to gauge whether somebody is truly remorseful or whether somebody is repeating what they know you want to hear.

Host: Rosemary Brewer helps victims families navigate the legal system and represents them in court. She's a former prosecutor and the current executive director of the Oregon Crime Victims Law Center.

Rosemary Brewer: I think everybody's path towards reformation is going to look different. It depends on the individual and it depends on how remorse comes across, how it looks.

Host: Sterling expressed extreme remorse during his hearing. But it was 2020, so it was over a video call with distorted audio...

Sterling Cunio: There's nothing more precious than life and there's nothing a person can do that's worse than killing, and I did that.

It is without doubt my greatest regret. And it's going to haunt me to my grave.

Host: I believed him because I know him. But for the victims, it must have been a very different experience. They told the board they believed he was just saying what he thought they wanted to hear, trying to win his freedom.

DA, Ryan Joslin echoed their sentiments. He said Sterling was practicing some of the skills he picked up in prison acting, storytelling, that all the people there to support him, including me, had been taken in by his performance, duped.

Ryan Joslin, DA: The hardest audience, I think, for any actor or storyteller to convince, are those who are part of the story itself.

Host: But whether or not Sterling has reformed and rehabilitated, it's not the only question the parole board must weigh. And it isn't the only reason we keep people behind bars. We also seek to acknowledge victims' suffering and to honor their loss. But does prison time do those things?

Danielle Sered: Pain is long and people believe that punishment will somehow start to alleviate it at some point, even though it doesn't. I think people hold on to whatever we think will keep us afloat, above the dark sea of sorrow that tries to take us under every day.

Host: Danielle Sered believes that if we're looking for justice in the prison system, we're looking in the wrong place. She's a leading expert on violence and accountability and the executive director of Common Justice. That's an organization that works to divert people who commit violent crimes away from the prison system and into restorative justice processes.

Danielle Sered: I think the people who are likeliest to shift from an unrelenting need to see that person punished are people who have been given access to the healing that everyone deserves.

Host: We don't know what kind of help Sterling's victims' families have had to deal with their loss and trauma, but we do know that victim services end in Oregon once an offender is put in prison. In most states, the only thing that's guaranteed is the opportunity to testify at hearings.

Rosemary Brewer: For a lot of victims, the sentencing hearing is their only opportunity to be heard, to share their story, to tell people why they still feel the effects of this harm. That's part of them healing.

Host: Sterling's victims have spoken at every hearing he's had.

Rosemary Brewer: Victims don't have the right to say keep this person in prison forever. Sure they have the right to say it, but that that it doesn't have any power. Victim input has to be taken into consideration, but ultimately, it's the role of the parole board to determine whether or not someone's going to be released.

Host: To Daniel Sered, that's wholly inadequate.

Danielle Sered: Their only legal standing is as a witness who can help secure a conviction in a case that is insufficient.

Danielle Sered: We want to say, how dare you! We want to curse someone out. We want to understand what happened. We want to express our pain. And we want a say in what the person will have to do to make it right. And we want those things to include things that we believe will prevent them from hurting other people, and that we know will help bring us peace. None of that's available in the criminal justice system. I think many survivors in the criminal legal system seek long sentences because it's the only currency the criminal legal system has to convey respect.

Host: Sered believes that there's another big problem with the current approach. She says it isn't doing anything to make anyone safer. In fact. It might just be doing the opposite.

Danielle Sered: We've baked into our core responses to violence exactly the things that generate it shame, isolation, exposure to violence, and an inability to meet one's economic needs. It's like showing up at a house fire with a hose full of gasoline, and acting surprised when the flames reach higher.

Host: In other words, we're missing a critical chance to break the cycle and instead perpetuating it.

Kaurna Thompson: In my 20 years as a prison chaplain, I didn't meet a single individual who hadn't been horribly victimized prior to committing their offense.

Hurt people, hurt people. It's kind of cliché and it's very true. I think that we're at a point where we genuinely have to reimagine what we're doing, because what we're doing isn't working. Unless people are given an opportunity to heal and recover from the harms done, they are very likely going to perpetuate the same kind of pain or a similar pain.

I am convinced that we can do better.

Host: We wish we could hear directly from the people most profoundly affected by the murder of Sterling Cunio's victims, their families and loved ones, and we respect their choice not to participate.

The same is true of Sterling's surviving family members. This is all very difficult for everyone close to the story to discuss. They're all still dealing with their own grief in their own ways, but that doesn't excuse the rest of us or prevent us from looking the problem in the eye. So that's what we're going to do in this series.

This is a story about how we deal with crime.

Anthony Pickens: The prison environment, even the staff are more violent.

Host: About the cyclical nature of violence in America.

Rosemary Brewer: The kids who are witnessing domestic violence, they're the ones that I'm going to see in a parole hearing in 20 years.

Host: And it's a story about how, every once in a while, against all odds, it is possible to find hope and transformation.

Sterling Cunio: And to now be a source of comfort and love. I felt like I was doing something redemptive.

Host: And ultimately we will ask what all of it means for the future of criminal justice reform, and whether it is possible to both increase public safety and promote healing for everyone's sake.

But first, we'll spend more time getting to know Sterling Cunio and see how he could go from a loving home to serving life for a senseless murder.

Sterling Cunio: And then went and told people what we'd done because we felt it was cool somehow. We felt like it had validated us, like we'd gained our street cred. That's that's how it happens.

Host: That's next time on Cellblocks To Mountaintops.

To see our companion video series and find out more about the show. Go to our website at cellblockstomountaintops.com

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