



## 'Supermax' transfers must get hearing

Friday, June 11, 2004  
Associated Press

Cincinnati - Prison inmates cannot be transferred to Ohio's supermaximum prison without a hearing to determine whether their crimes are serious enough to warrant being held there, the 6th U.S. Circuit Court of Appeals ruled Thursday.

But the appellate panel also widened the scope of offenses for which the state may send prisoners to "supermax" if due process is followed.

"We won on the hearing; we lost on the standards," said Pittsburgh attorney Jules Lobel, who argued the case on behalf of the New York City-based Center for Constitutional Rights.

Lobel said the ruling could affect 400 Ohio prisoners who may be entitled to an initial hearing or a rehearing, and potentially thousands of others nationwide if other regional appeals courts go along with the 6th Circuit.

A phone message seeking comment was left for the Ohio attorney general's office.

The center and the Ohio Chapter of the American Civil Liberties Union filed a class-action suit in 2001 against the Ohio Department of Rehabilitation and Corrections, alleging that the treatment of inmates at the Ohio State Penitentiary near Youngstown constituted cruel and unusual punishment.

In March 2002, U.S. District Judge James Gwin ordered the state to issue new rules for prisoner transfers.