

## ANNARELLI V. VIRGINIA, OR, HOW I CAME TO APPRECIATE ANARCHISTIC IDEAS

*David J. Annarelli\**

Have we come to a point in our history where American arrogance is no longer supported by American excellence? Nowhere is this more obvious than our citizen's growing distrust in our justice and carceral systems. An overt sense that these systems are not legitimate exists, and in too many ways the growing body of evidence proves as much. In our Constitutional Republic—not a “democracy”—advanced citizenship is required. Hands-on involvement is demanded because you have to want it to work. You have to engage with it as a labor of love. Since the end of WWII, that has been decidedly not the case. Instead, a complacent citizenry has increasingly allowed greed and avarice to squize their way in; corruption, like a silent cancer has taken root, and I suggest that it has metastasized. I am of the opinion that only a single course is left for the citizens of America, best articulated in paragraph two of our Declaration of Independence, “That whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or abolish it.” Alteration has clearly not worked There are debates to be had about these things I've just stated. Debates are wonderful for stalling action. So, to my statements, I offer the following personal experiences, which are an example, not the exception, elucidating serious problems, and even more serious failures.

It is quite often said, “prison isn't supposed to be comfortable.” That statement, strictly a supposition rather than fact, speaks volumes. It also poses an important question: Why isn't it supposed to be comfortable? If its entire purpose is about “corrections,” then nurturing comfort should be preferred. The “stick,” negative reinforcement is well documented as a failed means of permanent behavioral modification. Society has recognized its diminishing returns over time and the fact that it breeds adverse behavioral responses. Why then is our entire prison system based on punishment? For that matter, our judicial system seems the same, specifically its handling of “criminality,” but also civil matters.

Contrarily, we know that learning is best done in an engaging, nurturing environment. Certainly, it is long past time that we should adopt

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to what we know works, as a society. The monied interests are one of many obstacles to change. They fight it, and stall it, until they find a way to secure profits from anything new. Our system, which is deeply integrated with crony capitalism (that Keynesian capitalism at its worst, the antithesis of Adams Smith's model) operates in such a way to better maintain a harmful failing system until the last penny is extracted, rather than spending monies to fix a problem or install a new system.

## I. MY BACKGROUND

My name is David J. Annarelli. I am a wrongfully-convicted, currently-held captive of Virginia. I woke up in the New River Valley Regional Jail (NRVRJ), severely beaten, including walnut-sized lumps in a line across the back of my skull and severe symptoms of concussion lasting approximately ten days. Medical care was denied, and I was confused about my situation. I was put into solitary confinement and eventually told that I had shot a police officer. This made no sense and none of it fits with who I am or what I stand for. Further, I was told the situation involved a mental health episode and alcohol. I had no memory of what happened. Everything I do know now comes directly from the state's own documents and the words of its own agents.

Over the next 17 months, my inability to remember allowed for a Commonwealth Attorney to manufacture an entire case against me: one that contradicted everything I know to be true. The state told me that I was drunk, that when police were called, there was an emergency, that police identified themselves and were on the property with just cause, that I had cursed at them, and that the situation finally ended up with a stand-off—I sitting on my back deck with a shotgun, police acting as the glowing beacon of law and order. The only facts that seemed accurate were that I did experience a mental health episode and that I did end up armed, sitting on my back deck in a doorway.

I have a mental health history, documented, dating back to age six. In 2011, I suffered a near-fatal Traumatic Brain Injury (TBI) that put me in a coma, and to-date has not been properly addressed or treated. To be specific, a bilateral subdural hematoma, intracranial bleeding, axon retraction, and possible axon disruption—literal tearing of brain tissue. The episode I experienced on the night of September 24, 2016, was so bizarre that I was heard accusing the family dogs of sabotaging me. My son, 16 at the time, called the police . . . I probably shouldn't blame him. The history of mental health was quietly used against me; the Commonwealth's Attorney preyed upon the fact that TBIs and mental health cannot be seen, allowing them to easily manipulate my gentle and honest nature. Simultaneously, he looked for any means to subvert the legitimacy of a lifetime of struggle, a lifetime that had no acts of

criminality nor violence.<sup>1</sup>

The actual facts contradict the state's version of the story. On the night I was arrested, I was sitting in front of a doorway on my back deck cradling a shotgun and in a mental health crisis. This was a response to unidentified persons in dark clothes, hiding around the side of my house, behind logs near a firepit, and running around my fenced-in backyard at night. They make no efforts to deescalate, refused—admittedly—to provide ID when asked, and then called for backup, which arrived without red and blue emergency lights.

The officer who showed up as “backup” inevitably decided against using his taser on me, a stationary, open target. Despite having been reportedly disarmed once, this officer decided to return to the front of the house, kick open the door, and unload his weapon at my back. He had a 30-foot-long, direct line of sight at my back in a doorway of a dark house. He missed with every shot. He and his fellow officers admit he did not announce himself, both on record. According to the state, I turned 180 degrees and returned fire. The officers in my backyard reported that I remained stationary, apprehending me on the porch. I fired four rounds of birdshot. A single pellet ricocheted off of a woodstove and caught the officer in his love handle.

To put more details into a nutshell, I was denied an attorney and police reports show that I was interrogated for hours during a mental health crisis. I reportedly requested an attorney repeatedly, to which the officer stated, “I wouldn't hold my breath.” He claims in the same report—after those facts—that I “accepted all responsibility.” There is no video or audio evidence supporting this claim. The Floyd County Commonwealth Attorney repeatedly claimed I was “drunk and angry,” at every opportunity.

After all of this, my informed opinion is that only Jailhouse Lawyers really know the law. Jailhouse lawyers are forced to dig and dig to find every little code, every forgotten case cite of real merit, and every possible legal loophole. They do this because no one else will. It seems like prosecutors need not prove a single damned thing today, excepting those made for TV high profile cases. Most courtrooms fast track everything, and defense attorneys go along with it in a *quid pro quo* routine that few know about or recognize. Jailhouse Lawyers know the system is rigged, that the law has become a tyrant's weapon. They also know that most courts and lawyers know much less about the law than they admit. Language is everything, and if you don't know that, you *shall* learn it the hard way.

This should never happen in America, but in Virginia it's a daily issue. You may like to think that it makes no sense, and perhaps in the context

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<sup>1</sup> See generally *Annarelli v. Clarke*, No. 220446 (Va.) (docket).

of the ideas and ideals of our system you would be correct: It makes no sense. Of course, there is the historical context of Virginia, its genocides against Indigenous peoples; its Jim Crow segregation. There is the disturbing fact that these policies of genocide, caste and race incarceration, and eugenics, were what informed Hitler's ideas and eventual actions. In that context, what I've described above makes all too much sense. It is very much a red flag warning: A warning that no one is heeding.

## II. THE VIRGINIA MODEL

This leads me to the Virginia Department of Corrections. Let me be the first to tell you that its policies, written and unwritten, are absolutely an extension of that history described above. I have witnessed and experienced firsthand, for a decade, the worst of the American carceral system. It is lawless and is in every way opposed to laws and constitutional protections. It despises justice, which is defined as the equal payment of a debt, and the Prison Industrial Complex fears the truth more than anything else. In 1973, the National Crime Commission issued a report explicitly stating, “[t]he American correctional system today appears to offer minimum protection for the public and maximum harm to the offender.”<sup>2</sup> It is worse 50 years later. They recommended closing down prisons, decarceration, and funding diverted to those options shown to reduce crime and restore the social contract.<sup>3</sup> The Prison Industrial Complex fears the truth. If citizens knew the truth and saw firsthand the lives destroyed, the prison system would shut down tomorrow, and a small, elite group would be forced to lose their profits.

The private jail, NRVII, where I spent six months in solitary, where I was beaten on four separate occasions, and spent another ten months in a Special Housing Unit (SHU) was not much different than any of the five VADOC prisons I've been to. The first of those was Pocahontas State Correctional Center. This place was primarily white, most of its captives were local, and too many were related to each other—and staff—by blood, marriage, and sometimes both. It is located in Tazewell County, about a half mile from the West Virginia state line, and from what I saw, it operated as a white supremacist recruitment facility. When I arrived in 2018, it was among the worst of 41 prisons in Virginia with more complaints than it could account for.

I had a lot of trouble adapting to prison life. I have not adapted at all, in fact, even after ten years. I compartmentalize the daily dehumanization

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<sup>2</sup> *Corrections—Report of the National Advisory Commission on Criminal Justice Standards and Goals*, DEP'T OF JUST. (1973), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/corrections-report-national-advisory-commission-criminal-justice> [<https://perma.cc/YM7B-HG4V>].

<sup>3</sup> *See id.*

and trauma and do my best to not hurt myself. About eight months in, my cell mate went off his psychiatric medication, and with no warning, yanked me from the top bunk, headfirst into a steel storage box. I came back to consciousness just in time to be thrown headfirst into a steel door jamb. I woke up face down on the cold concrete, bleeding from my head, with a guard yelling at me. Even though I have a documented history of severe head trauma, I received no medical attention, but I did spend 60 more hours in solitary.

It is worth noting that I suffer from chronic headaches and light and sound sensitivity as a result of the TBI in 2011, in addition to the exacerbated mental health issues. As a result of the six headshots from police, I now have permanent diplopia (double vision) that is neurological in nature. My left hand is partially crippled, as is a finger on my right hand; both stem from the interaction with police on September 24, 2016, but made worse by deliberate medical indifference for 10 years.<sup>4</sup> I've lost teeth because basic dental care is regularly denied . . . . I can go on, but why bother? Prisons attract employees who look to exploit others, bully, and exercise even the least bit of arbitrary power over others. Prisons then provide them with immunity for some of the most abhorrent acts, and promotion for the same (or their silence when they are witness to such acts). It attracts the kind of people who will cuff and shackle you, then drag you off to a shower area of solitary confinement, where the cameras have a blind spot, and they will beat the living sh\*t out of you, all for writing something similar to this. I know from experience, and so I went on writing, a thorn to this very day.

There is nothing legitimate about the prison system, and VADOC is even less legitimate. I would suggest that the \$1.5 billion spent annually on the VADOC, is one of the largest embezzlement scams perpetrated on the citizens of the U.S. I would go further still and say, given the number of reports and essays I've penned over the past decade, the letters written to the media, politicians, activists, advocates, the DOJ, the ACLU, the UN, and anyone else with a mailing address, that the scam stretches to all corners of the political spectrum.

I spent 5 years at Pocahontas, enduring all manner of harassment and harm. It is where I began my foray into law, a hands-on education via the prison's law library and conversations with its clerks. It led me to discover more about the acts of misconduct leading to my conviction. It also opened my eyes to how many were being wronged by a system that presumes guilt and refuses evidence of innocence. Attorneys who would not hear my opinions, who ignored exonerating documents, etc. I was at Pocahontas when COVID began, fighting my first case as a pro se litigant. I won

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<sup>4</sup> See Complaint, *Annarelli v. Dotson et al.*, No. 1:26-CV-00054 (E.D. Va. Jan. 7, 2026) (claim #1).

against a sizable Virginia Firm. COVID was two more years of what amounts to solitary confinement. Two years in a cell, only ten minutes a day to plug in my tablet, call home, and shower. I never caught COVID, but I watched the bodies being carted away.

Because prisons are designed and operated to maximize profits, they are routinely overcrowded. Dormitories are the best example of this. I was at Dillwyn, now I am at Haynesville. Picture a mechanics garage bay with a lift, five cars long and two cars deep. That is the size of the average VADOC dorm. Now, cram four toilets, five phones, five showers that act as only a single shower, and 80 people into that space. Miserable, cramped, and absolutely guaranteed to make antisocial tendencies worse, and create them where there previously were none. Needless to say—I need to say it—the dorm environment has severely exacerbated all of my mental health issues. I spend the majority of my time at crisis levels. As a reasonably intelligent adult, who is well educated—especially about my neurodivergence—I am keenly aware of the problems and the obvious solutions. I am, unfortunately, prevented from behaving as a proper adult by the VADOC staff who are about as far from “proper adult” as it gets. In the world of Dungeons & Dragons, there are nine “alignments” that serve as indicators of characters’ moral compasses. The Virginia Model would fall squarely under “Lawful Evil,” a wretched hive of scum and villainy. The Virginia Model, the state laws, and its DOC, are all such epic failures, and glaring examples of the collapse of America that they are, literally, and regularly referenced as perpetually wrong.

I was at Lawrenceville when it became the pilot program for “The Virginia Model.” The VADOC made claims of copying Norway’s model, then pivoted to claims of copying the Florida and Texas models before finally settling on the vague, detail-free, nondescript “Virginia Model.” Prisons were *not* like college campuses, the program offered no real incentives (i.e. time of sentences or single cells), and other program lapses led to the VADOC walking back each claim. As a general rule, it was only a matter of time before staff began violating laws, like, for example, an administrator openly violating HIPAA. I reported this via prisonradio.org and quickly became the target of retaliation again. A false infraction was levied against me, leading to my transfer in the dark of night, in violation of policy and due process protections. Now, at Haynesville, where a sweatshirt hanging from my bunk is a problem, but not the more than thirty captives openly smoking “spice,” a synthetic marijuana, more closely related to RAID. Welcome to the Virginia Department of *Corruption*. I will not be silent.

## CONCLUSION

Who trusts the system anymore? Not many people these days have so strong a faith. The great astrophysicist Carl Sagan noted that we have created a society dependent on science and technology while simultaneously creating a citizenry lacking in its education and understanding of that same science and technology. That is a very dangerous situation. I would opine that the exact same scenario has occurred with our legal and carceral systems. Generally, our citizens cannot name our three branches of government or how they interact together. Their information about our legal process comes from TV shows that focus primarily on aggrandizing police and prosecutors—even when they are wrong. All too often, these portrayals are at best flawed, at worst dangerously inaccurate, giving the citizenry of this country a wholly wrong understanding of the system, how that system works, and how it is expected to work. It is therefore one hell of a shock when you and your family find yourselves lost in the labyrinthine webwork of our “justice system,” which has become more accurately described as “just a system.” It’s getting worse, every week.

There is something to be said about the need to modernize our entire legal system. I am not talking about digitization, which is already integrated, and I am not referring to the new and rapidly expanding use of AI to prepare legal briefs and memorandums of law. I am talking about something for more comprehensive, impactful, grueling, and necessary. In the book *The Secret Life of Brains*, David Goldman, Ph.D. dedicates an entire chapter—chapter 6—to the necessary idea that our entire system of laws needs to be rewritten. This idea is predicated upon the very real fact that our current understanding of neuroscience, how the brain works, is completely different, expanding on a regular, sometimes seemingly exponential rate. Therefore, our understandings of things such as culpability, or mens rea, is dramatically altered. Our laws, our system, our rules of the Court, our precedents do not really integrate with this paradigm shift. Goldman’s book is copywritten 2011 . . . 15 years ago. In that time, only cursory changes regarding juveniles, for instance, have occurred. Changes regarding neurodivergence from the mild to the severe and Autism Spectrum have been sparse, and they do not reflect the needs or the urgency.

This brings up a broader point, how do we create real and lasting change in a system whose entire bases is archaic and incrementalist to a point of stagnation, even regression? This is a poignant question where political leanings have now become the guiding factor in most interpretations of law and constitutional questions. There are many who will naively claim otherwise, but they are willfully ignorant of the truth. Addressing this is an immediate need.

A final concern that is both standalone and integrated in our worsening legal conundrums: Laws were meant to be a means of mitigating and eliminating rule by the whims of people, as a way of preventing tyrants—or so it is understood in respect to our country. What has happened instead, and especially in the last 30 years, is that the “rule of law” has become the boot heel and hammer of tyrants, the entrenched political class, and a very obvious new noble class. Our country is much more feudalistic than anyone wants to admit. The “rule of law” has become the very “one rule for me, another for thee” situation it was meant to stop. As stated before, I do not believe we can legislate a solution. We have crossed the Rubicon. Too many usurpations of rights. Too much faith lost. Too much harm done. Sometimes, it is beneficial to tear down the old house and build something new, on a better foundation. I am always asked for my words, I am always rebuked when I ask for help.