

EXHIBIT

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CONFIDENTIAL/PRIVILEGED – ATTORNEY/CLIENT WORK PRODUCT

March 14, 2013

Mr. Fernando Romero, AH0432
Calipatria State Prison
AH0432 D-5-2008
P.O. Box 5007
Calipatria, CA 92233

Dear Mr. Romero:

Thank you for your letter. The Loyola Law School Project for the Innocent (LPI) provides pro bono legal assistance to some prison inmates incarcerated on a California state conviction that wish to present a claim of factual innocence and whose actual innocence can be demonstrated through new evidence, false evidence, Brady material, or ineffective assistance of counsel. This is usually done after they are no longer represented by counsel.

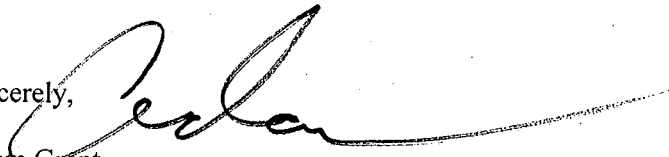
Because of limited resources, we must limit our work and are able to assist very few inmates at any time. To help us evaluate your case, please complete and return the attached **questionnaire**. Once we receive and review your completed questionnaire, we will be able to tell you whether we can accept your case. **IMPORTANT:** Only completed questionnaires will be evaluated. Incomplete questionnaires will be returned. Please, do not send any other documents with your completed questionnaire. We will ask for your court papers when we feel they are needed.

We have received materials from your appellate attorney, Mr. Joseph Shipp. We are currently reviewing your trial transcript as part of our evaluation of your case. To aid our evaluation process, we would like to have access to files from your trial attorney, Mr. Ludlow Creary. In order to do this, you must authorize and instruct Mr. Creary to allow us access to his trial file for your case. We request that you authorize and instruct Mr. Creary to allow us access to his trial file. This will greatly aid our evaluation process for your case. We have enclosed a letter for you to sign and send to Mr. Creary so we may retrieve his trial file. Thank you for help in this matter.

Please understand that due to the overwhelming number of requests for our assistance, you may not hear from our office immediately upon our receipt of your questionnaire. After you have returned your questionnaire, please do not telephone or write additional letters asking about your case. We will contact you as soon as possible after we have evaluated your case.

We look forward to your responses.

Sincerely,


Adam Grant
Senior Law Fellow
Loyola Law School Project for the Innocent

AG:bkf
LLS# 12160
Enclosure

CONFIDENTIAL/PRIVILEGED – ATTORNEY/CLIENT WORK PRODUCT

EXHIBIT

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External Movements

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Date	Time	Reporting Location	Movement Type	Reason	Other Location
<u>03/17/2014</u>	16:45	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	CAL-Facility A
<u>03/17/2014</u>	13:16	CAL-Facility A	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service
<u>10/28/2013</u>	11:29	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
<u>10/28/2013</u>	11:29	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
<u>10/28/2013</u>	10:54	CAL-Central Service	Received from another Facility	Permanent Transfer	ISP-Facility A
<u>10/28/2013</u>	08:01	ISP-Facility A	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
<u>05/22/2013</u>	17:31	ISP-Facility A	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
<u>05/22/2013</u>	17:31	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility A
<u>05/22/2013</u>	12:06	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility D
<u>05/22/2013</u>	09:11	CAL-Facility D	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
<u>03/15/2012</u>	17:04	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
<u>03/15/2012</u>	17:04	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
<u>07/26/2011</u>	02:59	CAL-Facility A	Received from another Facility	Permanent Transfer	NKSP-History Facility
<u>07/26/2011</u>	02:59	NKSP-History Facility	Transferred to Another Facility	Permanent Transfer	CAL-Facility A
<u>07/26/2011</u>	02:59	NKSP-History Facility	Received from another Facility	Permanent Transfer	NKSP-Facility B
<u>07/26/2011</u>	02:59	NKSP-Facility B	Transferred to Another Facility	Permanent Transfer	NKSP-History Facility
<u>07/25/2011</u>	03:31	NKSP-Facility B	Received (Enroute) at another Facility	Received Enroute to Another Institution	WSP-History Facility
<u>07/25/2011</u>	03:31	WSP-History Facility	Transferred (Enroute) to another Facility	Enroute to Another Institution	NKSP-Facility B
<u>07/25/2011</u>	03:31	WSP-History Facility	Received from another Facility	Permanent Transfer	WSP-Facility A
<u>07/25/2011</u>	03:31	WSP-Facility A	Transferred to Another Facility	Permanent Transfer	WSP-History Facility

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DISTRIBUTION:
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 GOLDENROD-INMATE (1ST COPY)

INMATE'S NAME **Romero, Fernando** CDC# **AH0432**

REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ENDANGERS INSTITUTION SECURITY UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Monday, October 28, 2013, you arrived at Calipatria State Prison (CAL) R&R via CDCR Special Transport. During the intake screening process your Central File and ERMS were reviewed; and it was identified that you are not endorsed to Calipatria State Prison. You are here as an out to court and return for Imperial County Court proceedings. Therefore, you are being placed into Administrative Segregation (Ad-Seg.) pending administrative review of your appropriate program and housing needs. As a result of this placement, your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate Romero is not a participant in the Mental Health Delivery System (MHSDS), the Disability Placement Program (DPP), or Developmental Disability Program (DDP) at any level of care. Inmate Romero has a TABE Score of 12.4.

<input type="checkbox"/> CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)		<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE:	
DATE OF ASU PLACEMENT October 28, 2013	SEGREGATION AUTHORITY'S PRINTED NAME W. Newman	SIGNATURE <i>[Signature]</i>	
DATE NOTICE SERVED 10/28/13	TIME SERVED 1102	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE M. Nieves	SIGNATURE <i>[Signature]</i>
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE <i>[Signature]</i>	TITLE Lieutenant
			STAFF'S TITLE 910
			CDC NUMBER AH0432

ADMINISTRATIVE REVIEW (PART B)
 The following to be completed during the initial administrative review by Captain of higher by the first working day following placement

STAFF ASSISTANT'S NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE

IS THIS INMATE			
LITERATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY I.E. UNNECESSARY	<input type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input type="checkbox"/> YES <input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	ASSIGNED	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> NOT ASSIGNED		<input type="checkbox"/> NOT ASSIGNED	
Any "NO" requires SA assignment		Any "NO" may require I.E. assignment	

INMATE WAIVERS

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

NO WITNESSES REQUESTED BY INMATE INMATES SIGNATURE _____ DATE: _____

WITNESSES REQUESTED FOR HEARING

WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER
WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER

DECISION: RELEASE TO UNIT/FACILITY _____ RETAIN PENDING ICC REVIEW DOUBLE CELL SINGLE CELL PENDING ICC

REASON FOR DECISION: _____

ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE:	DATE OF REVIEW:	TIME:	ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)	CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)	DATE OF REVIEW		

See Chronological Classification Review document (CDC 128-G) for specific hearing information

EXHIBIT

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products in residential space at correctional training academies, and in Staff Quarters at conservation camps, will be permitted only in designated areas with designated times to be determined by local operational procedures.

(4) Tobacco cessation products such as a patch, inhaler, or lozenges are permitted for use by staff, and must be for immediate personal use only.

(d) On July 1, 2005 and thereafter, smoking, possession, or use of tobacco products by inmates under the jurisdiction of the Department, or any other persons where inmates are housed or detained, except as provided in (c), is prohibited and tobacco products will be considered contraband in accordance with section 3006.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code; Section 19994.35, Government Code.

HISTORY:

1. New section filed 8-18-94 as an emergency; operative 8-18-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-16-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-18-94 order, including amendment of subsections (b) and (d), and amendment of Note transmitted to OAL 12-16-94 and filed 1-26-95 (Register 95, No. 4).
3. Editorial correction of Reference cite (Register 95, No. 32).
4. Amendment of section and Note filed 1-14-97 as an emergency pursuant to Penal Code section 5058(e); operative 1-14-97 (Register 97, No. 3). A Certificate of Compliance must be transmitted to OAL by 6-23-97 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-14-97 order transmitted to OAL 4-22-97 and filed 5-27-97 (Register 97, No. 22).
6. Amendment of subsection (a)(3) filed 12-1-98 as an emergency; operative 12-1-98 (Register 98, No. 49). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-1-98 order transmitted to OAL 5-7-99 and filed 6-4-99 (Register 99, No. 23).
8. Renumbering of former section 3188 to new section 3187 and renumbering of former section 3189 to section 3188, including amendment of section and Note, filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).
10. Change without regulatory effect amending subsection (c)(3) filed 4-11-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 15).

3189. Inmate Violations and Cessation Assistance.

(a) Inmates violating the provisions of sections 3187 and/or 3188 on July 1, 2005 and thereafter shall be subject to the inmate disciplinary methods, administrative and serious rule violation provisions of sections 3312, 3314 and 3315.

(b) Tobacco use cessation assistance may include, but is not limited to the following:

- (1) Tobacco use cessation classes.
- (2) Distribution of printed tobacco cessation material.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code.

HISTORY:

1. New section filed 8-18-94 as an emergency; operative 8-18-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-16-94 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 8-18-94 order transmitted to OAL 12-16-94 and filed 1-26-95 (Register 95, No. 4).
3. Amendment of section heading and new subsection (c) filed 12-1-98 as an emergency; operative 12-1-98 (Register 98, No. 49). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 12-1-98 order transmitted to OAL 5-7-99 and filed 6-4-99 (Register 99, No. 23).
5. Renumbering of former section 3189 to section 3188 and new section 3189 filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).

Article 9. Personal Property and Religious Personal Property

3190. General Policy.

(a) Inmates shall be permitted to possess in their quarters/living area, state-issued property items, and authorized personal/religious property items based upon privileges in section 3044 and/or assigned security level and/or institution mission, and subject to disciplinary provisions in sections 3314 and 3315.

(b) Specific items of personal and religious property shall be established by a consensus of individual facilities within the Division of Adult Institutions. An Authorized Personal Property Schedule, identifying a list of allowable property, not including religious property, shall be developed and updated no more frequently than twice yearly. Local facility exemptions to the property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

The Religious Personal Property Matrix (Revised 6/27/13) identifies a separate list of allowable personal religious property, and is incorporated by reference. The Religious Personal Property Matrix shall be developed and updated by the Wardens Advisory Group/Religious Review Committee no more frequently than twice yearly. Local exceptions to the Religious Personal Property Matrix shall also be identified. All changes to the Religious Personal Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

The following five property lists are incorporated by reference:

- (1) Authorized Personal Property Schedule—Reception Center Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Male Reception Center Housing.
- (2) Authorized Personal Property Schedule—General Population Levels I, II, and III, Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Levels I, II, III Male Inmate Housing.
- (3) Authorized Personal Property Schedule—Level IV Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Level IV Male Inmate Housing.
- (4) Authorized Personal Property Schedule—Administrative Segregation Units (ASU) / Security Housing Units (SHU) / Psychiatric Services Units (PSU) Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate ASU/SHU/PSU Male Inmate Housing.

(5) Authorized Personal Property Schedule- Female Inmates (Rev. 4-1-14). This personal property schedule applies to all facilities which operate Female Inmate Housing.

(c) The Non-Disciplinary Segregation (NDS) Personal Property Matrix (12-30-2013) identifies a separate list of allowable personal property afforded to inmates housed in ASU for non-disciplinary reasons as affirmed by a classification committee, and is hereby incorporated by reference. The NDS Personal Property Matrix shall be updated by collaboration of all Division of Adult Institutions mission based programs no more frequently than twice yearly. All changes to the NDS Personal Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

(d) The combined volume of state-issued and allowable personal property items shall not exceed six cubic feet, except as specifically allowed in these regulations.

(e) Upon an inmate's transfer between institutions of the department, the sending institution shall inventory the inmate's property and, pursuant to section 3191 ensure the proper disposition of property not allowed at the receiving institution as a result of privilege group, and or security level, and or institution mission changes.

(f) Inmates may acquire authorized inmate packages based upon their privilege group, pursuant to section 3044. Inmate packages shall be ordered by inmates or their correspondents via a departmentally-approved inmate package vendor. All packages shall be shipped to the inmate's institution facility by the departmentally-approved vendor in a sealed container. Inmate packages, not including special purchases, are limited to a 30-pound maximum weight limit and maximum dimensions of 24" x 24" x 24".

(g) Inmates may possess allowable food and personal care hygiene items, and personal clothing in their quarters living areas, subject to section 3190(a), unless otherwise prohibited by these regulations. The total volume of canteen merchandise retained in possession of an inmate shall be pursuant to section 3094. Inmates shall be required to maintain their purchase receipt to verify purchases until such items are expended.

(h) Inmates shall be restricted to only clear (see-through) personal care hygiene items encased in clear containers or tubing based upon industry availability. An exemption shall be authorized by the institution's health care manager or chief medical officer when an exemption to the clear item and or clear case requirement is deemed medically necessary by a physician. Such exemption shall not exceed one (1) year. If the condition persists, the inmate shall submit another exemption request.

(i) Inmates shall only be permitted to possess state-issued clothing and authorized personal clothing subject to section 3190(a).

(j) Inmates shall be allowed special purchases of authorized personal property items from either departmentally-approved inmate package vendors or locally-approved special purchase vendors (except as provided for publications (including books and subscriptions to periodicals) in subsections 3190(j)(2) and 3190(j)(7)). The institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates who qualify. Special purchases shall only include the following:

(1) Health Care Appliances, subject to prescription by health care staff and approval by designated custody staff, shall be excluded from the six cubic foot limitation of section 3190(a).

(2) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen, pursuant to section 3164. There shall be no "Approved Vendor Lists" for any legal publications. Inmates may receive legal publications from any publisher, book store or book distributor that does not do business.

(3) Correspondence Courses, subject to approval by supervisor of correctional education programs and designated custody staff.

(4) Religious Items, as listed within the Religious Personal Property Matrix.

(5) Handicraft Material, subject to approval by handicraft manager and designated custody staff.

(6) Entertainment Appliances, Headphones Earbuds, and Musical Instruments, subject to qualifying privilege group and or security level institution mission.

(7) All publications, including books and subscriptions to periodicals, subject to section 3006. There shall be no "Approved Vendor Lists" for any publications. Inmates may receive publications from any publisher, book store or book distributor that does not do mail order business.

(k) Inmates may be allowed to possess appliances and one musical instrument as follows:

(1) Inmates assigned to Privilege Groups A or B may possess up to three approved appliances in their quarters living area, facility physical plant limitations permitting, and shall not exceed the six cubic feet maximum limitation. One musical instrument with case not exceeding 46" x 24" x 12" may be substituted as one of the three appliances.

(2) Inmates assigned to Privilege Group C may not possess entertainment appliances and or a musical instrument. Inmates placed on Privilege Group C pursuant to a disciplinary action pursuant to subsection 3315(b)(5)(C), shall have the disallowed property stored until such time the placement is affirmed by a classification committee. Upon placement in Privilege Group C by the classification committee, the inmate shall be afforded the allowable property identified in the APPS for Privilege Group C and will be required to dispose of the non-allowable property in accordance with subsection 3191(e).

(3) Inmates assigned to Administrative Segregation Unit Security Housing Unit Psychiatric Services Unit (ASU SHU PSU) may possess or acquire one television or one radio or one television radio combination unit, through the Special Purchase process, facility physical plant limitations permitting, and shall not exceed the six cubic feet maximum limitation. Inmates assigned to ASU are authorized one entertainment appliance. Inmates assigned to SHU PSU are authorized two entertainment appliances. Eligibility to possess an entertainment appliance commences on the date of Privilege Group D assignment. An inmate who is deemed to be a program failure, as defined in section 3000, based on conduct while in the ASU SHU PSU, shall have his or her entertainment appliance disposed of in accordance with subsection 3191(e). An inmate who has not been deemed a program failure, but who is found guilty of any Rules Violation Report based on conduct while in the ASU SHU PSU, is subject to temporary loss of the entertainment appliance as follows: (1) thirty days for the first offense; (2) sixty days for the second offense; and (3) ninety days for the third and subsequent offenses. Inmates assigned to Privilege Group D shall not possess a musical instrument.

(4) Inmates assigned to Privilege Group U shall not possess any appliances or musical instruments.

(5) Inmates housed at conservation camps shall not possess a television or television radio combination.

(6) All appliances shall be sealed by staff by covering exterior pieces of the appliance that may be used to access the interior of the appliance with hogtie.

(7) Inmates who break, tamper with the seal, tamper with the appliance may be subject to disciplinary action and suspension of the privilege.

(8) Inmates on temporary placement approval shall be required to purchase clear case appliances, unless they have a medical condition.

(9) Inmate items which shall be returned to the publisher or vendor if returned to the institution, including the following:

and Entertainment Appliances, Headphones/Earbuds and Musical Instruments, from either a departmentally-approved inmate package vendor or a locally-approved special purchase vendor, pursuant to section 3044.

(p) In addition to the six cubic feet limitation of authorized property, inmates who participate in institution academic or Career Technical Educational programs shall be allowed to possess, in their quarters/living area, state provided textbooks/materials necessary to complete their education requirements. In accordance with section 3011, inmates who do not return state textbooks in serviceable condition, may be charged a replacement fee, as determined by the supervisor of correctional education programs.

(q) Inmates may acquire and possess correspondence course materials, including textbooks, in their quarters/living area as approved by the supervisor of correctional education programs and designated custody staff pursuant to limitations in section 3190(b). Correspondence courses requiring tools, construction kits, or other materials that may pose a threat to the institution's security or the safety of persons shall not be allowed.

(r) The amount charged an inmate for a special purchase or inmate package shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the inmate welfare fund. Exception: The 10% service charge shall not be added to purchases of health care appliances, correspondence courses, nonfiction books, religious items, and legal materials.

(s) Inmates shall not possess any membership cards, identification cards, or service-type cards other than those issued by the department.

(t) All allowable inmate property shall be inventoried, documented, and stored for inmates transferred Out-to-Medical or Out-to-Court, or placed in segregated housing, a Correctional Treatment Center, or an Outpatient Housing Unit, until the inmate returns.

(u) Privilege Group A or B inmates placed in administrative segregation (AD SEG) shall have their property inventoried and stored pending the outcome of Initial Classification Committee review. If the inmate is released to general population and maintains their Privilege Group A or B assignment, all allowable property shall be returned. If the inmate is retained in AD SEG, all allowable property as determined by current departmental regulations shall be reissued to the inmate. If the inmate received a SHU term, the inmate shall be required to dispose of unallowable property due to privilege group and/or security level and/or institution mission change in accordance with section 3191(c).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcalá*, Marin County Superior Court, No. 117923, December 20, 1984 and *Armstrong v. Davis* Court Ordered Remedial Plan, Amended January 3, 2001; *In re Armstrong*, N.D. Cal. No. C 94-02307, March 20, 1998.

HISTORY:

1. Amendment filed 3-6-85 as an emergency; effective upon filing (Register 85, No. 12). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-3-85. For prior history, see Register 84, No. 47.
2. Order of Repeal of 3-6-85 emergency order filed 8-1-85 by OAL pursuant to Government Code Section 11349.6(b) (Register 85, No. 31).
3. Amendment filed 8-2-85 as an emergency; effective upon filing (Register 85, No. 31). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-2-85.
4. Certificate of Compliance transmitted to OAL 12-2-85 and filed 12-23-85 (Register 85, No. 52).
5. Amendment of subsections (a) and (c), new subsection (d), relocation and amendment of former section 3092(a) to section 3190(e),

new subsections (e)(1)-(7), relocation and amendment of former section 3092(b) to section 3190(f) and amendment of Note filed 12-30-2003 as an emergency; operative 1-1-2004 (Register 2004, No. 1). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 6-9-2004 or emergency language will be repealed by operation of law on the following day.

6. Withdrawal and repeal of 12-30-2003 amendments filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.
7. Amendment of section and Note, including relocation and amendment of former subsection 3092(a) to section 3190(h), relocation and amendment of former section 3044(g)(4)(G) to section 3190(i)(3) and relocation and amendment of former section 3092(b) to section 3190(p), filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
9. Amendment of section and Note filed 8-13-2007 as an emergency; operative 8-13-2007 (Register 2007, No. 33). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 1-22-2008 or emergency language will be repealed by operation of law on the following day.
10. Amendment of section and Note refiled 1-23-2008 as an emergency; operative 1-23-2008 (Register 2008, No. 4). A Certificate of Compliance must be transmitted to OAL by 4-22-2008 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 1-23-2008 order, including further amendment of section and Note, transmitted to OAL 4-22-2008 and filed 6-4-2008 (Register 2008, No. 23).
12. Amendment filed 5-12-2009; operative 5-12-2009 (Register 2009, No. 20).
13. Amendment of article heading and subsections (a), (b), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5) and (i)(4) filed 2-21-2013 as an emergency; operative 2-21-2013 (Register 2013, No. 8). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-31-2013 or emergency language will be repealed by operation of law on the following day.
14. Amendment of article heading and subsections (a), (b), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5) and (i)(4) refiled 7-29-2013 as an emergency; operative 7-29-2013 (Register 2013, No. 31). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 10-28-2013 or emergency language will be repealed by operation of law on the following day.
15. New subsection (c) and subsection relettering filed 9-24-2013 as an emergency; operative 9-24-2013 (Register 2013, No. 39). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-3-2014 or emergency language will be repealed by operation of law on the following day.
16. Amendment of subsection (p) filed 10-29-2013 as an emergency; operative 10-29-2013 (Register 2013, No. 44). A Certificate of Compliance must be transmitted to OAL by 4-7-2014 or emergency language will be repealed by operation of law on the following day.
17. Certificate of Compliance as to 7-29-2013 order, including further amendment of article heading and subsections (b) and (j)(4), transmitted to OAL 10-24-2013 and filed 12-9-2013; amendments operative 12-9-2013 pursuant to Government Code section 11343.4(b)(3) (Register 2013, No. 50).
18. Amendment filed 1-8-2014 as an emergency; operative 1-8-2014 (Register 2014, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2014 or emergency language will be repealed by operation of law on the following day.
19. Certificate of Compliance as to 9-24-2013 order, including amendment of subsection (c), transmitted to OAL 2-20-2014 and filed

- 3-24-2014; amendments operative 3-24-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 13).
20. Certificate of Compliance as to 10-29-2013 order transmitted to OAL 4-4-2014 and filed 5-14-2014 (Register 2014, No. 20).
21. Certificate of Compliance as to 1-8-2014 order, including further amendment of subsections (b)(1)-(5), (j)(6), (k)(2) and (o), transmitted to OAL 6-16-2014 and filed 7-22-2014; amendments effective 7-22-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 30).

3191. Property Registration and Disposition.

(a) Registerable personal property must be registered under the inmate's name and number in the institution's inmate property records.

(b) Inmates are required upon request by institution staff to properly account for all registerable personal property registered in their name and number. An inmate's failure to possess or properly account for personal property registered in the inmate's name and number, or possession of property which is not registered in the inmate's name and number will be cause for disciplinary action, including confiscation of the unregistered property. In all instances of confiscation, every reasonable effort will be made to determine the rightful owner of the property. The property will be returned to its rightful owner unless, as the result of disciplinary action for misuse of property, the inmate's approval to possess the property is rescinded.

(c) Inmate personal property not meeting the criteria in section 3190, shall be disposed of in accordance with this section. An inmate shall select one of the methods listed in sections 3191(c)(1) through 3191(c)(5) below for disposing of non-allowable personal property which is unauthorized pursuant to subsection (b) and section 3190. If the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition. Property that is considered contraband pursuant to section 3006(a) or (c) shall be retained by staff as may be required by ongoing investigation or court order. Following the completion of all disciplinary, investigative, or court requirements, the contraband property shall be disposed of according to institutional/facility procedures.

(1) Mail the item to an address of an individual willing to accept the personal property, provided by the inmate, via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

(2) Return the item to the sender via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

(3) Donate the item to a charitable organization as designated by the institution/facility.

(4) Donate the item to the institution/facility.

(5) Render the item useless and dispose of it according to institution/facility procedures.

(d) Inmates shall not send personal property to any state agency or agent of the state. Failure to comply may result in disciplinary action, and confiscation and/or disposal of the property.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
3. New subsection (c) and Note filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
4. Amendment of section and Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be trans-

mitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

6. Amendment of subsection (c) and amendment of Note filed 8-13-2007 as an emergency; operative 8-13-2007 (Register 2007, No. 33). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 1-22-2008 or emergency language will be repealed by operation of law on the following day.

7. Amendment of subsection (c) and amendment of Note refiled 1-23-2008 as an emergency; operative 1-23-2008 (Register 2008, No. 4). A Certificate of Compliance must be transmitted to OAL by 4-22-2008 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 1-23-2008 order, including further amendment of subsection (c), transmitted to OAL 4-22-2008 and filed 6-4-2008 (Register 2008, No. 23).

3192. Possession and Exchange.

An inmate's right to inherit, own, sell or convey real and/or personal property does not include the right to possess such property within the institutions/facilities of the department. An inmate may not exchange, borrow, loan, give away or convey personal property to or from other inmates. Violation(s) of this rule may result in disciplinary action, and confiscation and/or disposal of the personal property.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

2. Amendment of section and new Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3193. Liability.

(a) In permitting inmates to possess items of personal property while they are incarcerated, the department does not accept liability for the theft, loss, damage or destruction of such property resulting from the intentional or careless act or activities of any inmate. The department does not accept liability for the loss or destruction of personal property in the inmate's possession or control at the time of any willful act by the inmate, such as escape, which exposes such property to loss or theft before it can be recovered and controlled by staff.

(b) The department shall accept liability for the loss or destruction of inmate personal property when it is established that such loss or destruction results from employee action. Inmates shall utilize the inmate appeal process if unable to resolve a personal property claim pursuant to section 3084.1. Upon acceptance of liability, the department shall provide to the inmate similar items of equal or greater value when such items are available via donated property items consistent with sections 3084.9 and 3191(c). If donated items are not available, monetary compensation to the inmate for such loss shall not exceed either the dollar value assigned to the item or items at the time the inmate received authorization to possess the property; the cost of the item, verified by receipt; or the replacement value for the item or a similar item, as determined by the department. Staff recommendations to the Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

(c) The department shall not assume responsibility for property abandoned by an escapee until such time as the escape is discovered

and the property is inventoried. Inventoried property shall be stored and final disposition of the property shall be pursuant to Penal Code 5062 and 5063.

NOTE: Authority cited: Section 5053, Penal Code. Reference: Sections 2085, 2600, 2601, 5062 and 5063, Penal Code.

HISTORY:

1. New section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. Amendment filed 8-13-78; effective thirtieth day thereafter (Register 78, No. 33).
4. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
5. Amendment of section and Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
7. Amendment of subsection (b) filed 12-13-2010 as an emergency; operative 1-28-2011 (Register 2010, No. 51). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-7-2011 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-13-2010 order transmitted to OAL 6-15-2011 and filed 7-28-2011 (Register 2011, No. 30).

3194. Extradition Inmate Property.

(a) Inmates or parolees requiring extradition transport from any state or territory of the United States are personally responsible for the disposition of their personal property. Inmates shall arrange with the holding agency for the disposal or storage or mailing of personal property prior to being transported by California state agents. State agents shall not be responsible for personal property remaining at the sending agency/institution. At no time shall inmate personal property be checked onto airplanes or transported in the aircraft's baggage compartment. The only exception shall be wheelchairs or other health care appliances.

(b) Inmates extradited to the custody of the department shall not retain any property on their person except prescribed eyeglasses or health care appliances. Only authorized property that can fit into a 10" x 12" clasp envelope, including, but not limited to prescription medication, jewelry, wallet, watch, family pictures, or printed material, shall be allowed to be transported. Inmate property shall be inventoried, recorded, and secured in the agent's carry-on baggage or secured compartment in a transportation vehicle. Inmates may wear his/her own clothing and shoes if deemed appropriate for transport purposes by the assigned state agents.

(c) Inmates extradited or transferred from the department to other jurisdictions, states or territories of the United States may be allowed to retain all or a portion of their property as determined by the transporting extradition agent. In cases where the transportation of personal property is not permitted, inmates shall dispose of the property pursuant to subsection 3191(c)(3) through (5) or be provided the opportunity to select from the following options for the disposition of property:

(1) Inmates permanently transferring to the custody of another agency shall be provided the opportunity to send all property to an address of their choosing via USPS or common carrier at the inmate's expense.

(2) Indigent inmates permanently transferring to the custody of another agency may send their personal property to an individual willing to accept the personal property at the expense of the department.

(3) Inmates temporarily transferring out-to-court or other temporary transfers out-of-state shall have property stored at the institution/facility pending their return to custody, parole or discharge. Disposition of unclaimed property shall be in accordance with PC 5062, 5063 and 5064.

NOTE: Authority cited: Section 5053, Penal Code. Reference: Sections 5054, 5062, 5063 and 5064, Penal Code.

HISTORY:

1. New section filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3195. Release Clothing.

Inmates scheduled for release and placement to the Alternative Custody Program (ACP), parole or awaiting discharge may receive a release clothing package via U.S. Postal Service or common carrier no earlier than 30 days prior to their scheduled release to ACP, parole or discharge date. Inmate release clothing packages, limited to one set of clothing, shall be retained in a secure location by the department until their release.

NOTE: Authority cited: Sections 5053, 5058.3 and 1170.05, Penal Code. Reference: Section 1170.05 and 5054, Penal Code.

HISTORY:

1. New section filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
3. Amendment of section and Note filed 9-27-2011 as an emergency; operative 9-27-2011 (Register 2011, No. 39). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-5-2012 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-27-2011 order transmitted to OAL 2-3-2012; Certificate of Compliance withdrawn 3-19-2012 (Register 2012, No. 12).
5. Amendment of section and Note refiled 3-19-2012 as an emergency; operative 3-19-2012 (Register 2012, No. 12). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-18-2012 or emergency language will be repealed by operation of law on the following day.
6. Reinstatement of section as it existed prior to 3-19-2012 emergency amendment by operation of Government Code section 11346.1(f) (Register 2012, No. 28).
7. Amendment of section and Note filed 9-13-2012 as an emergency; operative 9-13-2012 (Register 2012, No. 37). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 2-20-2012 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 9-13-2012 order transmitted to OAL 1-11-2013 and filed 2-25-2013 (Register 2013, No. 9).

Article 10. Inmate Privileges

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New Article 10 (section 3195) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
2. Amendment of subsections (d)-(f) filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
3. Repealer of Article 10 (section 3195) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).

EXHIBIT

7

INMATE PROPERTY INVENTORY

CDC 1083

NAME ROMERO CDC# AH0432 NO. OF BOXES 6 BAGS 0
 BUS SCHEDULE TRAVEL TRAVEL DESTINATION OTC/CAL BUS DATE 10/22/13

HYGIENE ITEMS

CANTEEN

NON EXPANDABLE ITEMS

~~___~~ AFTER SHAVE
~~___~~ BABY OIL
~~___~~ BODY WASH
~~___~~ CONDITIONER
~~___~~ DENTAL PICKS
~~___~~ DEODORANT
~~___~~ DETERGENT
~~___~~ HAIR GREASE/GEL
~~___~~ LIP BALM
~~___~~ LOTION
~~___~~ MEDICATION
~~___~~ MEDICATED CREAM

~~___~~ MOUTHWASH
~~___~~ POWDER
~~___~~ Q-TIPS
~~___~~ RAZORS
~~___~~ SHAMPOO
~~___~~ SOAP BARS
~~___~~ SOAP DISH
~~___~~ SUNBLOCK
~~___~~ TOOTH BRUSH
~~___~~ TOOTH PASTE
~~___~~ VASELINE

~~___~~ BEANS
~~___~~ CANDY
~~___~~ CEREAL
~~___~~ CHEESE
~~___~~ CHIPS
~~___~~ COCOA
~~___~~ COFFEE
~~___~~ COOKIES
~~___~~ CRACKERS
~~___~~ CREAMER
~~___~~ HONEY
~~___~~ HOT SAUCE
~~___~~ INSTANT DRINK
~~___~~ JELLY
~~___~~ MAYO

~~___~~ MEAT-FISH
~~___~~ PORK-CHICKEN
~~___~~ NUTS
~~___~~ OATMEAL
~~___~~ PASTRIES
~~___~~ PASTA
~~___~~ PEANUT BUTTER
~~___~~ RICE
~~___~~ SODA POP
~~___~~ SOUPS
~~___~~ SPICES
~~___~~ SWEETNER
~~___~~ TEA
~~___~~ TORTILLAS
~~___~~ VITAMINS

TELEVISION
 OPERATIONAL YES NO
 MODEL RCA
 SERIAL # 0815

CD PLAYER
 OPERATIONAL YES NO
 MODEL JWIN
 SERIAL # 0914

~~___~~ RADIO
 OPERATIONAL ~~___~~ YES ~~___~~ NO
 MODEL ~~___~~
 SERIAL # ~~___~~

~~___~~ TYPEWRITER
 OPERATIONAL ~~___~~ YES ~~___~~ NO
 MODEL ~~___~~
 SERIAL # ~~___~~

STATIONARY

~~___~~ ENVELOPES
~~___~~ PAPER
~~___~~ PENS
~~___~~ PENCILS

~~___~~ PAPERWORK
~~___~~ LEGAL WORK
~~___~~ LETTERS
~~___~~ STAMPS

CLOTHING

2 BASEBALL CAP (3)
1 BEANIES (3)
~~___~~ BOXERS/BRIEFS (10)
1 HANKERCHIEFS (5)
~~___~~ ORTHO SHOES
~~___~~ RAIN COAT
1 SANDELS (1)
1 SHOES 25125
2 SHORTS (2)
1 SHOWER SHOES (1)
~~___~~ SLIPPERS (1)
5 SOCKS (7)
1 SWEAT PANTS (2)
~~___~~ SWEAT SHIRTS (2)
~~___~~ THERMAL BOTTOMS (2)
2 THERMAL TOPS (2)
5 T-SHIRTS (5)
2 WASH CLOTH (3)
~~___~~ WAVE CAP (2)

1 ADAPTER
2 BATTERIES
1 BATTERY CHARGER RADIO SHOCK
~~___~~ CALCULATOR
~~___~~ CASSETTE PLAYER
~~___~~ CASSETTE TAPES (10)
10 CD'S (10)
1 CLOCK KEN TECH
1 COAXLE CABLE
~~___~~ EAR BUDS
1 BEARD TRIMMER NORLCO
~~___~~ EXT. CORD
1 FAN LAKEWIND
~~___~~ HAIR CLIPPERS/TRIMMERS
1 HEADPHONES CL-20
~~___~~ HOT POT
~~___~~ LAMP
~~___~~ MUSICAL INSTUMENT
 MAKE ~~___~~
~~___~~ NOSE/EAR TRIMMERS
1 SPLITTER
~~___~~ WATCH
1 AUDIO EXT. 01

PERSONAL ITEMS

1 ADDRESS BOOK
10 BOOKS/MAGAZINES (10)
2 BOWLS (2)
~~___~~ BRUSH
1 CHAIN
 WHITE YELLOW ~~___~~
1 MEDALLION
 WHITE YELLOW ~~___~~
~~___~~ COMB
2 CUP/TUMBLER
~~___~~ DOMINOES
1 PLASTIC CONTAINER

1 MIRROR
1 NAIL CLIPPERS
3 PHOTO ALBUMS
~~___~~ LOOSE PHOTOS
~~___~~ PLAYING CARDS
~~___~~ PRAYER OIL
~~___~~ PRAYER RUG
~~___~~ RX GLASSES
1 ROSARY
~~___~~ SUNGLASSES
~~___~~ WALLET
~~___~~ CHESS/DOMINOES

MEDICAL APPLIANCES

MISCELLANEOUS

I ATTEST TO THE FACT THAT THE ABOVE INVENTORIED PROPERTY IS ALL OF THE PROPERTY I HAVE AT IRONWOOD STATE PRISON.

PRINT NAME ROMERO

SIGNATURE [Signature]

DATE 10/22/13

INMATE PROPERTY INVENTORY
CDC 1083

NAME Romero CDC# AH0432 NO. OF BOXES 4 BAGS _____
 BUS SCHEDULE D DESTINATION CAL BUS DATE 10/20/14

HYGIENE ITEMS		CANTEEN		NON EXPANDABLE ITEMS
___ AFTER SHAVE	<u>2</u> MOUTHWASH	<u>5</u> BEANS	<u>15</u> MEAT-FISH	<u>1</u> TELEVISION
___ BABY OIL	___ POWDER	___ CANDY	___ PORK-CHICKEN	OPERATIONAL <u>X</u> YES ___ NO
<u>2</u> BODY WASH	<u>3</u> Q-TIPS	___ CEREAL	___ NUTS	MODEL <u>DLTK136R</u>
<u>2</u> CONDITIONER	<u>5</u> RAZORS	<u>2</u> CHEESE	___ OATMEAL	SERIAL# <u>R1361106K0000615</u>
<u>1</u> DENTAL PICKS	<u>1</u> SHAMPOO	<u>13</u> CHIPS	___ PASTRIES	<u>1</u> CD PLAYER
<u>3</u> DEODORANT	<u>6</u> SOAP BARS	___ COCOA	___ PASTA	OPERATIONAL <u>X</u> YES ___ NO <u>JWIN</u>
<u>1</u> DETERGENT	<u>1</u> SOAP DISH	<u>3</u> COFFEE	___ PEANUT BUTTER	MODEL <u>J* CD761E</u>
<u>1</u> HAIR GREASE/GEL	___ SUNBLOCK	___ COOKIES	___ RICE	SERIAL # _____
<u>2</u> LIP BALM	<u>3</u> TOOTH BRUSH	___ CRACKERS	___ SODA POP	___ RADIO
<u>2</u> LOTION	<u>3</u> TOOTH PASTE	___ CREAMER	<u>20</u> SOUPS	OPERATIONAL ___ YES ___ NO
___ MEDICATION	___ VASELINE	___ HONEY	<u>6</u> SPICES	MODEL _____
<u>1</u> MEDICATED CREAM		<u>10</u> HOT SAUCE	___ SWEETNER	SERIAL # _____
		___ INSTANT DRINK	___ TEA	___ TYPEWRITER
STATIONARY		___ JELLY	<u>2</u> TORTILLAS	OPERATIONAL ___ YES ___ NO
<u>20</u> ENVELOPES	___ PAPERWORK	___ MAYO	___ VITAMINS	MODEL _____
<u>30</u> PAPER <u>DRAWING</u>	<u>6</u> LEGAL WORK	<u>3</u> <u>Lemon Juice</u>		SERIAL # _____
<u>2</u> PENS	___ LETTERS			
<u>1</u> PENCILS	<u>54</u> STAMPS	CLOTHING		<u>1</u> ADAPTER
		<u>2</u> BASEBALL CAP (3)		<u>6</u> BATTERIES
		<u>1</u> BEANIES (3)		<u>1</u> BATTERY CHARGER
		___ BOXERS/BRIEFS (10)		___ CALCULATOR
		<u>1</u> HANKERCHIEFS (5)		___ CASSETTE PLAYER
		___ ORTHO SHOES		___ CASSETTE TAPES (10)
		___ RAIN COAT		<u>12</u> CD'S (10)
		<u>1</u> SANDELS (1)		<u>1</u> CLOCK
		<u>1</u> SHOES <u>VANS</u>		<u>1</u> COAXLE CABLE
		<u>2</u> SHORTS (2)		___ EAR BUDS
		___ SHOWER SHOES (1)		___ BEARD TRIMMER
		___ SLIPPERS (1)		___ EXT. CORD
		<u>6</u> SOCKS (7)		<u>1</u> FAN <u>MASSEY</u>
		<u>1</u> SWEAT PANTS (2)		___ HAIR CLIPPERS/TRIMMERS
		___ SWEAT SHIRTS (2)		<u>1</u> HEADPHONES
		___ THERMAL BOTTOMS (2)		___ HOT POT
		<u>2</u> THERMAL TOPS (2)		___ LAMP
		<u>5</u> T-SHIRTS (5)		___ MUSICAL INSTUMENT
		<u>1</u> WASH CLOTH (3)		MAKE _____
		___ WAVE CAP (2)		<u>1</u> NOSE/EAR TRIMMERS
		<u>1</u> <u>KNEE BRACE</u>		___ SPLITTER
				___ WATCH _____
PERSONAL ITEMS				
<u>1</u> ADDRESS BOOK	<u>1</u> MIRROR			
<u>2</u> BOOKS/MAGAZINES (10)	<u>1</u> NAIL CLIPPERS			
<u>2</u> BOWLS (2)	<u>24</u> PHOTO ALBUMS			
___ BRUSH	___ LOOSE PHOTOS			
___ CHAIN	<u>1</u> PLAYING CARDS			
WHITE ___ YELLOW ___	___ PRAYER OIL			
___ MEDALLION	___ PRAYER RUG			
WHITE ___ YELLOW ___	___ RX GLASSES			
<u>1</u> COMB	<u>2</u> ROSARY			
<u>2</u> CUP/TUMBLER	___ SUNGLASSES			
___ DOMINOES	___ WALLET			
<u>1</u> PLASTIC CONTAINER	___ CHESS/DOMINOES			
MEDICAL APPLIANCES				
MISCELLANEOUS				
<u>2</u> - INDIAN BAG				

I ATTEST TO THE FACT THAT THE ABOVE INVENTORIED PROPERTY IS ALL OF THE PROPERTY I HAVE AT IRONWOOD STATE PRISON.

PRINT NAME Romero

SIGNATURE [Signature]

DATE 10/14/14

EXHIBIT



External Movements

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<u>Date</u>	<u>Time</u>	<u>Reporting Location</u>	<u>Movement Type</u>	<u>Reason</u>	<u>Other Location</u>
05/22/2014	15:18	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/22/2014	15:18	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
05/14/2014	11:35	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
05/14/2014	11:35	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/14/2014	10:19	CAL-Central Service	Received from another Facility	Permanent Transfer	ISP-Facility B
05/14/2014	07:35	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/24/2014	12:36	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
04/24/2014	12:36	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
04/24/2014	10:28	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility A
04/24/2014	08:00	CAL-Facility A	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
04/16/2014	12:55	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
04/16/2014	12:55	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
04/16/2014	10:43	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
04/16/2014	06:51	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/15/2014	15:31	CIM-Central Service	Received (Enroute) at another Facility	Permanent Transfer	ISP-Facility B
04/15/2014	09:59	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	15:27	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
03/18/2014	15:27	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
03/18/2014	10:36	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	06:15	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	ISP-Central Service

Next Page

Prior Page

EXHIBIT

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External Movements

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Date	Time	Reporting Location	Movement Type	Reason	Other Location
05/22/2014	15:18	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/22/2014	15:18	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
05/14/2014	11:35	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
05/14/2014	11:35	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/14/2014	10:19	CAL-Central Service	Received from another Facility	Permanent Transfer	ISP-Facility B
05/14/2014	07:35	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/24/2014	12:36	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
04/24/2014	12:36	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
04/24/2014	10:28	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility A
04/24/2014	08:00	CAL-Facility A	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
04/16/2014	12:55	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
04/16/2014	12:55	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
04/16/2014	10:43	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
04/16/2014	06:51	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/15/2014	15:31	CIM-Central Service	Received (Enroute) at another Facility	Permanent Transfer	ISP-Facility B
04/15/2014	09:59	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	15:27	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
03/18/2014	15:27	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
03/18/2014	10:36	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	06:15	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	ISP-Central Service

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INMATE'S NAME **ROMERO, FERNANDO** CDC# **AH0432**

REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ENDANGERS INSTITUTION SECURITY UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Wednesday, April 16, 2014, you arrived at CAL R&R via CDCR Bus. You are not endorsed to CAL. You are here as an out to court inmate for Imperial County Court proceedings. Pending further evaluation of your case factors, you will be housed in administrative segregation. As a result of this placement, your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate ROMERO is not a participant in the Mental Health Delivery System (MHSDS) at any level of care. Inmate ROMERO has a TABE Score of 12.4.

CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /

DATE OF ASU PLACEMENT April 16, 2014	SEGREGATION AUTHORITY'S PRINTED NAME M. D. CARPIO	SIGNATURE <i>[Signature]</i>	TITLE Lieutenant
DATE NOTICE SERVED 4/16/14	TIME SERVED 1111	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE C. Lucente	SIGNATURE <i>[Signature]</i>
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE <i>[Signature]</i>	CDC NUMBER AH0432

ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain of higher by the first working day following placement

STAFF ASSISTANT'S NAME N/A	TITLE	INVESTIGATIVE EMPLOYEE'S NAME N/A	TITLE
--------------------------------------	-------	---	-------

LITERATE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY I.E. UNNECESSARY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED IST INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES <input type="checkbox"/> NO		

NOT ASSIGNED Any "NO" requires SA assignment NOT ASSIGNED Any "NO" may require I.E. assignment

INMATE WAIVERS

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

NO WITNESSES REQUESTED BY INMATE INMATE'S SIGNATURE DATE:

WITNESSES REQUESTED FOR HEARING

WITNESS NAME N/A	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER
WITNESS NAME N/A	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER

DECISION: RELEASE TO UNIT/FACILITY RETAIN PENDING ICC REVIEW DOUBLE CELL SINGLE CELL PENDING ICC

REASON FOR DECISION:
EFF Comm Estab, Retain in ASU pending ICC, o/c w/sng only
BIR Reviewed; smy; IAP RE.

ADMINISTRATIVE REVIEWER'S PRINTED NAME M. Poiras	TITLE CAPT	DATE OF REVIEW 4/17/14	TIME 1015	ADMINISTRATIVE REVIEWER'S SIGNATURE <i>[Signature]</i>
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		DATE OF REVIEW

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External Movements

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<u>Date</u>	<u>Time</u>	<u>Reporting Location</u>	<u>Movement Type</u>	<u>Reason</u>	<u>Other Location</u>
05/22/2014	15:18	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/22/2014	15:18	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
05/14/2014	11:35	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
05/14/2014	11:35	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/14/2014	10:19	CAL-Central Service	Received from another Facility	Permanent Transfer	ISP-Facility B
05/14/2014	07:35	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/24/2014	12:36	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
04/24/2014	12:36	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
04/24/2014	10:28	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility A
04/24/2014	08:00	CAL-Facility A	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
04/16/2014	12:55	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
04/16/2014	12:55	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
04/16/2014	10:43	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
04/16/2014	06:51	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/15/2014	15:31	CIM-Central Service	Received (Enroute) at another Facility	Permanent Transfer	ISP-Facility B
04/15/2014	09:59	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	15:27	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
03/18/2014	15:27	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
03/18/2014	10:36	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	06:15	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	ISP-Central Service

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External Movements

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Date	Time	Reporting Location	Movement Type	Reason	Other Location
05/22/2014	15:18	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/22/2014	15:18	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
05/14/2014	11:35	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
05/14/2014	11:35	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
05/14/2014	10:19	CAL-Central Service	Received from another Facility	Permanent Transfer	ISP-Facility B
05/14/2014	07:35	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/24/2014	12:36	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
04/24/2014	12:36	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
04/24/2014	10:28	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility A
04/24/2014	08:00	CAL-Facility A	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
04/16/2014	12:55	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
04/16/2014	12:55	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
04/16/2014	10:43	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
04/16/2014	06:51	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
04/15/2014	15:31	CIM-Central Service	Received (Enroute) at another Facility	Permanent Transfer	ISP-Facility B
04/15/2014	09:59	ISP-Facility B	Transferred to Another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	15:27	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
03/18/2014	15:27	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
03/18/2014	10:36	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
03/18/2014	06:15	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	ISP-Central Service

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INMATE'S NAME **ROMERO, FERNANDO** CDC# **AH0432**

REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ENDANGERS INSTITUTION SECURITY UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:
 On Wednesday, May 14, 2014, you arrived at CAL R&R via CDCR Special Transport. You are not endorsed to CAL. You are here as an out to court and return inmate for Imperial County Court proceedings. Pending further evaluation of your case factors, you will be housed in administrative segregation. As a result of this placement, your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate ROMERO is not a participant in the Mental Health Delivery System (MHSDS) at any level of care. Inmate ROMERO has a TABE Score of 12.9.

CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /

DATE OF ASU PLACEMENT May 14, 2014	SEGREGATION AUTHORITY'S PRINTED NAME M. D. CARPIO	SIGNATURE <i>[Signature]</i>	TITLE Lieutenant
DATE NOTICE SERVED 5/14/14	TIME SERVED 1053	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE M. VICEROS	SIGNATURE <i>[Signature]</i>
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE <i>[Signature]</i>	CDC NUMBER AH0432

ADMINISTRATIVE REVIEW (PART B)
 The following to be completed during the initial administrative review by Captain of higher by the first working day following placement

STAFF ASSISTANT'S NAME N/A	TITLE	INVESTIGATIVE EMPLOYEE'S NAME N/A	TITLE
--------------------------------------	-------	---	-------

IS THIS INMATE		EVIDENCE COLLECTION BY I.E. UNNECESSARY	
LITERATE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED	<input type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
DECLINING FIRST STAFF ASSISTANT ASSIGNED? N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO		

NOT ASSIGNED Any "NO" requires SA assignment

NOT ASSIGNED Any "NO" may require I.E. assignment

INMATE WAIVERS

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

NO WITNESSES REQUESTED BY INMATE INMATE'S SIGNATURE *[Signature]* DATE: **5-15-14**

- WITNESSES REQUESTED FOR HEARING

WITNESS NAME NONE	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER
WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER

DECISION: RELEASE TO UNIT/FACILITY RETAIN PENDING ICC REVIEW DOUBLE CELL SINGLE CELL PENDING ICC

REASON FOR DECISION: **Due to out-to-court status and no endorsement to CAL, inmate's presence in the General Population may pose a threat to institutional security.**

ADMINISTRATIVE REVIEWER'S PRINTED NAME J. KELLERMAN	TITLE CAPT.	DATE OF REVIEW 5-15-14	TIME 1025	ADMINISTRATIVE REVIEWER'S SIGNATURE <i>[Signature]</i>
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		DATE OF REVIEW

See Chronological Classification Review document (CDC 128-G) for specific hearing information

EXHIBIT

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External Movements

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Date	Time	Reporting Location	Movement Type	Reason	Other Location
<u>08/27/2014</u>	16:21	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
<u>08/27/2014</u>	16:21	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
<u>08/27/2014</u>	15:14	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility D
<u>08/27/2014</u>	12:54	CAL-Facility D	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
<u>06/26/2014</u>	16:30	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
<u>06/26/2014</u>	16:30	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
<u>06/20/2014</u>	14:56	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
<u>06/20/2014</u>	14:56	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
<u>06/20/2014</u>	13:31	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
<u>06/20/2014</u>	05:48	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
<u>06/19/2014</u>	16:52	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	ISP-Facility B
<u>06/19/2014</u>	12:22	ISP-Facility B	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service
<u>05/28/2014</u>	12:31	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
<u>05/28/2014</u>	12:31	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
<u>05/28/2014</u>	09:23	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Facility B
<u>05/28/2014</u>	05:38	CIM-Facility B	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
<u>05/27/2014</u>	15:07	CIM-Facility B	Received from another Facility	Bed Assignment (between Facilities)	CIM-Central Service
<u>05/27/2014</u>	15:07	CIM-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CIM-Facility B
<u>05/27/2014</u>	13:50	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	CAL-Facility D
<u>05/27/2014</u>	10:50	CAL-Facility D	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service

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EXHIBIT

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Project FOR THE innocent

LOYOLA LAW SCHOOL | LOS ANGELES

June 5, 2014

Fernando Romero
CDCR#: AH0432
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

Dear Mr. Romero:

It is our understanding that you have an upcoming deadline to file a federal habeas petition. We are writing this letter to make sure you are aware of the deadline.

The Loyola Law School Project for the Innocent (LPI) does not provide assistance to inmates in the filing of federal habeas petitions, and we are not experts in federal habeas law. However, we do want to make you aware of the strict deadlines and obstacles to federal habeas review. The Anti-Terrorism and Effective Death Penalty Act (AEDPA) of 1996 sharply curtailed the rights of prisoners to have their habeas petitions filed in federal court considered on the merits. In particular, AEDPA requires a prisoner to file his federal habeas petition in the United States District Court within one year of the date that his conviction became "final" in state court. A conviction is "final" either one year from the date that a petition for certiorari of the denial of the direct appeal was denied by the United States Supreme Court or, if no review in the Supreme Court was sought, one year plus ninety days from the date the California Supreme Court denied the direct appeal. It is our understanding that you did not seek review in the United States Supreme Court. Assuming this is correct, you have ninety days from the date that the California Supreme Court denied your petition for review of the California Court of Appeal's denial of your appeal. The appellate court website indicates this occurred on or about April 17, 2013. Assuming that information is correct, you have one year + 90 days from April 17, 2013. That means your federal habeas petition is due on or about July 16, 2014.

The AEDPA filing deadline affects only a *federal* habeas petition that you might choose to file. It does not apply to any *state* habeas petition that you might file seeking to overturn your conviction. The Loyola Project for the Innocent investigates cases in which a prisoner alleges actual innocence. If the Project uncovers new evidence establishing innocence, the Project *may* decide to file a petition in California state court. We are in the process of evaluating your case and have made *no decision* about whether to file a state court habeas petition in your case.

Unfortunately, we cannot assist you in the filing of your federal habeas petition. You may file a federal habeas petition on your own, which is called a *pro se* petition. There should be "form petitions" in the prison law library that pro se litigants may use to file federal petitions. We recommend that you fill out a form petition, listing all of the claims you believe are federal constitutional claims. For example, you argued in state court that there was prosecutorial misconduct in your case and that there was cumulative error. Those are federal constitutional claims that we recommend that you include in your federal petition.

As a general rule, the federal courts can only consider claims that the state courts have had a first chance to decide; this is called "exhaustion." Do not worry if some of the claims that you list in your federal petition were not presented to the state courts, i.e., were not exhausted, in the direct appeal process. But if your federal habeas petition does include some claims that were not previously presented to the California courts, you will need to ask the federal judge for a stay of the petition. A stay is a request that the federal judge pause the federal proceedings to allow you to go back and present those claims in state court. If possible, be sure to include in your federal petition at least one claim that has been "exhausted." If you do, your petition will be deemed "mixed" (because it includes both exhausted and unexhausted claims) and it will allow you to seek a stay under the authority of *Rhines v. Weber*, 544 U.S. 269 (2005).

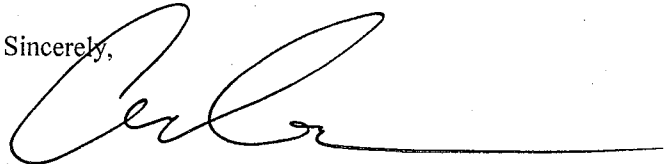
Project FOR THE innocent

LOYOLA LAW SCHOOL | LOS ANGELES

Along with the habeas petition, perhaps in a separate document, you may request that the District Court appoint counsel to assist you. Please be aware, however, that it is within the Court's discretion to deny your request, and you have no statutory or constitutional right to the assistance of a lawyer in federal habeas proceedings until the Court appoints one for you, in its discretion.

I have contacted the Litigation Coordinator at Ironwood and have requested to meet with you on Wednesday, June 18, 2014. In this meeting, I would like to ask you several questions that may assist us in evaluating your case. This meeting does not mean that we have agreed to represent you. We are still in the process of evaluating your case. Further, we will be unable to answer any questions regarding your federal habeas petition as we are not experts in federal habeas law.

Sincerely,



Adam Grant
Deputy Director
Loyola Law School Project for the Innocent

AG: JP
LLS#: 12160

EXHIBIT

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External Movements

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<u>Date</u>	<u>Time</u>	<u>Reporting Location</u>	<u>Movement Type</u>	<u>Reason</u>	<u>Other Location</u>
08/27/2014	16:21	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
08/27/2014	16:21	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
08/27/2014	15:14	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility D
08/27/2014	12:54	CAL-Facility D	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
06/26/2014	16:30	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
06/26/2014	16:30	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
06/20/2014	14:56	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
06/20/2014	14:56	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
06/20/2014	13:31	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
06/20/2014	05:48	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
06/19/2014	16:52	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	ISP-Facility B
06/19/2014	12:22	ISP-Facility B	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service
05/28/2014	12:31	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
05/28/2014	12:31	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
05/28/2014	09:23	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Facility B
05/28/2014	05:38	CIM-Facility B	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
05/27/2014	15:07	CIM-Facility B	Received from another Facility	Bed Assignment (between Facilities)	CIM-Central Service
05/27/2014	15:07	CIM-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CIM-Facility B
05/27/2014	13:50	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	CAL-Facility D
05/27/2014	10:50	CAL-Facility D	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service

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 GOLDENROD-INMATE (1ST COPY)

INMATE'S NAME **ROMERO, FERNANDO** CDC# **AH0432**

REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ENDANGERS INSTITUTION SECURITY UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Friday, June 20, 2014 you arrived at CAL R&R via CDCR Bus Schedule "F". You are not endorsed to CAL. You are here as an out to court inmate for Imperial County Court proceedings. Pending further evaluation of your case factors, you will be housed in Administrative Segregation. As a result of this placement, your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate ROMERO is not a participant in the Mental Health Delivery System (MHSDS) at any level of care. Inmate ROMERO has a TABE Score of 12.9.

<input type="checkbox"/> CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)		<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /	
DATE OF ASU PLACEMENT June 20, 2014	SEGREGATION AUTHORITY'S PRINTED NAME M. D. CARPIO	SIGNATURE <i>[Signature]</i>	TITLE Lieutenant
DATE NOTICE SERVED 6/20/14	TIME SERVED 1355	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE M. NIVIGOS	SIGNATURE <i>[Signature]</i>
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE <i>[Signature]</i>	CDC NUMBER AH0432

ADMINISTRATIVE REVIEW (PART B)
The following to be completed during the initial administrative review by Captain of higher by the first working day following placement

STAFF ASSISTANT (SA)		INVESTIGATIVE EMPLOYEE (I.E.)	
STAFF ASSISTANT'S NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
IS THIS INMATE			
LITERATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY I.E. UNNECESSARY	<input type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input type="checkbox"/> YES <input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	ASSIGNED	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> NOT ASSIGNED Any "NO" requires SA assignment		<input type="checkbox"/> NOT ASSIGNED Any "NO" may require I.E. assignment	

INMATE WAIVERS

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

NO WITNESSES REQUESTED BY INMATE INMATE'S SIGNATURE _____ DATE: _____

WITNESSES REQUESTED FOR HEARING

WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER
WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER

DECISION: RELEASE TO UNIT/FACILITY _____ RETAIN PENDING ICC REVIEW DOUBLE CELL SINGLE CELL PENDING ICC

REASON FOR DECISION: _____

ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE:	DATE OF REVIEW:	TIME:	ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)	CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)	DATE OF REVIEW		

See Chronological Classification Review document (CDC 128-G) for specific hearing information

EXHIBIT

15

FILED

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(Rev. 07/10)

Page 4

2014 JUL 11 PM 12:17

PETITION UNDER 28 U.S.C. §2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

United States District Court	District: Central District of California
Name (under which you were convicted): Fernando Romero	Docket or Case No.: YA074783
Place of Confinement: <u>CALIPATRIA STATE PRISON</u>	Prisoner No.: AH0432
Petitioner (Include the name under which you <u>Fernando Romero</u>	Respondent (Name of Warden, Superintendent, Jailor, or authorized person having you were convicted): <u>W.L. Montgomery, Warden of Calipatria State Prison; or Michael F. Martel, Warden of Ironwood State Prison</u>
v. and	
The District Attorney of the County of: <u>Imperial County; or Riverside County</u>	
and	
The Attorney General of the State of: <u>California</u>	

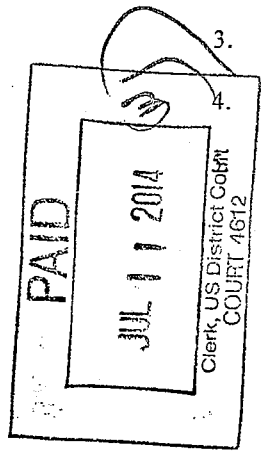
Fee Paid

GW14-05405-ODW(VBK)
PETITION

1. (a) Name and location of court that entered judgment of conviction you are challenging:
Superior Court of California, County of Los Angeles, Southwest District, Torrance Courthouse; 825 Maple Ave. Torrance, CA 90503
- (b) Criminal docket or case number (if you know): YA074783
2. (a) Date of judgment of conviction (if you know): February 17th, 2011
- (b) Date of sentencing: March 16th, 2011
3. Length of Sentence: 26 years to life

4. In this case, were you convicted of more than one count or of more than one crime? Yes No

Identify all crimes of which you were convicted and sentenced in this case: Count 1: Murder in the First Degree in violation of Penal Code § 187(A) while the principal was armed with a firearm within the meaning of Penal Code § 12022(A)(1); Count 2: Conspiracy to Commit Murder in violation of Penal Code § 182(A)(1)



FILED

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CENTRAL DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FERNANDO ROMERO
CDCR#: AH0432
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FERNANDO ROMERO,
Petitioner,

vs.

CALIFORNIA DEPT. OF CORR. & REHAB.,
Respondent.

Case No.
CV 14-05405- ODA/VBK

PETITIONER'S MOTION FOR A
RHINES STAY; MEMORANDUM
OF POINTS AND AUTHORITIES

TO THE UNITED STATES MAGISTRATE JUDGE PRESIDING IN THE CENTRAL
DISTRICT OF CALIFORNIA:

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2014 JUL 11 PM 12:17

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

1 FERNANDO ROMERO
CDCR#: AH0432
2 Calipatria
7018 Blair Road
3 Calipatria, CA 92233

4 In Propria Persona

5
6 UNITED STATES DISTRICT COURT
7 FOR THE CENTRAL DISTRICT OF CALIFORNIA

8 CV14-05405-ODU (VRSK)

9 FERNANDO ROMERO,
10 Petitioner,

Case No.:

MOTION FOR THE APPOINTMENT
OF COUNSEL PURSUANT TO
28 U.S.C. SECTION 2254(h) and
18 U.S.C. SECTION 3006A

11 vs.

12 DATE: 7-10-14
13 DEPT:

14 MICHAEL MARTEL ET. AL., WARDEN

15 Respondent(s).

16 TO: THE HONORABLE MAGISTRATE JUDGE PRESIDING IN THE UNITED STATES
17 DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA:

18 PLEASE TAKE NOTICE Petitioner, Fernando Romero (hereafter Petitioner), hereby moves this
19 Court for the appointment of Counsel, pursuant to 28 U.S.C. section 2254(h) and 18 U.S.C.
20 section 3006A.
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EXHIBIT

16

JULY 12, 2014

MR. FERNANDO ROMERO-AH0432
CALIPATRIA STATE PRISON
D-5104
P.O. Box 5007
CALIPATRIA, CA 97233

DEAR MR. ROMERO:

IT WAS A PLEASURE MEETING YOU ON THURSDAY. THERE ARE MORE QUESTIONS THAT WE DID NOT GET A CHANCE TO ASK YOU. YOUR ANSWERS WILL HELP US DETERMINE WHETHER WE CAN HELP YOU IN STATE COURT. NEXT WEEK I WILL SEND YOU ANOTHER LETTER WITH THOSE QUESTIONS. PLEASE ANSWER THEM AND SEND THEM BACK TO ME.

IN THE MEANTIME, HOWEVER, I WANTED TO LET YOU KNOW THAT INSTEAD OF SENDING YOU THE THREE DOCUMENTS WE RECOMMENDED YOU TO FILE IN FEDERAL COURT (THE PETITION FOR WRIT OF HABEAS CORPUS, THE MOTION FOR APPOINTMENT OF COUNSEL, AND THE APPLICATION FOR A RHINES STAY) WE SIMPLY FILED THEM FOR YOU IN FEDERAL COURT HERE IN LOS ANGELES AFTER YOU APPROVED THE CONTENTS AND SIGNED THEM. THIS MEANS THAT YOU DO NOT HAVE TO DO ANYTHING TO MEET YOUR FEDERAL DEADLINE. IT HAS ALREADY BEEN MET. AND YOUR WRIT HAS BEEN FILED. I HAVE ENCLOSED A CONFORMED COPY OF ALL THREE DOCUMENTS. KEEP THEM FOR YOUR RECORDS.

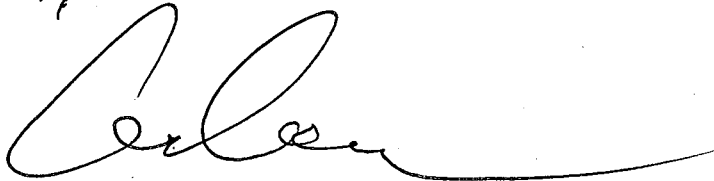
I WANT TO MAKE SURE, HOWEVER, THAT YOU UNDERSTAND THAT, ALTHOUGH WE HELPED YOU TO FILE YOUR FEDERAL WRIT, WE ARE NOT YOUR LAWYERS. WE DID NOT FILE THE WRIT AS YOUR

LAWYERS. WE SIMPLY RECOMMENDED THAT YOU FILE THOSE DOCUMENTS ON YOUR OWN, AND WHEN THE PRISON WOULD NOT ALLOW US TO HAND THEM OVER TO YOU, WE FILED THEM FOR YOU SO THAT YOU WOULD NOT MISS YOUR FEDERAL DEADLINE. WE DO NOT REPRESENT YOU IN ANY COURT, STATE OR FEDERAL, AND WE DID NOT REPRESENT YOU IN YOUR FEDERAL WRIT. YOU ARE PROCEEDING AS A PRO SE LITIGANT.

WE ARE CONTINUING TO EVALUATE YOUR CASE TO SEE WHETHER WE CAN OFFER YOU ANY HELP IN STATE COURT. AND YOU CAN HELP US IN THAT EFFORT BY ANSWERING OUR QUESTIONS FULLY AND HONESTLY.

WE WILL BE IN TOUCH WITH YOU SHORTLY. GOOD LUCK IN THE MEANTIME.

SINCERELY,



ADAM GRANT
DEPUTY DIRECTOR
LOYOLA LAW SCHOOL
PROJECT FOR THE INNOCENT

EXHIBIT

17

External Movements

1 - 20 of 63

Date	Time	Reporting Location	Movement Type	Reason	Other Location
<u>08/27/2014</u>	16:21	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
<u>08/27/2014</u>	16:21	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
<u>08/27/2014</u>	15:14	ISP-Central Service	Received from another Facility	Permanent Transfer	CAL-Facility D
<u>08/27/2014</u>	12:54	CAL-Facility D	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
<u>06/26/2014</u>	16:30	CAL-Facility D	Received from another Facility	Bed Assignment (between Facilities)	CAL-Facility A
<u>06/26/2014</u>	16:30	CAL-Facility A	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility D
<u>06/20/2014</u>	14:56	CAL-Facility A	Received from another Facility	Bed Assignment (between Facilities)	CAL-Central Service
<u>06/20/2014</u>	14:56	CAL-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CAL-Facility A
<u>06/20/2014</u>	13:31	CAL-Central Service	Received from another Facility	Permanent Transfer	CIM-Central Service
<u>06/20/2014</u>	05:48	CIM-Central Service	Transferred to Another Facility	Permanent Transfer	CAL-Central Service
<u>06/19/2014</u>	16:52	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	ISP-Facility B
<u>06/19/2014</u>	12:22	ISP-Facility B	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service
<u>05/28/2014</u>	12:31	ISP-Facility B	Received from another Facility	Bed Assignment (between Facilities)	ISP-Central Service
<u>05/28/2014</u>	12:31	ISP-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	ISP-Facility B
<u>05/28/2014</u>	09:23	ISP-Central Service	Received from another Facility	Permanent Transfer	CIM-Facility B
<u>05/28/2014</u>	05:38	CIM-Facility B	Transferred to Another Facility	Permanent Transfer	ISP-Central Service
<u>05/27/2014</u>	15:07	CIM-Facility B	Received from another Facility	Bed Assignment (between Facilities)	CIM-Central Service
<u>05/27/2014</u>	15:07	CIM-Central Service	Transferred to Another Facility	Bed Assignment (between Facilities)	CIM-Facility B
<u>05/27/2014</u>	13:50	CIM-Central Service	Received (Enroute) at another Facility	Enroute to Another Institution	CAL-Facility D
<u>05/27/2014</u>	10:50	CAL-Facility D	Transferred to Another Facility	Enroute to Another Institution	CIM-Central Service

Next Page

EXHIBIT

18

Legal In

8/19/2015

DATE	Name	CDC#	Housing	Sender	Inmate Signature	Staff Signature
1/19/2014	ROMERO	AH0432	B3-145L	US DIST CRT OFFICE OF THE CLRK LA CA 90012		
1/19/2014	ROMERO	AH0432	B3-145L	US DIST CRT OFFICE OF THE CLRK LA CA 90012		
12/15/2014	ROMERO	AH0432	B3-145L	DEPT OF JUST LA CA 90013		
1/5/2015	ROMERO	AH0432	B3-145L	US DIST CRT OFFICE OF THE CLRK US CRTHOUSE RM G8 LA CA 90012		
1/22/2015	ROMERO	AH0432	B3-145L	US DISTRICT COURT, LOS ANGELES, CA 90012-4797		
2/27/2015	ROMERO	AH0432	B3-120L	US DIST CRT OFFICE OF THE CLRK LA CA 90012		
3/2/2015	ROMERO	AH0432	B3-120L	US DIST CRT OFFICE OF THE CLRK OFFICE OF THE CLRK LA CA 90012		
3/19/2015	ROMERO	AH0432	B3-227U	US DIST CRT CNTRL DIST OF CA, OFC OF THE CLRK, LA, CA 90012-4797		
4/28/2015	ROMERO	AH0432	B3-227U	LOYOLA, LW SCHOOL, LA, CA 90015-1211		

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FERNANDO ROMERO,)	No. CV 14-05405-ODW (VBK)
)	
Petitioner,)	MEMORANDUM AND ORDER GRANTING
)	RESPONDENT'S MOTION TO DISMISS
v.)	WITH LEAVE TO AMEND
)	
W. L. MONTGOMERY, et al,)	
)	
Respondents.)	
)	

INTRODUCTION

Fernando Romero (hereinafter referred to as "Petitioner"), a California state prisoner proceeding pro se, filed a "Petition for Writ of Habeas Corpus by a Person in State Custody" ("Petition"), pursuant to 28 U.S.C. § 2254, on July 11, 2014 in the United States District Court for the Central District of California.¹ Petitioner also

¹ The Court takes notice that Petitioner signed and verified his Federal Petition on July 10, 2014. Under the "mailbox rule" of Houston v. Lack, 487 U.S. 266, 270 (1988), an incarcerated pro se prisoner's Notice of Appeal is deemed filed at the moment of delivery to prison authorities for mailing to the Court. The "mailbox rule" has been extended to both state and federal habeas petitions for purposes of satisfying the AEDPA limitations. See Miles v. Prunty, 187 F.3d 1104, 1106 n.2 (9th Cir. 1999), opining in dicta that the "mailbox rule would apply to a [state prisoner's] habeas petition and (continued...)

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1 filed a "Motion for a Rhines Stay; Memorandum of Points and
2 Authorities" on July 11, 2014. In accordance with the Court's Order
3 requiring Respondent to file a Response, on December 8, 2014,
4 Respondent filed a "Motion to Dismiss Petition for Writ of Habeas
5 Corpus; Memorandum of Points and Authorities" ("MTD") contending that
6 the Petition contains unexhausted claims and a "Notice of Lodging of
7 Documents." Respondent also filed an "Opposition to Motion for Rhines
8 Stay; Memorandum of Points and Authorities."

9 On February 4, 2015, Petitioner filed a document entitled
10 "Objection to Attorney General's Motion to Dismiss Petition for Habeas
11 Corpus" ("Opposition").

12
13 BACKGROUND

14 On February 17, 2011, a Los Angeles County Superior Court jury
15 found Petitioner guilty of first degree murder in violation of
16 California Penal Code ("PC") § 187(a) and conspiracy to commit murder
17 in violation of PC § 182(a)(1), with an enhancement for a principal
18 being armed with a firearm in violation of PC § 12022(a)(1). (See
19 Petition at 1.) The trial court sentenced Petitioner to 26 years to
20 life in state prison. (Lodged Document ["LD"] No. 2 at 2.)

21 Petitioner filed an appeal in the California Court of Appeal.
22 (Lodged Document No. 1.) On January 15, 2013, the California Court of
23 Appeal affirmed the judgment of conviction (LD No. 2.)

24 Petitioner filed a Petition for Review in the California Supreme
25 Court. (LD No. 3.) On April 17, 2013, the California Supreme Court
26

27 ¹(...continued)
28 that a majority of our sister circuits have determined that the rule
applies to habeas petitions filed under AEDPA."

5/15 - 10009374


1 | summarily denied review. (LD No. 4.)

2 |

3 |

PETITIONER'S CONTENTIONS

4 |

Petitioner contends the following, inter alia:

5 |

1. Trial counsel rendered ineffective assistance. (Petition at 4, 11-15).²

6 |

7 |

2. Petitioner is factually innocent and there is insufficient evidence to support his convictions. (Petition at 5, 16-20).

8 |

9 |

3. The prosecutor committed misconduct. (Petition at 6, 21-23.)

10 |

11 |

APPLICABLE LAW

12 |

A. Exhaustion of State Remedies Law.

13 |

Federal habeas petitioners challenging the legality of custody pursuant to a state court judgment must first exhaust any remedies available in the state courts, unless circumstances exist which make such remedies ineffective. (28 U.S.C. §2254(b)(1)) This exhaustion requirement is not met if a petitioner has the right, under state law, to raise the claims presented in any available state procedure. (28 U.S.C. §2254(c)) A state, through counsel, may waive the exhaustion requirement, but must do so expressly. (28 U.S.C. §2254(b)(3))

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The exhaustion requirement is designed to protect the role of the state courts in the enforcement of federal law and to prevent disruption of state judicial proceedings. Rose v. Lundy, 455 U.S. 509, 518 (1982). A petitioner has exhausted state remedies if he has fairly presented each and every one of his federal claims to the highest state court with the jurisdiction to consider them. Duncan v.

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² For ease of reference, the Court refers to the ECF-generated page numbers when referring to the Petition.

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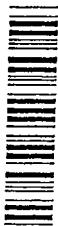


1 Henry, 513 U.S. 364, 365 (1995) (per curiam), citing Picard v. Connor,
2 404 U.S. 270, 275 (1971); Harmon v. Ryan, 959 F.2d 1457, 1460 (9th
3 Cir. 1992). A claim has been fairly presented if the petitioner has
4 described both the operative facts and legal theory upon which the
5 claim is based. Davis v. Silva, 511 F.3d 1005, 1009-10 (9th Cir.
6 2008); Gray v. Netherland, 518 U.S. 152, 162-63 (1996). The
7 petitioner must have alerted the state court that a claim is asserted
8 under the United States Constitution. Duncan, 513 U.S. at 365.
9 Further, "a state prisoner does not 'fairly present' a claim to a
10 state court if that court must read beyond a petition or a brief (or
11 a similar document) that does not alert it to the presence of a
12 federal claim in order to find material, such as a lower court opinion
13 in the case, that does so." Baldwin v. Reese, 541 U.S. 27, 32 (2004).

14 Unless the state expressly waives the exhaustion requirement, a
15 federal court cannot grant relief requested in a state prisoner's
16 habeas petition if the prisoner has not exhausted state remedies with
17 respect to each and every claim contained in the petition. 28 U.S.C.
18 §2254(b)(1); Reutter v. Crandel, 109 F.3d 575, 578 (9th Cir.), cert.
19 denied, 118 S. Ct. 142 (1997) (even petitions containing both
20 exhausted and unexhausted claims are subject to dismissal).

21 Petitions that mix exhausted and unexhausted claims ordinarily
22 should be dismissed without prejudice. See Rose v. Lundy, 455 U.S.
23 509, 522 (1982); Guizar v. Estelle, 843 F.3d 371, 372 (9th Cir. 1988).
24 However, a Court may not deny a mixed petition without first affording
25 the petitioner an opportunity to amend the petition to delete the
26 unexhausted claims. Butler v. Long, 752 F.3d 1177(9th Cir. 2014);
27 James v. Giles, 221 F.3d 1074, 1077-78 (9th Cir. 2000); see also
28 Henderson v. Johnson, 710 F.3d 872, 873 (9th Cir. 2013); Jefferson v.

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1 | Budge, 419 F.3d 1013 (9th Cir. 2005).

2 |
3 | MOTION TO DISMISS

4 | Respondent contends that the Petition should be dismissed as it
5 | contains unexhausted claims. Specifically, Respondent contends that
6 | Ground One and part of Ground Two are unexhausted. In Ground One,
7 | Petitioner contends that trial counsel rendered ineffective
8 | assistance. (See Petition at 4, 11-15.) In Ground Two, Petitioner
9 | contends he is factually innocent and there is insufficient evidence
10 | to support his conviction. (Petition at 5, 16-20.)

11 | Petitioner concedes that Ground One and the factual innocence
12 | claim in Ground Two are not fully exhausted. Petitioner in his Motion
13 | for a Rhines Stay alleges "good cause" exists for his failure to
14 | exhaust all of his claims; that his claims are potentially meritorious
15 | and he has been diligent. With respect to Ground One, Petitioner
16 | alleges his trial counsel failed to conduct an adequate investigation
17 | and stipulated to the cell phone records admissibility and accuracy,
18 | rather than challenge the cell phone records. (Motion for Stay at 3-
19 | 4.) Petitioner contends it was "nearly impossible" to further
20 | investigate the cell phone record and tower evidence by the one-year
21 | statute of limitations deadline set forth in the Antiterrorism and
22 | Effective Death Penalty Act of 1996 ("AEDPA"), section 2244(d)(1).
23 | (Id. at 6.) With respect to his factual innocence claim in Ground Two,
24 | Petitioner contends in September 2012 that co-defendant De la Cruz
25 | informed Petitioner that the victim's son, John Bourdeau, had gone to
26 | Bourdeau's grandmother's house after the murder with a gun and asked
27 | De la Cruz in the presence of his grandmother and De la Cruz's aunt if
28 | they could take the weapon and hide it. (Id. at 6-7.)

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DISCUSSION

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In Rhines v. Weber, 544 U.S. 269, 275-276 (2005), the United States Supreme Court held that a federal district court may stay a mixed habeas petition to allow a petitioner to present unexhausted claims to the state court. A District Court should stay, rather than dismiss, a mixed habeas petition if the Petitioner has good cause for his failure to exhaust, his unexhausted claims are meritorious, and there is no indication that the petitioner engaged in intentionally dilatory litigation tactics. Id. at 278.

In Rhines, the Supreme Court noted that because of the total exhaustion requirement in Rose v. Lundy, 455 U.S. 509, 518-19 (1982) and AEDPA's one-year statute of limitations, petitioners with mixed petitions "run the risk of forever losing their opportunity for any federal review of their unexhausted claims." Rhines, 544 U.S. at 275. This risk arises because a petitioner could be faced with a choice of either striking his unexhausted claims and going forward with an exhausted petition or allowing the whole petition to be dismissed, without prejudice, as mixed. Under the first option, if Petitioner's original petition had already been decided on the merits, he could not include the newly exhausted claims in a subsequent petition, as the second petition would be subject to the strict limitations AEDPA places on successive petitions. See 28 U.S.C. §2244(b). The second option available under Rose is no more desirable for a petitioner given the fact that AEDPA's one-year statute of limitations will likely have run before a petitioner is able to fully exhaust state court remedies on the mixed petition and return to federal court. Rhines, 544 U.S. at 275.

District Courts in the Ninth Circuit have offered a range of

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1 standards as to what constitutes good cause. In Jackson v. Roe, 425
2 F.3d 654, 661-62 (9th Cir. 2005), the Ninth Circuit held that the
3 Rhines good cause standard did not require a petitioner to show that
4 "extraordinary circumstances" prohibited him from exhausting his
5 claims. However, the Ninth Circuit has recognized that a "stay and
6 abeyance" should be available only in limited circumstances. Id. at
7 661. In Wooten v. Kirkland, 540 F.3d 1019 (9th Cir. 2008), the Ninth
8 Circuit ruled that petitioner did not show good cause by arguing that
9 he was under the impression that his counsel had raised all claims
10 before the state court of appeal. Wooten, 540 F.3d at 1024. The
11 Ninth Circuit explained that finding good cause in that argument would
12 render stay and abey orders routine "and would run afoul of Rhines and
13 its instruction that district courts should only stay mixed petitions
14 in 'limited circumstances.'" Wooten, 540 F.3d at 1024.

15 In light of the above circumstances, Rhines concluded that a
16 District Court has discretion to stay a mixed petition to allow a
17 petitioner time to return to state court to present unexhausted
18 claims. In making this determination, however, the Court held that
19 the stay and abeyance procedure must be applied consistently with
20 AEDPA's twin purposes: "reducing delays in the execution of state and
21 federal criminal sentences" and encouraging "petitioners to seek
22 relief from state courts in the first instance." Rhines, 544 U.S. at
23 277. As a result, Rhines cautioned, a stay and abeyance should be
24 available only in limited circumstances, and is appropriate only when
25 the District Court determines that there was "good cause" for the
26 failure to exhaust. Rhines, 544 U.S. at 277.

27 More recently, in Blake v. Baker, 745 F.3d 977, 983 (9th Cir.
28 2014), the Ninth Circuit held that "[ineffective assistance] by post-

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1 conviction counsel can be good cause for a Rhines stay," finding that
2 such a conclusion was consistent with and supported by Martinez v.
3 Ryan, ___ U.S. ___, 132 S.Ct. 1309, 1315 (2012), in which the Supreme
4 Court held that ineffective assistance of post-conviction counsel at
5 the initial review of collateral proceedings may establish cause for
6 a prisoner's procedural default of a claim. The Court in Blake found
7 that the "good cause element is the equitable component of the Rhines
8 test," and that "good cause turns on whether the petitioner can set
9 forth a reasonable excuse, supported by sufficient evidence, to
10 justify [the failure to exhaust]." (Id.) The petitioner in Blake
11 argued that he failed to exhaust ineffective assistance of trial
12 counsel claim because state post-conviction counsel failed to discover
13 evidence that he suffered extreme abuse as a child, as well as organic
14 brain damage and psychological disorders. (Id. at 982.) Petitioner
15 supported his argument with evidence of his abusive upbringing and
16 history of mental illness. In light of this showing the Ninth Circuit
17 found that the District Court abused its discretion in denying the
18 stay and remanded the case. (Id. at 983-84.)

19 Here, Respondent contends that a Stay is unwarranted under Rhines
20 as Petitioner has not shown "good cause" for his failure to exhaust
21 his unexhausted claims for ineffective assistance of counsel and
22 factual innocence in the state courts before proceeding in the
23 District Court. In Petitioner's ineffective assistance of counsel
24 claim, he contends that counsel rendered ineffective assistance for
25 failing to investigate the prosecution's cell phone evidence.
26 Petitioner contends that the cell phone records contained an
27 inaccurate address for a cell phone tower and further investigation of
28 the cell phone records might have revealed other inaccuracies. (Motion



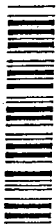
1 | for Stay at 4-6.) However, Petitioner does not explain when he
2 | discovered this claim or why he did not present it earlier in state
3 | court. Respondent also contends that Petitioner has not shown that the
4 | claim is potentially meritorious. Respondent contends that even
5 | assuming arguendo that the address for one of the cell towers did not
6 | exist, the prosecution presented cell phone evidence that Petitioner
7 | made a call at the time of the murder that connected to a cell phone
8 | tower, .3 miles from the victim's house. (See Motion at 4; LD 2 at 6.)
9 | Respondent argues that Petitioner's ineffective assistance of counsel
10 | claim regarding further investigation of the cell phone records is
11 | entirely speculative.

12 | Additionally, as to Petitioner's factual innocence claim,
13 | Respondent argues that Petitioner fails to establish "good cause" for
14 | not exhausting this claim earlier in state court, since Petitioner
15 | admits he was aware of this information in September 2012. (See Motion
16 | at 6.)

17 | The Court concludes that Petitioner's asserted bases for his Stay
18 | do not constitute "good cause," and a stay and abeyance under Rhines
19 | is not warranted.

20 | However, Petitioner may request a Stay pursuant to Kelly v.
21 | Small, 315 F.3d 1063 (9th Cir. 2003). Under Kelly, a petitioner must
22 | first amend his mixed petition to delete any unexhausted claims. The
23 | Court will then stay and hold in abeyance the amended, and now fully
24 | exhausted petition, while the petitioner exhausts the deleted claims
25 | in state court. The petitioner may then later amend his stayed
26 | petition to reattach the now fully exhausted claims to the original
27 | petition. King, 564 F.3d 1133, 1135 (9th Cir. 2009). A petitioner
28 | seeking to avail himself under the Kelly three-step procedure is not

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1 required to show good cause under Rhines, but rather must show that
2 the amendment of any newly exhausted claims back into the petition
3 satisfies both Mayle v. Felix, 545 U.S. 644, 655 (2005) by sharing a
4 "common core of operative facts" and Duncan v. Walker, 533 U.S. 167
5 (2001), by complying with the statute of limitations.

6 Under Duncan v. Walker, 533 U.S. 167 (2001), the filing of a
7 petition for federal habeas corpus relief does not toll AEDPA's
8 statute of limitations (unlike an application for state habeas relief,
9 which does). (Id. at 172.) Additionally, Mayle v. Felix, 545 U.S. 644
10 (2005) provides that a petitioner may amend a new claim into a pending
11 federal habeas petition after the expiration of the limitations period
12 only if the new claim shares a "common core of operative facts" with
13 the claims in the pending petition; a new claim does not "relate back"
14 to the filing of an exhausted petition simply because it arises from
15 "the same trial, conviction or sentence." (Id. at 662-64.) Because
16 the Kelly procedure requires petitioners to dismiss their unexhausted
17 claims and then attempt to add them back into the federal petition
18 later, the Kelly procedure, unlike the Rhines procedure, does nothing
19 to protect a petitioner's unexhausted claims from untimeliness in the
20 interim. Duncan and Mayle, taken together, make demonstrating
21 timeliness of claims amended into federal habeas petitions after
22 exhaustion often problematic. See King, 564 F.3d at 1141.

23 In King, the Ninth Circuit held that a Kelly Stay "is in part an
24 exercise of litigants' usual prerogative, specifically recognized in
25 Rose, to amend complaints if they can do so to make them cognizable in
26 federal court." King, 564 F.3d at 1141. The Ninth Circuit in King
27 affirmed the District Court's denial of a Kelly Stay because the
28 claims that the petitioner sought later to amend would have been

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1 untimely and did not relate back to his timely claims. Thus, while a
2 Kelly Stay does not "require the imposition of a special standard such
3 as 'good cause,'" King, 564 F.3d at 1141, a petitioner must at least
4 demonstrate that the claims he seeks to exhaust and later add by
5 amendment will not be time-barred in federal court. See Id. at 1142-
6 43 (holding that a petitioner may invoke Kelly's three-step procedure
7 subject only to the requirement that the amendment of any newly
8 exhausted claims back into the petition must satisfy the relation back
9 of Mayle v. Felix, 545 U.S. 644 (2005)).

10
11 ORDER

12 IT IS HEREBY ORDERED that (1) Respondent's Motion to Dismiss the
13 Petition for Writ of Habeas Corpus is GRANTED. The Petition is
14 dismissed with leave to amend; (2) Petitioner's request for a Stay
15 under Rhines is DENIED; (3) Petitioner has the following options: (a)
16 Petitioner is granted a Kelly Stay and may, within 30 days of the date
17 of this Order, file a First Amended Petition with the Court containing
18 only his exhausted claims in part of Ground Two and Ground Three. If
19 Petitioner wishes to proceed pursuant to a Kelly Stay, Petitioner must
20 file a habeas petition in the California Supreme Court within 30 days
21 of this Order containing Grounds One and part of Ground Two and must
22 thereafter file a Status Report with this Court every 30 days advising
23 the Court of the status of his habeas petition pending in the
24 California Supreme Court. After the California Supreme Court has
25 issued its decision (assuming the California Supreme Court denies the
26 Petition) Petitioner must file a Second Amended Petition in this Court
27 containing his original exhausted claim as well as the newly exhausted
28 claims within 30 days of the Supreme Court's decision. Petitioner is

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EXHIBIT

19

DECLARATION OF RUBEN CHAPA

I, Ruben Chapa, declare:

1. Inmate Fernando Romero, on or about 27 February 2015 came to Ironwood State Prison "Bravo Yard" law library for legal assistance. Inmate Romero explained to me that the Central District Court ordered Romero to go back to State Court to properly exhaust Two unexhausted claims.

2. As the "Bravo Yard" law library clerk, I advised Inmate Romero, in order to properly exhaust a claim in State Court, he would have to file to the lower Court [Superior Court] and work his way up to the California Supreme Court.

3. I never read the Central District Court order, I simply advised Inmate Romero based on what he told me. If I would of read the order, I would of advised him differently.

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 27th month of Jan. year of 2016 at Ironwood State Prison, in Riverside County, Blythe, California.



Ruben Chapa

626880

CDCR

EXHIBIT

20

8/19/2015

LEGAL OUT

DATE	Name	CDG#	Addressee
1/8/2015	ROMERO	AH0432	DEPT OF JUST OFFICE OF THE CLRK LA CA 90012
1/8/2015	ROMERO	AH0432	DEPT OF JUST LA CA 90013
1/26/2015	FERNANDO	AH0432	HERBERT S TEFEF DEPUTY ATTY GEN LA CA 90013
3/2/2015	ROMERO	AH0432	ATTY GEN LA CA 90013
3/2/2015	ROMERO	AH0432	TORANCE SUP COURT TORRANCE CA 90503
3/5/2015	FERNANDO	AH0432	CNTRL DIST CRT, LA, CA 90012
4/2/2015	FERNANDO	AH0432	US CENTRAL DIST CRT, LA CA 90012
4/9/2015	ROMERO	AH0432	TORRANCE SUPERIOR CRT, TORRANCE, CA 90503
6/8/2015	ROMERO	AH0432	ATTRNY GEN, LA CA 90013
6/8/2015	ROMERO	AH0432	TORRANCE SUPERIOR CRT, TORRANCE, CA 90503
6/15/2015	ROMERO	AH0432	CENTRAL DIST CRT, LA CA 90012

Name: Fernando Romero

Address: P.O. Box 7199

Blythe Ca 91776

CDC or ID Number: AH0432

Superior Court of California, County of Los Angeles, Southwest District, Torrance
(Court)

<u>Fernando Romero</u>
Petitioner
vs.
<u>Neil Mc Donald Howard Warden</u>
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

No. _____
(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and 4 copies of the petition and, if separately bound, 1 copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.330 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.330 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction
- Parole
- A sentence
- Credits
- Jail or prison conditions
- Prison discipline
- Other (specify): _____

1. Your name: Fernando Romero
2. Where are you incarcerated? Ironwood State Prison
3. Why are you in custody? Criminal conviction Civil commitment

Answer items a through i to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").
First Degree Murder and Conspiracy to commit Murder with a principal-armed Firearm enhancement (Pen Code §§ 187, 182, 11102)
- b. Penal or other code sections: Pen Code §§ 187, 182, 11102
- c. Name and location of sentencing or committing court: Superior Court of California, County of Los Angeles, Southwest District, Torrance Courthouse, 895 Maple Ave, Torrance, Ca 90503
- d. Case number: YA074733
- e. Date convicted or committed: February 17th, 2011
- f. Date sentenced: March 16th 2011
- g. Length of sentence: 26 years to life
- h. When do you expect to be released? Indeterminate
- i. Were you represented by counsel in the trial court? Yes No *If yes, state the attorney's name and address:*
Willow B. Coney 11325 Wilshire Blvd Suite 708, Los Angeles, Ca 90010

4. What was the LAST plea you entered? (Check one):
 Not guilty Guilty Nolo contendere Other: _____
5. If you pleaded not guilty, what kind of trial did you have?
 Jury Judge without a jury Submitted on transcript Awaiting trial

6 GROUNDS FOR RELIEF

MC-275

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

Ineffective Assistance of Counsel: Counsel's deficient performance prejudiced petitioner, creating a reasonable probability that, but for counsel's error, the outcome of the trial would have been different.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

See Attachment "Exhibit C"

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

See Attachment

7. Ground 2 or Ground _____ (if applicable):

MC-275

Insufficiency of the Evidence: Petitioner is factually innocent and the se does not disclose substantial evidence petitioner perpetrated, intentionlly aided and abetted, or conspired to commit out-and-out murder.

a. Supporting facts:

See Attachment - "Exhibit C"

b. Supporting cases, rules, or other authority:

See Attachment

8 Did you appeal from the conviction, sentence, or commitment? Yes No If yes, give the following information:

a Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): Court of Appeal of the State of California, Second Appellate District, Division

b Result: The judgments were affirmed c. Date of decision: January 15, 2013

d Case number or citation of opinion, if known: B737523

e Issues raised: (1) The record does not disclose substantial evidence appellant aided and abetted to an
murder. (2) Court erred in citing the request for limited French/Boston reductions was voluntary.
(3) The prosecutor committed prejudicial and recognizable misconduct.
(4) Accomplice liability instructions failed to explain a "kill or let die" accomplice

f. Were you represented by counsel on appeal? Yes No If yes, state the attorney's name and address, if known:

Joseph C. Shippi, P.O. Box 20247, Oakland, Ca 94610

9. Did you seek review in the California Supreme Court? Yes No If yes, give the following information:

a. Result: Petition for review was denied b. Date of decision: April 17, 2013

c. Case number or citation of opinion, if known: S108260

d. Issues raised: (1) Appellant's conviction are unsupported by substantial evidence, denying due process
(2) Court erred in admitting unredacted statements and the double hearsay denying due process
(3) Prosecutor committed prejudicial misconduct (4) Accomplice liability instructions as
guilty" was error, denying due process

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

See Exhibit "A"

11. Administrative review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:

N/A

b. Did you seek the highest level of administrative review available? Yes No
Attach documents that show you have exhausted your administrative remedies

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes If yes, continue with number 13 No If no, skip to number 15

13. a. (1) Name of court: N/A

(2) Nature of proceeding (for example, "habeas corpus petition"): _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (attach order or explain why unavailable): _____

(5) Date of decision: _____

b. (1) Name of court: N/A

(2) Nature of proceeding: _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (attach order or explain why unavailable): _____

(5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

N/A

16. Are you presently represented by counsel? Yes No If yes, state the attorney's name and address, if known:

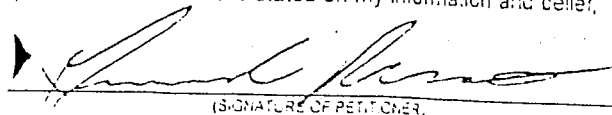
17. Do you have any petition, appeal, or other matter pending in any court? Yes No If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

N/A

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 1/3/2015


(SIGNATURE OF PETITIONER)


PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando R. Risco, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On March

3, 2015, I deposited a copy of the following document (s):

- ① MC 275 - Petition for Habeas Corpus
- ② Proof of Service
- ③ Exhibits A, B, C, 

in a sealed envelope with the postage prepaid into the United States mail outlet via an authorized California Department of Corrections employee at Ironwood State Prison, in Riverside County, Blythe, California, and address as follows:

Torrance Superior Court
825 Maple Ave
Torrance Ca. 90503

Attorney General
300 South Spring St.
N. Tower, 5th Floor Ste.
500
Los Angeles, CA. 90013-123

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 3-3-2015

SIGNATURE 